

**HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 21, 2011**

The Howard County Board of Commissioners met in Regular Session on Monday, November 21, 2011, at 8:30 a.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman and Member Bill Thompson. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Thompson led in the Pledge of Allegiance and Vice President Paul Wyman offered a word of prayer.

**IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the November 16, 2011, Administrative meeting were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. This meeting was to receive information and recommendations on the County's Health Insurance Plan.

The minutes of the November 18, 2011, Administrative meeting were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. This meeting was held to receive information and recommendations regarding potential uses of the old jail site and possible modifications to a Criminal Justice Center recreational area.

The minutes of the November 7, 2011, Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the November 17, 2011 Special Session were submitted. A motion was made by Mr. Wyman to table the minutes until the December 5<sup>th</sup> Regular Meeting, for further review. The motion was seconded by Mr. Thompson and carried.

**IN THE MATTER OF DEPARTMENTAL REPORTS:**

**HIGHWAY DEPARTMENT:**

1) The 2012 Highway Materials Bids were received and opened as follows:

Item 1	Precast and Prestressed Beams	Primco Inc
Item 2	Various Grades of Asphalt Emulsion and Tar	Asphalt Materials, Inc Mohr Construction Co. Inc.
Item 3	Bituminous Coated Aggregate	Mohr Construction Co. Inc.
Item 4	Stone	Hanson Aggregates Midwest Martin Marietta Materials IMI (Irving Materials)
Item 5	Equipment Rental	Primco Inc
Item 6	Diesel Fuel	North Central Co-op

A motion was made by Mr. Wyman to receive the bids for stone, equipment, gravel and fuel, and take them under advisement for further review. The motion was seconded by Mr. Thompson and carried.

Highway Engineer/Superintendent Ted Cain informed the Board that Boulevard Street is now open.

**COUNTY CLERK:**

Clerk Kim Wilson submitted an Order of the Howard County Commissioners regarding additional information or corrections to the Precinct Boundaries and submission of corrected IEC-8 forms, for the Board's review and approval. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Precinct Boundaries Order as submitted.

## **INFORMATION SYSTEMS DEPARTMENT:**

1) IS Department Director Terry Tribby submitted the GSA-Federal Supply Schedule Purchase Order with Verizon Wireless for cell phone service for forty-two (42) units, for twelve (12) months. This new agreement is needed because of combining the Commissioners and Sheriff accounts in to one account. A motion was made by Mr. Wyman to approve the GSA-Federal Supply Schedule Purchase Order with Verizon Wireless, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

2) Mr. Tribby submitted a proposal from CISCO to convert the Legacy application to SQL. This will include creating a CISCO database on Customer SQL Server, convert all files to tables, replace all programs, reconnect all interfaces and set-up, configure and test modules. The total amount of the proposal is \$20,500. The City of Kokomo will also use this software. Mr. Tribby's office has observed the data transfer in Miami and Boone Counties and feels that "all the bugs are worked out". The cost of the project is \$29,900 and will be paid from the Information System's budget. For the Commissioners' information, Mr. Tribby informed them that CISCO has been bought out by Global Software System, which is a subsidiary of Harris Financials Software, the County's financial software in the Auditor and Treasurer Offices. A motion was made by Mr. Thompson to approve the Proposal with CISCO, in the amount of \$29,900. Mr. Moore vacated the chair in order to second the motion. The motion carried with two AYE votes. Mr. Wyman abstained from the vote.

3) At the September 6, 2011 Commissioner Meeting, the Board directed Mr. Tribby to pay for the CJC and Kinsey Server virtualization project from the Jail & Juvenile COIT Fund (*please refer to page 3, "Departmental Reports, Information Systems", of the Regular Meeting minutes dated September 6, 2011*). Mr. Tribby submitted an Additional Appropriation request from the COIT Fund, to the Auditor's Office for the Council Meeting on November 22, 2011. Mr. Tribby has been speaking with Council President Richard Miller, and several other Councilmen concerning the request. Because of the nature of this purchase and the operational intent of the COIT Fund, Mr. Miller feels it would be better for the project to be funded from the Cumulative Capital Fund which the Commissioners' have authority over. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the equipment purchase request for the CJC Center Project from the Cumulative Capital Fund, Commissioners Equipment line item (150-000-04000-00), in lieu of the Jail & Juvenile COIT Fund. The request will be withdrawn from the Council Meeting, Additional Appropriations Ordinance.

## **PLAN COMMISSION:**

1) Excavation Bids for the unsafe property at 2295 South County Road 300 West, were received and submitted at the November 7<sup>th</sup> meeting (*please refer to page two, item two, "In The Matter Of Departmental Reports, Plan Commission" of the Regular Meeting minutes dated November 7, 2011*). Plan Commission Director Greg Sheline has spoken with two of the three bidders and found that the highest bidder may have been over cautious and the lower bid, not cautious enough. He would like a chance to talk with the third bidder before making a recommendation, and suggests that the bids be tabled until the December 5<sup>th</sup> meeting. A motion was made by Mr. Wyman to take the bids under advisement for further review, and table them until the December 5<sup>th</sup> meeting. The motion was seconded by Mr. Thompson and carried.

2) Mr. Sheline has met with Grant Coordinator (CDBG) Tina Henderson concerning the Flood Mitigation Matching Grant (HUD money) and has been moving the project along (*please refer to page two, item two, "In The Matter Of Departmental Matters, Plan Commission", of the Regular Meeting minutes dated November 7, 2011*). Money on the Matching Grant (HUD money) cannot be drawn for sixty to ninety days (60 – 90) and Mr. Sheline has contacted all the pending property owners. Also, the Plan Commission needs to hold a Public Hearing in the next 15-20 days, with the ten property owners. Mr. Sheline will contact Mr. Murrell and Ms. Henderson, to set a date for the Public Hearing; it will be held in the Plan Commission office.

## **IN THE MATTER OF THE CERTIFICATE SALE PROPOSAL:**

Mr. Glen Luedtke of SRI submitted a proposal for a Certificate Sale, and distributed a listing of five hundred thirty-four properties that did not sell at the last tax sale. This amounts to about \$8 million in unpaid back taxes – about \$5 million attributed to the Continental Steel Property. The Commissioner's automatically receive the liens on these unsold properties, as if they bought them. The Board can do nothing, and the liens will continue to accrue on these properties. Or, they have three other options to dispose of these liens:

- 1) Take Ownership like a regular buyer, with a 120 day redemption period. Notice has to be out within 90 days and they can petition the Court and obtain the tax deed.
- 2) Conduct a Certificate Sale – option of reducing the value of the liens for a second offer. Must first pass a resolution, set a minimum price, advertise three consecutive weeks, wait 30 days and conduct the sale.
- 3) If any City within the County has an interest, the Commissioners can assign the Certificate to the municipality by passing a resolution to assign, and the other party passes a resolution to accept any certificate.

Mr. Luedtke continued to review Certificate Sale guidelines and advantages. He also submitted an Addendum for a Live Sale and an Addendum for an Internet Sale, recommending the Board to accept both, but continue with an Internet sale. Buyers start paying taxes in the spring of 2012, before petitioning the Court. He recommends the Certificate Sale be held in March, 2012, before spring taxes are mailed out in April. At the conclusion of his presentation, questions were asked by the Board of Commissioners, Attorney Murrell, Auditor Wells and Treasurer Lake. Mr. Luedtke will forward addendums to Attorney Murrell and the Board directed Ms. Wells and Ms. Lake to attain written confirmation from the City of Kokomo, that they agree to forfeit liens they hold on the properties for the Certificate Sale process. This issue will be addressed at the December 5<sup>th</sup> meeting.

**IN THE MATTER OF NORTH STREET EXTENSION RIGHT-OF-WAY ACCEPTANCE:**

Attorney Murrell submitted two items received from the City Engineering Department, concerning the North Street Project. The first is a re-dedication of the Extension of Right-Of-Way for North Street. A portion of the Street is in the City limits and a portion is in the County. The original Dedication of the street had an expiration date of 2010. The current owner, Viagra Inc. is willing to re-dedicate the property and has signed a document reflecting the re-dedication. The County and the City of Kokomo can accept the document. A motion was made by Mr. Wyman to approve the re-dedication of the Extension of Right-of-Way for North Street. The motion was seconded by Mr. Thompson and carried.

The second item is the Utility Easement with Indiana American Water Company. Indiana American has requested ten foot of easement from Howard County and the City of Kokomo. Mr. Murrell has reviewed the request and has a few modifications with the language. A motion was made by Mr. Wyman to approve the modified Utility Easement with Indiana American Water Company. The motion was seconded by Mr. Thompson and carried.

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

Auditor Ann Wells submitted the following claims and reports for the Board’s information and approval:

1. **Salary Claims:** Salary, hourly and overtime claims payable November 23 and December 2, 2011, in the amount of \$352,254.24 each, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioners’ Operating Claims payable today, in the amount of \$462,207.89, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Weights & Measures Report:** The Weights and Measures monthly report for the month of October 16 through November 15, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

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

1. **Bio Terrorism Grant:** On behalf of the Health Department, Mr. Murrell submitted the Bio Terrorism Grant, an annual grant with the Indiana State Department of Health, in the amount of \$11,000.00. A motion was made by Mr. Wyman to approve the Bioterrorism Preparedness & Response Supplemental Grant, in the amount of \$11,000 with the Indiana State Department of Health, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

2. **Not-For-Profit Interest In Tax Sale Properties:** At the October 17<sup>th</sup> meeting Attorney Murrell submitted three Not-For-Profit entities that had an interest in tax sale properties that hadn't been sold:

Family Service Association  
Kokomo Rescue Mission / Open Arms  
Carver Center

322 East Jackson, Kokomo  
North Buckeye Street  
1019 North Purdum Street

It was the consensus of the Board of Commissioners to review the issues, and at the November 7<sup>th</sup> meeting Mr. Murrell informed the Board that he would prepare a notice and timeline to submit at the November 21<sup>st</sup> meeting (*please refer to pages three and four, "In The Matter Of A Tax Sale Report From Treasurer Martha Lake", of the Regular Meeting minutes dated October 17, 2011, and page three, "In The Matter Of Not-For-Profit Organizations That Have Expressed An Interest In Properties Not Sold At Tax Sale"*). Mr. Murrell submitted a proposed letter to Family Service Association, Kokomo Rescue Mission / Open Arms, and Carver Center, outlining conditions on moving forward. Those conditions are, 1) they pick up the costs of title work, postage of notices, and 2) either indemnifies the County from any liability with environmental concerns or pick-up the expense for Phase I environmental reports. Mr. Murrell suggested the Board include a deadline for response. A motion was made by Mr. Wyman to approve the letter and its distribution to the three Not-For-Profit entities listed above. The motion was seconded by Mr. Thompson and carried.

3. **Moore Title & Escrow:** Mr. Murrell submitted three invoices from Moore Title & Escrow for ownership reports for property located at North Buckeye Street and North Main Street, 1019 North Purdum, and 322 East Jackson. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the three invoices from Moore Title & Escrow for \$165.00 each. Mr. Moore abstained from the vote.
4. **Proposed Resolution No. 2011-BCCR-37:** Mr. Murrell submitted a proposed Resolution No. 2011-BCCR-37, a substantially identical resolution jointly adopted by Howard County and Center Township regarding a transfer of the GM tax funds to Howard County for return to the taxpayers. Mr. Murrell will confirm if Center Township has approved their resolution, by the December 5<sup>th</sup> meeting, and the Commissioners can act on this resolution at that time. No further action was taken on Resolution No. 2011-BCCR-37.

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

##### **COMMISSIONER THOMPSON:**

Mr. Thompson wished a Happy Thanksgiving to taxpayers and employees and their children.

##### **COMMISSION WYMAN:**

Commissioner Wyman submitted a Township Assistance Appeal for April L. Cianteo, Harrison Township. After lengthy conversation between participants at the Hearing, the appeal was withdrawn on 11/18/11. A motion was made by Mr. Wyman to accept the withdrawal of appeal submitted by April L. Cianteo. The motion was seconded by Mr. Thompson and carried.

Saturday, December 3<sup>rd</sup> is the Light Up Your Holidays event on the Courthouse Square, Kokomo, at 4:00 p.m. As a special attraction there will be live reindeer.

##### **COMMISSIONER MOORE:**

Mr. Moore will be attending the Annual Association of County Commissioners Convention.

Mr. Moore wished all a very happy and Blessed Thanksgiving.

There being no further business to come before the Board at this time, a motion was made by Mr. Wyman to adjourn the meeting. The motion was seconded by Mr. Thompson and the meeting adjourned at 9:50 a.m.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Commissioner Meeting November 21, 2011