

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 21, 2011

The Howard County Board of Commissioners met in Regular Session on Monday, February 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, Assistant County Attorney Alan Wilson and Auditor Ann Wells.

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

IN THE MATTER OF APPROVAL OF MINUTES:

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

IN THE MATTER OF DEPARTMENTAL REPORTS:

SHERIFF DEPARTMENT:

1. The current inmate population is two hundred eighty-eight (288). Sheriff Rogers reported lower overall population figures this year, except in the female pod.

PLAN COMMISSION:

1. Mr. Moore thanked Mr. Greg Sheline for coming to this meeting, as it was his day off.

At the February 7th meeting the Board of Commissioners received Excavation Quotes for the 1207 Moccasin Trail unsafe building, and took the quotes under advisement for further review (*please refer to page five, "In The Matter Of The Opening Of The Quotes For The Demolition Of 1207 Moccasin Trail", of the Regular Meeting minutes dated February 7, 2011*). The quotes are as follows:

Stephens Bulldozing Inc.	\$4,845.00
Rice Tree Company	\$4,125.00
Feightner Excavating	\$4,990.00

It was the recommendation of Mr. Sheline to accept the quote of \$4,125.00 from Rice Tree Company, as being the lowest most responsive quote. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to accept the quote from Rice Tree Company, in the amount of \$4,125.00, as the lowest most responsive quote for the demolition of the unsafe building located at 1207 Moccasin Trail, and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF OLD BUSINESS:

1. President Moore informed the Board that the Clash of the Cans event at Kokomo Mall is moving forward, with a build date of March 19, 2011.
2. Information Systems Director Terry Tribby offered new information regarding the Occupancy License Agreement with the Winamac Southern Railroad and the annual fee of \$1,100. At the January 18th meeting the Board of Commissioners approved the Occupancy License agreement and authorized the President to sign the License after a reasonable agreement was negotiated with the Railroad concerning the annual fees (*please refer to page four, "In The Matter Of An Occupancy License Agreement" of the Regular Meeting minutes dated January 18, 2011*). Mr. Tribby and Mr. Murrell negotiated a one-time fee (in lieu of annual fee) in the amount of \$14,168.05. Mr. Tribby then met with Deputy Fire Chief Brad Bray and together they contacted Homeland Security. They were informed that the grant would not cover land purchases, leases or easements. As the annual fee is for the easement, it cannot be paid from grant funds. The total cost of the Occupancy License is \$16,168.05 and there is currently \$48,968.00 left in the EDIT Fund (03410.00) for this mobile radio grant project. A motion was made by Mr. Wyman to approve the payment of \$16,168.05 for the engineering fee of \$2,000 and the easement fees of

\$14,168.05. The motion was seconded by Mr. Thompson and carried. The motion was amended to include authorizing President Moore to sign the invoice document on behalf of the Board of Commissioners, on a motion made by Mr. Wyman and seconded by Mr. Thompson.

In the early conversation concerning this Mobile Radio Grant from Homeland Security, there was a possibility of constructing a receiving tower in the western portion of Howard County in order to cover some of the “dead” areas. The current proposed location is not going to give them the coverage needed for the “dead” zones and there is not enough time to determine a new location, by the March 4, 2011 grant deadline. This particular portion of the project will be dropped unless there is an extension of the grant deadline.

Attorney Larry Murrell commended Mr. Tribby for his negotiations with the Railroad, concerning this easement settlement.

IN THE MATTER OF NEW BUSINESS:

1. Sheriff Rogers informed the Board that the floor tiles in the Squad Room of the Criminal Justice Center need to be replaced. They receive traffic 24/7 and are past the point of being able to be cleaned. The Department has some tile on hand that can be used, but it would take about \$1,022.55 to complete the project, with the Maintenance overseeing the project with the Inmate Work Crew. Sheriff Rogers is asking for funds from the Cumulative Capital Fund to complete the project.
2. A second project at the Criminal Justice Center is to move the Law Library from its present location to a room in Unit 6. Unit 6 is the most trafficked area at the jail and the proposed library location site is next to the Captain’s Office. This room is a multi-purpose room and the inmate hair- cuts can be done in the room, as well. It will be easier to keep this room secure because of the windows that can be monitored. The present library location can be used as a much needed Transport Office. Captain Vincent spoke more about the issue and assured the Board that this is a good use of space for a minimal cost. This room also has the capability to record, making the room available for interviews and satisfying current interview laws for preservation of evidence. This room will have to be secured and Sheriff Rogers submitted a quote from Crowder Detention, in the amount of \$7,000. Commissioner Thompson has reviewed both project locations and plans and agrees with Sheriff Rogers. A motion was made by Mr. Wyman to approve the Law Library Renovation Project, in the amount of \$7,329.00, and the tile replacement project, in the amount of \$1,025.00. The motion was seconded by Mr. Thompson and carried. The motion was then amended to include payment from the Cumulative Capital Fund (04000), on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. The Sheriff’s Department is in need of five new vehicles to replace four vehicles that have over 100,000 miles on them, plus one vehicle that was totaled in an accident, several weeks ago. Captain Asher has prepared the bid packages and distributed them to the Board of Commissioners. All five vehicles will be used as patrol vehicles. The bids will be received by 3:00 p.m. on March 18, to be opened at the March 21st Commissioner meeting. Captain Asher will hand deliver the bids to Eric’s Chevrolet, Button Motors, and Kokomo Ford. He will also call Brad Howell Ford, in Greentown, to see if they’re interested in bidding. At the conclusion of the presentation a motion was made by Mr. Wyman to approve the Invitation to Bid package for the purchase of five Sheriff’s patrol vehicles, as presented by Captain Asher, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

Captain Asher informed the Board that two transport vehicles (vans) will need to be replaced sometime this year. They will need security inserts from the Mavron Company that can be purchased from the Misdemeanant Grant.

IN THE MATTER OF A REASSESSMENT UPDATE:

County Assessor Jamie Shepherd offered a brief update of the current reassessment process. The State, through the Department of Local Government Finance (DLGF) Website, offers parcel and date review progress maps. They have given the Assessment offices milestones that have to be accomplished, for the 2012 (pay 2013) reassessment. The first milestone was December 1, 2010, having 25% of the parcels site inspected and data collected. Howard County was at 38%. The next

milestone is May 1, 2011. The State is also requiring monthly status reports and the February 1, 2011 report shows Howard County at 48% for parcel review and data input progress, well ahead of schedule. The Assessor's office has delivered, and the Auditor's Office is putting together the pay 2011 values and taxes, and the Assessor's Office is finalizing the pay 2012 assessed values.

IN THE MATTER OF EMPLOYEE HANDBOOK CHANGES:

Concerning employee handbook changes, Mr. Wyman informed the Board that the current Employee Handbook has not had a formal review in five (5) years. In light of past proposed changes, the Personnel department put out quotes for review of the handbook. Quotes were received and reviewed, and submitted as follows:

Taft, Stettinius and Hollister	Legal Review
Waggoner, Irwin and Scheele and Associates	Operational Review

Together the reviews total \$1,700 and include both written and verbal reports as well as recommendations to the Board of Commissioners. A motion was made by Mr. Wyman to hire Taft Stettinius and Hollister LLP, and Waggoner, Irwin and Scheele and Associates to conduct the Employee Handbook review, and authorize the President to sign on behalf of the Board of Commissioners, appointing Commissioner Thompson as the Board's contact. The motion was seconded by Mr. Thompson and carried. Mr. Murrell reminded the Board that Mr. Wagoner did the original Handbook, and employment of both companies is a good combination.

IN THE MATTER OF THE KITTY RUN PUBLIC HEARING:

Commissioner Wyman reminded the Board that the Public Hearing for the Kitty Run Project (2) is tonight. There has been discussion since the beginning of this project, on how the \$1.6 million dollar project will be funded. One of the possible options is the use of EDIT funds to pay for the Economic Development portion of the project. The cost to increase the size of pipe needed for the economic development portion of the project (land that is developable on Dixon Road to carry the run-off) is about 10% of the project. The acreage most likely to be utilized for developmental purposes is also about 10% of the project and so the MS4 Coordinator Greg Lake and Mr. Wyman thought that 10% of the cost (\$160,000) could come from the EDIT Fund. Mr. Wyman made a motion to ask Attorney Larry Murrell to prepare an amended EDIT Plan that includes the proposed line item of \$160,000 for the Kitty Run Project, for discussion and review at the March 7th Commissioner Meeting, and possible submission at the Council meeting on March 22nd. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF THE CITIZENS' CONSOLIDATION COMMITTEE FOCUS:

The CCC is heading toward focusing their review of government reform, as a whole. The Modernization Act is the State's statute and process that counties can observe in the process of consolidation. A motion was made by Mr. Wyman to request Attorney Murrell to prepare guidelines to the CCC as it stands with the Modernization Act, to present to the Board of Commissioners at their March 21st meeting. This may include the possible conversion of the CCC to the statutory committee for the Modernization Act. The motion was seconded by Mr. Thompson and carried. Mr. Wyman reminded the Board that any move forward, between the City of Kokomo and Howard County will require funds. The CCC will need help with preparation of any kind of action.

IN THE MATTER OF OPEN DOOR DISCUSSION SUBMITTED BY COMMISSIONER THOMPSON:

Commissioner Thompson read the following statement concerning County "Open Door" meetings in full one time as follows:

"Office Holders are hired by, and accountable to, the taxpayers.

Not county the common council, the city has two elected office holders; the County has close to ninety. Maybe this is the reason that someone that claims to be smart cannot fully understand County government.

No elected office holder has direct supervision over another. County Government is more like a Mall that is made up of several independent stores; the manager of one is not the manager of all.

With the talk of merging some of these offices and the fact that the taxpayers will get the chance to decide and vote what is best for them, the County needs to help the taxpayers better understand County Government and how the changes will affect their lives.

This might be accomplished by having open dialog with the Community through County "Open Door" meetings just for the public and news media without conducting regular business. Yes, an individual can attend any Commissioner or Council meeting but if those two bodies and other elected officials could assemble for the sole purpose of addressing questions and concerns, the taxpayers would be better served, more informed, and more educated on County government, when the vote is called.

I would like for the Board of Commissioners to consider this issue.

Commissioner Moore informed the Board that this year's President of the National Association of Counties is encouraging local communities and county government entities to hold open houses in April (County Government Month) and opportunities for citizens to visit and ask questions. Mr. Moore has given information to the Personnel Office for their review.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** Salary, hourly and overtime claims payable February 25 and March 4, 2011 in the amount of \$348,504.63 each, were 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 \$401,444.12 were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Treasurer's Report:** The Treasurer's Monthly report for the month ending January 31, 2011, was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Clerk's Report:** The Clerk of Circuit Court for the month ending January 31, 2011, was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
5. **Howard Haven Reports:** Ms. Wells submitted a Howard Haven Inventory report on donations given in the month of December 2010 and January 2011. It was the consensus of the Board to accept the December and January donation reports for Howard Haven. Mr. Thompson has asked Ms. Vary to submit occasional updates to the Board of Commissioners from Howard Haven and the Friends of Howard Haven. She is working on it.
6. **EMA Reports:** The year-end EMA report for the year 2010 was submitted. EMA Director Larry Smith reported 19,700.7 voluntary hours to the community.
7. **Veterans Service Officer Report:** The Veterans Service Office Report for the month of January, 2011 was submitted and accepted by consensus.
7. **Indiana Department of Environmental Management Notices:** IDEM notices were submitted as follows:

Wastewater Permit #253 for Stan and Ryan Zirkle, of On-Site Sewer Services of North Central Indiana
Wastewater Permit #815 for Michael Wyatt of Mike's Sewer Service

A motion was made by Mr. Wyman to accept the IDEM Public Notices as submitted. The motion was seconded by Mr. Thompson and carried.

Pubic Notice 2011-1D-GP – Permit to discharge water for Speedway Super America. The IDEM Notice for Speedway Super America was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF COUNTY ATTORNEY MATTERS:

Attorney Larry Murrell thanked the Board for approving his recent vacation, and submitted the following issues for the Commissioners’ information and approval:

- 1. **Invoices For Payment:** Mr. Murrell submitted invoices for payment as follows:

Barnes & Thornburg, LLP	\$ 4,817.90	Legal Services, December 2010
Crowe Horwath	\$10,613.76	Professional Services September 2010
Project Matters	\$ 6,900.00	Surveys & interviews with DH & OH

A motion was made by Mr. Wyman to approve the Barnes & Thornburg Invoice, in the amount of \$4,817.90, the invoice from Crowe Horwath, in the amount of \$10,613.76, and the invoice from Project Matters (Amy Beechy) in the amount of \$6,900.00, as submitted. The motion was seconded by Mr. Thompson and carried.

- 2. **APCO Agreement:** Mr. Murrell submitted an agreement between Howard County and APCO for its Emergency Medical Dispatch program for E911 Dispatch. A motion was made by Mr. Wyman to approve the agreement with APCO for E911 Dispatch Medical Dispatch program, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
- 3. **Conflict Of Interest:** Mr. Murrell submitted a Conflict of Interest filed on behalf of Mr. Richard Miller, as it concerns the Kitty Run Project. Miller Brothers Farms contracts with the Bible Baptist church to farm its property located in the Kitty Run project area. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to accept the Conflict of Interest Form filed by Mr. Richard Miller.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER THOMPSON:

Commissioner Thompson informed the Board that on Monday, February 28, 2011 at 6:00 a.m., in the basement of the Administration Center, former Governor Joe Kernan is meeting with the CCC concerning consolidation issues. The public is invited to that meeting.

COMMISSIONER WYMAN:

Mr. Wyman thanked Assistant County Attorney Alan Wilson for his services while Attorney Larry Murrell was on vacation. He also commented that Mr. Murrell made himself too accessible while on his vacation.

Mr. Wyman reported that the Small Business Grant Committee received three grant applications. The first application is from Dog Owner Training LLC. The company will be located downtown on Buckeye Street and they do training for pets. The Committee has reviewed the application and found it, and their financials, in order. There are no back taxes involved, as well, and the Small Business Grant Committee recommends Dog Owner Training LLC receives a small business grant. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Small Business Grant for Dog Owner Training LLC, in the amount of \$5,000.

The 2nd application submitted did not meet the requirements and the 3rd application needs more information.

COMMISSIONER MOORE:

On behalf of the Board of Commissioners, Mr. Moore extended condolences to Councilman Jeff Stout and his family in the loss of Mr. Stout’s mother last week.

Mr. Moore thanked the Board of Commissioners for their condolences to Mr. Moore and his family during the recent loss of his wife’s aunt (Mrs. Stout). The outpouring of love and support from the community is a source of comfort.

Mr. Moore reminded the Board that it is too late to do a Commissioner Sale this year, but he would like the Board of Commissioners to meet with SRI to learn more about the Commissioner Sale process for a possible sale in 2012.

The Kokomo Elks Lodge 190 submitted a request for use of the Courthouse flagpole corner for a Flag Day Ceremony on June 14 at 10:30 a.m. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to authorize the use of the southeast corner of the Courthouse, and the flagpole, for a Flag Day ceremony on June 14, 2011 at 10:30 a.m.

A notice was received from the Indianapolis Historical Society that Mr. John Morr was selected to serve as Howard County's official historian for the State Historical Society. The year 2012 is the 75th anniversary of the Howard County Courthouse. We may want to plan an event to recognize the anniversary.

March 2, 2011 is the Regional Treasurer's Meeting and Treasurer Lake has asked the Board of Commissioners to visit and introduce themselves to those in attendance.

The Executive Meeting scheduled for March 3, 2011 will need to be rescheduled.

March 5, 2011 is the Medical Recycling Day at Howard Regional Surgery Center, from 9 – 11 a.m.

As today is President's Day, Mr. Moore submitted a portion of the reading: Why Washington is the "Father of our Country".

"Journey back with me 222 years to the terrible winter of 1777 at Valley Forge. The British had just captured Philadelphia, and the Continental Army was struggling to keep itself alive. Lacking food and clothing, the men were dying of exposure and starvation. Certain political leaders – many of them jealous of Washington – began to whisper that the general's cause was hopeless.

But the men who served under Washington felt differently. As William Bennett writes in his book, *Our Sacred Honor*, 'The brutal conditions of Valley Forge could not suppress a spirit of comity that arose among the officers and their men.'

These men were inspired to go on because of the moral example Washington provided. His ability to inspire through his character is illustrated by a story told by a Quaker farmer. Walking in the woods near Washington's headquarters, this farmer heard a human voice. "The farmer happened upon General Washington, alone and on his knees in the snow. He was praying to God while tears ran down his cheeks.

After witnessing this humble act of faith, the farmer returned home in great excitement. He told his wife that Washington would not only prevail, but would 'work out a great salvation for America.'

This respect for Washington was a direct result of Washington's personal virtue, which was cultivated his entire life. As Bennett points out, 'Washington wasn't born good. Only practice and habit made him so.' The general was keenly aware of his faults, especially his temper, and from an early age, he worked at controlling this and other shortcomings.

In today's 'anything goes' culture, this intense striving after moral excellence is rare. But it's the reason Washington's men were willing to sacrifice for him – even when their cause appeared hopeless. And it's the reason he was later chosen as our first president.

Washington's stature, you see, is of the biblical kind. When the Old Testament writers judged a leader, it was always in moral, not political, terms. Rulers might conquer a vast empire – but if they neglected their spiritual duties, they were dismissed as men who 'did what was evil in the sight of the Lord.'

Let's make a resolution. Next year for Washington's Birthday, instead of rushing out to the malls, let's teach our kids that Washington was not just our first president, but a man of moral excellence. Teach them that they should seek after the kind of moral excellence in their lives that Washington personified: the kind that arises, not only from accomplishment, but from character.

Otherwise, we may forget why Washington is remembered as “the Father of our Country” – and that would be a terrible loss.

By Charles Colson

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:05 a.m. on a motion made by Mr. Wyman and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

TYLER O. MOORE, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

WILLIAM THOMPSON, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Regular Meeting February 21, 2011