

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 6, 2009

The Howard County Board of Commissioners met in Regular Session on Monday, April 6, 2009 at 4:00 p.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Dave Trine, Vice President William Thompson and Member Tyler Moore. 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 Trine. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

Minutes of the Regular Commissioner Meeting dated March 16, 2009 and Special Meeting minutes dated March 30, 2009 were previously submitted and reviewed. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the Regular Meeting minutes dated March 16, 2009. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Special Meeting minutes dated March 30, 2009.

Minutes of the Administrative Meeting dated March 27, 2009 were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Engineer / Superintendent Ted Cain submitted the following issues for the Board's information and approval:

1. **Contract With Butler Fairman & Seufert:** Mr. Cain has been busy preparing paperwork for Stimulus Package projects and has sent a package of project specifications to the State. The State has responded, saying that the projects look good, but will not review in depth until electronic filings have been made. Mr. Cain and his engineering staff have done all the field work, and plans have been prepared and sent to Butler Fairman & Seufert. Mr. Cain presented an agreement with Butler Fairman & Seufert for engineering services related to the preparation of roadway packages required for consideration of funds from the American Recovery and Reinvestment Act (Stimulus Package), in an amount not to exceed \$7,500.00. After further clarification and the approval of Attorney Larry Murrell, a motion was made by Mr. Moore to approve the contract with Butler Fairman & Seufert for services for the preparation of ARRA Projects in an amount not to exceed \$7,500.00. The motion was then amended by Mr. Moore to approve the General Services Agreement that includes the specification of the preparation of ARRA Projects, not to exceed \$7,500.00. The motion was seconded by Mr. Thompson and carried.
2. **Right-Of-Way Certification:** As a part of the Stimulus Package paperwork a Right-Of-Way Certification is included that needs to be signed by the Board of Commissioners. This is to certify that no Right-of-Way purchases are a part of the proposed paving project; it's only shoulder to shoulder. Mr. Murrell would like to review this certification before it is signed.
3. **Change Order Number 003 For Bridge 501:** This change order in the amount of \$4,008.00 is for overrun of item 0042, facing concrete at six inches. One of the abutments was rotten and needed more concrete to rebuild. This Change Order has been approved by Mr. Larry Ives and Howard County will only be paying a portion of this change, in the amount of \$1,002.00. A motion was made by Mr. Thompson to approve Change Order 003. The motion was seconded by Mr. Moore and carried.
4. **Additional Appropriations:** Mr. Cain will be requesting Additional Appropriations at this month's Council Meeting:

Highway Fund (002)	Bituminous	\$100,000.00
Local Rd & St (007)	Dixon Rd Project	\$275,000.00
	Stimulus Program	\$ 5,000.00
5. **Paving Project At EMA Building:** It will cost \$24,000.00 for the first phase of the EMA Building paving project that will include paving of the whole front of the building including the vehicle storage, office area, sidewalks to the side of the building and cuts to the sewer line. Phase II of the project will be \$12,000.00 and includes in front of the Highway area to the silver building. Phase III is \$4,000.00 and

includes the rear of the building from the silver building to the EMA building, and the turnout for the Sheriff vehicles.

The paving project for the roads will begin after the materials company is open and after the stimulus project has been determined.

6. **LPA Agreement For Right-Of-Way Purchases:** At the March 16th meeting, the Commissioners approved the LPA Agreement for LBVD Extension Row Acquisition for Federal Assistance in the acquisition of right-of-way purchases, subject to Mr. Murrell's review (*please refer to page nine, item six, "In The Matter Of Commissioner Issues" of the Regular Meeting minutes dated March 16, 2009*). Mr. Murrell has reviewed the Agreement and gives his approval. It is now ready for the Commissioners' signatures.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate enrollment is three hundred twenty-five with fifty-four females. This puts the female pod at twenty-two inmates more than it was built to hold.
2. **Seminar For C.O.P.S. Program:** Sheriff Talbert and Captain Jerry Asher will be attending a seminar concerning the usage of stimulus package funds. Captain Asher informed the Board of the C.O.P.S. program that offers funds for additional personnel. The grant will pay for the first three years if the government entity will pay for the fourth year. This grant would be great to use for personnel who are planning to retire in a few years and are a part of the DROP program. Currently we have no Deputies enrolled in the DROP program. This is a competitive grant and Captain Asher hopes to receive more information at the seminar.
3. **S.W.A.T. Weapons:** Lately there have been a number of mass killings in the national news, and that fact has turned Sheriff Talbert's attention to the state of our S.W.A.T. Team's weapons. Major Steve Rogers took the floor to speak concerning the arsenal of weapons that have been accumulating at the Sheriff's armory. Space is needed in the armory and Major Rogers would like to upgrade many of the weapons to be consistent across the agency. He realizes this will cost a substantial amount of money and is proposing that the unused weapons be traded. He has submitted a listing of unused weapons to Kiesler's Police Supply for trade value and is awaiting an estimate from them. The Sheriff Department also has a Firearms Permit Fund that will be used for purchases. Funds needed would definitely be less than \$25,000.00 making the bidding process unnecessary. As a Point of Order, President Trine asked concerning the possibility of combining the County and City S.W.A.T. teams, trading services in lieu of duplicating services. Major Rogers spoke to the necessity of having several teams, even though it costs more money, and how that will help the safety of individual officers. With the possibility of a large situation, several teams would be needed. He does see the need for joint training and would welcome better cooperation between the City of Kokomo and Howard County, even above the cooperation that now exists.
4. **New Vehicle Purchase:** Fleet management has changed, recently, and Sheriff Talbert assured the Board that fleet management is running very smoothly. He would like to purchase six new vehicles, this year, trading four of the vehicles and keeping two for reserve deputies (for use during reserve hours). Sheriff Talbert asked for authorization to Invite Quotes for six new vehicles and deliver specifications to local dealers. Deadline for the receiving of quotes would be 4:00 p.m. on May 1st, to be submitted at the May 4th Commissioner Meeting. He anticipates the total amounts to be less than \$150,000.00, not requiring an invitation to bid. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to authorize Sheriff Talbert to invite quotes, to be received no later than 4:00 p.m. on May 1, 2009, and submitted at the May 4th Commissioner Meeting.
5. **IUK Police Agreement:** This agreement between Howard County Sheriff's Department and Indiana University – Kokomo establishes jurisdiction for the IUK Police Force inside the boundaries of Howard County if an incident is carried off the University grounds. This agreement requires the Sheriff's approval and Sheriff Talbert wanted to apprise the Board of the agreement.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise submitted the following issues for the Board's information and approval:

1. **Flood Mitigation Property:** One of the two appraisals needed for the property located at 2700 Dellwood Drive has been returned (*please refer to pages one and two, item one, "In The Matter Of Plan Commission Department Issues" of the Regular Meeting minutes dated March 16, 2009*). Mr. Boise expects return of the second appraisal in a few weeks.
2. **Unsafe Building:** Mr. Boise's office received word that clean-up efforts at the Unsafe Property located at 1001 East Alto Road have halted. Mr. Boise will investigate the property.
3. **US 31 Corridors Plans:** Mr. Boise has received the second of three approvals from the City Council for the US 31 Corridors Plans. There is one more approval needed and once it has been received, Mr. Boise will submit the Plans to the Board of Commissioners.
4. **Unsafe Property Order:** The Board of Commissioners had directed Mr. Boise to issue a Notice of Order to the owner of the property located at 1757 North County Road 1040 West, as a first step in the demolition of property process (*please refer to page two, item four, "In The Matter Of Plan Commission Department Issues", of the Regular Meeting minutes dated March 2, 2009*). Mr. Boise has confirmed the address and ownership with the Auditor's office and submitted information to Attorney Murrell to continue in the process. Mr. Murrell and Mr. Boise will meet to plan the next step in the demolition process, including reissuing the Notice of Order.
5. **Windmill Farms And Zoning Ordinance:** As a Point of Information, Mr. Trine informed the Board that there is interest in building windmill farms east of Kokomo in the area between Greentown and Marion. As the Plan Commission Ordinance Study committee is working on a new Zoning Ordinance, Mr. Trine asked Mr. Boise to be careful with this new ordinance. The investment company involved with plans for the windmill farms has been sent paperwork for the proposed ordinance and been asked for their input.

IN THE MATTER OF EMPLOYEE COMMENT CONCERNING THE PRESENT SMOKING RULES FOR THE COUNTY COURTHOUSE:

At this time President Trine opened the floor for comment concerning the present smoking policy at the Courthouse. Commissioner Thompson stated that his responsibility on the Board of Commissioners is to oversee the County owned buildings and grounds, and policies that pertain to them. When Mr. Thompson came into office, he received several inquiries concerning the current smoking policy. The first to be addressed is the Courthouse and Mr. Thompson sent out surveys to the Courthouse employees asking for their input. After receiving the completed surveys, Mr. Thompson gave the following recommendations:

- a) Prohibit smoking outside of the East and West entrances
- b) Designate the North and South outside entrances as smoking areas
- c) Try to get smokers out of the inclement weather (still working on plan)

There was one employee in attendance with the following comment:

Laura Steiner, Superior Court I, 2004 Ambassador Lane – She finds no positive attributes in smoking whether first hand or second hand smoke, and is curious as to why the County is even considering appeasing this negative issue.

Commissioner Thompson did agree that smoking has no positive effects on the body and that the Board of Commissioners would like to offer cessation programs for those who would like to quit. For those who continue to smoke, the Board would like to offer a place that is safe. In considering possible solutions, the issues of security and maintenance cannot be overlooked. To prohibit smoking outside of the East and West entrances would allow people into the Courthouse without having to walk through smoke. Using the North and South entrances would give more privacy to the smoker. The Board of Commissioners will continue to work on this issue.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings & Grounds Superintendent Scott Reed submitted the following issues for the Commissioners' information and approval:

1. **Contract With Wabash Valley:** For the last several months, Mr. Reed and Mr. Murrell have been working on a three year contract with Wabash Valley for waste removal for the Criminal Justice Center and Howard Haven. The contract with Waste Management expired in January of this year, but they have still been removing waste. Mr. Reed would like the contract with Wabash Valley to begin May 1st, giving written notice to Waste Management that we are terminating their services. Because the Board would like to review the contract, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to table the contract with Wabash Valley Waste Removal until the April 20th meeting, for further review.
2. **Sump Pump In Adult Probation Office:** Benchmark Mechanical is giving a quote for sump pump installation in the Adult Probation Office. Installation will be on a Saturday when the office is closed, and the water will discharge into a storm tile. A motion was made by Mr. Moore to employ Benchmark Mechanical for investigation of the leakage problem, and possible installation of a sump pump in the Adult Probation Office to fix the leakage problem in the office, for an amount not to exceed \$4,600.00. The motion was seconded by Mr. Thompson and carried.
3. **Repair Prisoner Elevator At Courthouse:** The prisoner elevator at the Courthouse is in need of an upgrade to its system, according to our service provider, Amco Elevators, Inc. The cost of the upgrade is \$897.00. A motion was made by Mr. Thompson to approve the proposal from Amco Elevators to install an upgrade for the elevator in the amount of \$897.00. The motion was seconded by Mr. Moore and carried.
4. **Repair List For Howard Haven:** Mr. Reed is sending out a couple of his maintenance personnel every Wednesday to Howard Haven to meet with Superintendent Jennifer Vary concerning needed repairs for the Home. Concerning the second exit from the basement, as previously discussed, Mr. Reed will be obtaining a quote to replace the current door with a metal door, as well as replacement door at the bottom of the stairs (*please refer to page two, item five, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated March 16, 2009*).
5. **Howard Haven Freezers:** Mr. Thompson mentioned the issues with the freezers at the County Home. Several of the freezers have stopped working and Rich Stout from the Maintenance Department was asked to examine the freezers to see if they were repairable. If they are, Mr. Reed confirmed that the Maintenance Department is certified to add Freon, or to remove the compressors if the freezers need to be disposed.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

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

1. **Deferred Compensation Enrollment Employee Memo:** Ms. McKillip submitted a copy of a memo to employees informing them of the annual enrollment in the Deferred Compensation Plan. The memo lists enrollment dates, times, and locations. She also asked that the memos be distributed through the payroll. A motion was made by Mr. Thompson to approve the memo and its distribution through the payroll. The motion was seconded by Mr. Moore and carried.
2. **YMCA Fundraiser:** As a part of the weight loss fundraiser between City employees and County employees, on Tuesday, April 14th, all employees are invited to eat dinner at the Windmill Grill, from 5:30 p.m. until 8:00 p.m., and support the waiting staff. All tips will be donated to the YMCA to help provide memberships for the less fortunate.
3. **Government Payroll Fair:** Ms. McKillip invited Diana TenBrook and Kimberly A. Graves from Solidarity Community Federal Credit Union. They distributed information concerning the Government Payroll Fair to be held on Saturday, April 18, 2009 from 9:00 a.m. – 3:00 p.m. in the Pioneer Room of the Kokomo Event Center. Nine banking entities are involved and all branches of government are invited to

attend. Solidarity has prepared all of the advertising material, that includes a newspaper article that will run April 8 and 15, in the Kokomo Perspective. Also prepared are flyers to be posted in each office and payroll inserts for all employees. Although Direct Deposit will be highlighted at this fair, all the banking entities involved will offer other services as well. At the conclusion of discussion a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve payroll distribution of the Government Fair information.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

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

1. **Video Conferencing / Arraignment System:** Mr. Tribby announced that we may not need prisoner elevators at the Courthouse. He explained that with the Video Conferencing system that has been installed between the jail, our Courthouse, State Department of Corrections locations, and Howard Regional Hospital, the County is decreasing their need to transport prisoners to the Courthouse for hearings. Several weeks ago, the first video hearings were held at Howard Regional Hospital between inmates and Superior Court II. Two hearings only took twenty-five minutes, and Judge Jessup was very pleased. Last Friday was the first video teleconference between Superior Court IV and the DOC at Rockville. This system will help the County save in manpower and safety issues probably close to \$100,000.00 per year. We use at least 75,000 miles per year on the transport vehicle for State DOC's and this will save about 73% of transports. He will give set-up information to all the Courts and thanked Judge Hopkins and Deputy Norris Jones for all their interest and work for this project. Adult Probation is also interested in this capability. Miami and Cass Counties are putting video conferencing in all their courts. This system is growing.

Sheriff Talbert commented that an ideal situation would be to install a video and monitor in each pod so that prisoners would not have to be removed from a secure area. Currently there are no waiting areas at the jail. He thanked Mr. Tribby and his department for all their work with this system.

Commissioner Thompson, Sheriff Talbert and Mr. Tribby discussed the option of video visitation.

2. **Word Systems Contract:** Mr. Murrell and Mr. Tribby will review the verbiage changes in this contract and submit it at the next meeting.

IN THE MATTER OF KITTY RUN PHASE II:

MS4 Coordinator Greg Lake informed the Board that the Public Hearing for the Kitty Run Phase II Preliminary Engineering Report was held March 12th to meet the March 13th deadline for the State Revolving Loan. At tonight's Drainage Board Meeting, several issues involving Bible Baptist Church will be resolved, as well as resolution of the Memo of Understanding. He now requires approval of the Preliminary Engineering Report, which was given on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF THE BOX SHOP CONTRACT UPDATE:

Auditor Wells and Commissioner Thompson informed the Board that there are other offices and departments who are interested in using the mailing services of The Box Shop (currently the Sheriff's Department is under contract with them). Mr. Murrell suggested that any other office that wants to use the Box Shop's postage service, contact the Board of Commissioners, who will then pass a resolution adding them to the contract and notifying The Box Shop of the additions. The Commissioners will send memos to office holders and submit the information at the next meeting.

IN THE MATTER OF THE REGION 4 WORKFORCE BOARD

Mr. Larry West, the Board Chairman of the Region 4 Workforce Board, introduced board members Roger Feldhaus, Beth Washington (Howard County's Board representative), Terri Simmons and Debbie Cook. Mr. Roger Feldhaus came to the podium and submitted copies of the Workforce Development Update, then reviewed the update with the Board of Commissioners. At the conclusion of the update, Mr. Feldhaus informed the Board that as former Commissioner Brad Bagwell was the Regional Elected Official from Howard County, he would need to be replaced. Either of the three

Commissioners or Mayor Goodnight is eligible to serve on this regional board. The next regional meeting is April 27th and a replacement needs to be named by then. He then thanked the Board of Commissioners for allowing this presentation.

IN THE MATTER OF NATIONAL DAY OF PRAYER REQUEST:

Ms. Gail Ambrose was in attendance to inform the Board of Commissioners of the annual Day of Prayer to be held on Thursday, May 7, from noon until 1:00 p.m. The committee will not be asking for usage of the Courthouse because of the security devices. In the case of inclement weather, the service will take place at Grace United Methodist Church. Electrical hook-up will be provided by the Kokomo Downtown Association. The Committee does ask for permission to use the public areas for seating and gathering purposes. It was the consensus of the Board to support the National Day of Prayer and its activities, and allow usage of the public areas.

IN THE MATTER OF REQUEST OF CUMULATIVE CAPITAL FUNDS FOR EQUIPMENT FOR KINSEY YOUTH CENTER:

Kinsey Youth Center Director Brent Kelley submitted a request for money from the Cumulative Capital Fund (150) in the amount of \$2,926.00. \$2,557.00 of the request is for the replacement of water fountains and \$369.00 is to replace the dishwasher in the Shelter Care Unit. The water fountains are in disrepair and are so old that replacement parts are no longer available. At the conclusion of discussion, a motion was made by Mr. Thompson to approve the request for \$2,926.00 from the equipment line item in the Cumulative Capital Fund for the replacement of water fountains and a dishwasher. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF REQUEST TO REPLACE COPIER IN COMMUNITY CORRECTIONS DEPARTMENT:

Community Corrections Director Steve Maus submitted a request to purchase a Bizhub 362 Copier from Shearer Printing, in the amount of \$7,175.00. This includes the large capacity tray, staple finisher, document feeder and 90-day warranty. Shearer will also give a Muratec 2030 desktop copy machine with a service agreement. They have enough money in their equipment account to make this purchase. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the purchase of a Bizhub Copier for the Community Corrections Department, in the amount of \$7,175.00 and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF NATIONAL TELECOMMUNICATIONS WEEK:

E911 Coordinator Nick Capozzoli informed the Board that April 12 – 18, 2009 is National Telecommunications Week. Howard County and the City's Dispatch will host a luncheon on Thursday, April 16, 2009, from noon until 3:00 p.m. in the visitation area at the Criminal Justice Center. This will be a carry-in dinner provided by the secretaries for the telecommunicators, and Mr. Capozzoli invites the Board of Commissioners to come for lunch.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** The Commissioners' salary, hourly and overtime claims dated April 9 & 17, 2009, in the amount of \$349,982.56 each, are approved as submitted on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Operating Claims:** Commissioners Operating Claims payable today, in the amount of \$302,071.10 were submitted. Also submitted is an Emergency Claim payable to Kokomo Gas, in the amount of \$142.36. This emergency claim was signed by Mr. Trine and Mr. Moore and mailed on Friday, April 3rd. It will be advertised on the next docket. A questionable claim for parking reimbursement was submitted from Superior Court II. This claim was for parking in November of 2008 and is past the 30 day deadline for a reimbursement claim. Also, there is no itemized receipt with the claim. A motion was made by Mr. Thompson to approve the Operating Claims as submitted and the Kokomo Gas emergency claim, and table the questionable claim from Superior Court II, for further review. The motion was seconded by Mr. Moore and carried.
3. **Clerk Monthly Report:** The monthly report for the Clerk of Circuit Court for the month ending February 28, 2009, was accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

4. **Weights & Measures Report:** The Weights & Measures report for the month of Feb. 15, 2009 to March 15, 2009 was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Security Committee:** Mr. Thompson reported that he met with the Security Committee and will be meeting with the Criminal Justice Committee and the Disaster Preparedness Committee. Mr. Thompson introduced his wife Terri Thompson, to the Board, and thanked her for coming.
2. **Courthouse Beautification Committee:** Commissioner Moore reported on the meeting with the Courthouse Beautification Committee, last week. A design from 1997 was re-submitted for consideration. The next meeting will be on April 24th and Mr. Moore would like to include Maintenance Superintendent Scott Reed on the committee. Mr. Thompson reminded everyone that anything that is proposed, concerning this project, has to be approved by the Maintenance Department and the Security Committee.
3. **Radio Interference:** Mr. Trine reminded the Board that a report is available concerning the radio interference and how the problem was taken care of (*please refer to page five, "In The Matter Of E911 Radio Interference Concern" of the Regular Meeting minutes dated March 16, 2009*).
4. **Invitations:** Mr. Trine was invited by Councilman Les Ellison to attend Family Worship Center for a Welcome Night, this past Wednesday evening. Mr. Moore was invited by Mr. Larry Ives to attend the Greenway Fundraiser luncheon.
5. **Courthouse Closing Discussion:** There have been discussions with the Kokomo Downtown Association concerning the closing of the Courthouse on certain dates, but through the Attorney's office, was informed that we are not allowed to close the Courts or the Clerk's office during normal business hours. Mr. Trine asked that it be noted as such in the minutes.

A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to recess this Regular meeting at 6:55 p.m. and reconvene at 4:00 p.m. on Tuesday, April 7, 2009. The meeting was reconvened at 4:12 p.m. on Tuesday, April 7, 2009.

In order to carry on the business of the meeting, President Trine vacated the chair to second any motion, until the arrival of Commissioner Moore at 4:23 p.m.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Invoices From Attorney Alan Wilson:** Mr. Murrell submitted the first invoice from Alan D. Wilson, Attorney at Law, in the amount of \$408.00, for services rendered in Howard Superior Court II, cause no. 34D02-0812-MI-01555, Orza Salone vs William Menges. The second invoice in the amount of \$420.00 is for services rendered in Howard Superior Court IV, cause no. 34D04-0812-MI-01420, Orza Salone vs Mona L. Myers. A motion was made by Mr. Thompson, seconded by Mr. Trine and carried to approve both invoices from Alan D. Wilson, Attorney at Law, as submitted.
2. **Invoice From Barnes & Thornburg:** Mr. Murrell submitted an invoice from Barnes & Thornburg in the amount of \$288.00 for services rendered in connection with Delphi Bankruptcy Matters. The invoice was approved for payment on a motion made by Mr. Thompson and seconded by Mr. Trine.
3. **Amended Appointment Agreement:** At the March 16th meeting the Board of Commissioners appointed Mr. Brian Oaks to the position of Assistant County Attorney (*please refer to page nine, item two, "In The Matter Of Commissioner Issues" of the Regular Meeting minutes dated March 16, 2009*). Mr. Murrell memorialized the action with an Amended Appointment Agreement. A motion was made by Mr. Thompson, seconded by Mr. Trine and carried to approve the Amended Appointment Agreement for a term that expires December 31, 2009.

4. **Set Executive Session:** Mr. Alan Wilson requested an Executive Session be set for Thursday, April 16, 2009 at 3:00 p.m. in Conference Room 220D of the Administration Center, to discuss pending litigation pursuant to IC 5-14-1.5-6.1 (b)(2)(B). A motion was made by Mr. Thompson, seconded by Mr. Trine and carried to set an Executive Session on Thursday, April 16, 2009 at 3:00 p.m. in Conference Room 220D of the Administration Center. Mr. Murrell will accomplish the necessary media notice.

5. **Key Bank Proposal And Extension Agreement Ratification:** On March 10th, Key Bank submitted a proposal for leasing a portion of the Administration Center. Mr. Murrell modified the agreement according to conditions set down by the County and on March 24, 2009 it was signed by Mr. Trine. Mr. Trine also signed an Extension Agreement that extends the time in which Key Bank must exercise their option to terminate the agreement, to May 31, 2009. Mr. Murrell now asks the Board to ratify Mr. Trine's signature on both documents. A motion was made by Mr. Thompson to ratify President Trine's signature on the Lease Proposal and the Extension Agreement. The motion was seconded by Mr. Trine and carried. Since the signing of those documents, Mr. Murrell has had follow-up correspondence with Mr. Mike Core concerning the decrease of leased space to 4,700 square feet. Mr. Murrell submitted the latest drawing to Maintenance Superintendent Scott Reed and there are heating concerns that need to be addressed. Mr. Murrell would like to set a meeting with Mr. Scott, a Key Bank representative and the Commissioners to work out the details of the architectural drawings submitted by Key Bank. Mr. Trine suggested that Mr. Thompson represent the Commissioners. Mr. Murrell will move forward with this meeting.

6. **Professional Appraisal Services Bids:** At the March 16th meeting the Commissioners opened the only bid received for Professional Appraisal Services. It was from Ad Valorem Solutions and the bid was taken under advisement for the Assessor's review (*please refer to page two, "In The Matter Of The Opening Of Bids For Professional Appraisal Services" of the Regular Meeting minutes dated March 16, 2009*). Assessor Shepherd found the bid to be in order and responsive. Mr. Murrell reminded the Board that there are three separate contracts as follows:

Reassessment Services	\$ 53,200.00
Trending Services	\$324,700.00
Maintenance Services	<u>\$117,600.00</u>
	\$495,500.00

A motion was made by Mr. Moore to accept the Appraisal Services Contracts with Ad Valorem Solutions in the total amount of \$495,500.00, subject to any modifications made by the Department of Local Government Finance. The motion was seconded by Mr. Thompson and carried.

7. **New London Conservancy District:** The transaction between Russiaville and the New London Conservancy is nearing completion. Howard County has agreed to provide the funds needed to pay for the cost of issuance and the transfer of the New London assets to Russiaville, in the amount of \$81,000.00. \$35,000.00 of that amount was put into New London's account several years ago and has been transferred to Russiaville. The remaining \$46,000.00 was appropriated out of EDIT funds and a check is being prepared for payment on or after April 20th. As security for the total loan, Russiaville will provide a Subordinate Sewage Works Revenue Bond, series 2009, repaying the County \$2,333.00 annually, with a balloon payment in 2015, subject to renegotiation. Russiaville will make the payment out of its revenue fund from the sewage district. Mr. Murrell has prepared Resolution No. 2009-BCCR-13 authorizing the County to proceed with the closing activities. A motion was made by Mr. Thompson to approve Resolution No. 2009-BCCR-13 and authorize the President or Vice President to sign any documents needed for the closing activities, on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried. Mr. Murrell commented that this is a "very good example of cooperation between the County and Russiaville". He gave a "hat's off" to Russiaville, and Mr. Mark Fulk, for stepping up to the plate and helping New London Conservancy District and the County.

8. **Plan Commission Inter-Local Agreement:** This Inter-Local agreement between the City of Kokomo and Howard County concerning the Plan Commission Office is finished and is now making its way through the City Council. The first reading has been accomplished and the City will approve it at the second reading. Mr. Murrell submits it, now, for the Board's approval. A motion was made by Mr. Moore to approve the second amendment to the Inter-Local Agreement between the City of Kokomo and

Howard County concerning the operations of the joint Plan Commission Office, as submitted. The motion was seconded by Mr. Thompson and carried. Mr. Moore gave public appreciation to Mr. Murrell and Mr. Thompson for all their time and work on this matter.

9. **Final C & Z Construction Invoice:** At the March 16th meeting, Mr. Murrell submitted the final invoice from C & Z Construction. The Board of Commissioners took the invoice under advisement until the Insurance reimbursement check for code requirements has been received (*please refer to page eight, item five, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated March 16, 2009*). Mr. Murrell informed the Board that he has spoken with Mr. Gary Jakubowski from Selective Insurance. Mr. Jakubowski needs more information concerning the change order that the payment would be based upon. They will be ready to issue the check, soon. Mr. Murrell recommends giving notice to the Bond Company that holds the Bond for C & Z, concerning non-payment of sub-contractors. A motion was made by Mr. Moore to authorize Mr. Thompson to meet with C & Z Construction regarding information needed by the Insurance Company, and authorize Mr. Murrell to send a letter to the Bond Company if C & Z doesn't pay its subcontractors. The motion was seconded by Mr. Thompson and carried.
10. **Highway Right-Of-Way Certification:** Earlier in the meeting, the Right-Of-Way Certification needed for Stimulus Package paperwork was submitted by Mr. Cain for review by Mr. Murrell (*please refer to page one*). This Certification simply tells the Government that whatever project the County uses the Stimulus funds for, the County will **NOT** take any property by condemnation. This notification needs to be put into proper format and Butler Fairman & Seufert will do that for us. A motion was made by Mr. Thompson to approve the Right-Of-Way Certification for DES #0900334 subject to preparation by Butler Fairman & Seufert. The motion was seconded by Mr. Moore and carried. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Right-Of-Way Certification for DES #0900340 subject to preparation by Butler Fairman & Seufert.
11. **Contested Claim From Superior Court II:** Earlier in the meeting Auditor Wells submitted a contested claim from Superior Court II for reimbursement for parking (*please refer to page six, item two, "In The Matter Of Claims & Reports" of these minutes*). Mr. Murrell submitted IC-5-11-10-1.6, the statute that outlines the payment of claims, for the Board's information. Discussion ensued, and at its conclusion a motion was made by Mr. Thompson that based on the Judge's stamp of certification, the Board of Commissioners will approve the payment of the parking claim for \$12.00. The motion was made by Mr. Moore and carried.

IN THE MATTER OF VETERANS SERVICE OFFICE SPACE NEEDS:

Veterans Service Officer Robert Ladd submitted, for discussion, the need for the Veterans Service Office to have more space. Although more space is needed to accommodate the numbers of veterans in wheel chairs, also of concern is the privacy issue with the veteran when discussing health and financial issues. There is no signage at this time to inform the public that the Government Center is handicapped accessible. The accessible ramp is in the rear of the building where there are not enough public parking spaces. The Veterans' Service office is in the front of the building. Discussion ensued concerning possible locations in the Administrative Center. Mr. Trine commented that because of mobility issues, he would like to see the offices located on the first floor. Temporary solutions were discussed, including the possibility of the first floor Key Bank Offices in the Administration Center. Negotiations will begin.

Veterans State Certification will be June 1 – 4, 2009 and Mr. Ladd will be out of the office for those days. Assistant Pam Cheek will remain in the office for limited services.

IN THE MATTER OF HIGHWAY SOLICITATION CONCERNS:

Concerns have been expressed over highway solicitations in several areas of Howard County including, but not limited to, Highway 31 and State Road 26, Highway 31 and Center Road, Jefferson St. and Apperson Way. Discussion ensued pertaining to the City's solicitation Ordinance, possibility of a State Ordinance that governs the State Roads, and enforcement offices. Permit requirements were also discussed especially as they have been used with home solicitation requirements. Mr. Murrell will review matters with City and State representatives.

There being no further business to come before the Board at this time, the meeting was adjourned at 5:25 p.m. on a motion made by Mr. Mr. Moore and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting April 6, 2009