

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 18, 2011

The Howard County Board of Commissioners met in Regular Session on Monday, April 18, 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 Tyler Moore. Commissioner Bill Thompson led in the Pledge of Allegiance and Vice President Wyman offered prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the Regular Meeting dated April 4, 2011, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF PUBLIC COMMENT:

On behalf of the Kokomo Tribune and the Kokomo Perspective, Mr. Ken de la Bastide, reporter from the Kokomo Tribune, thanked the Board of Commissioners for forwarding the Sheriff's report to them.

Howard County Treasurer Martha Lake reported that her office is now receiving spring tax payments and invited the Commissioners to come visit with taxpayers. She also reported that some taxpayers have been upset after reading the news article about the General Motors Personal Property assessment decrease and how that throws an extra tax burden on Howard County property owners.

Ms. Lake is the co-chairman of the Legislative Committee for the Treasurer's Association. Four people from the committee met with Senator Brandt Hershman, last Wednesday, concerning the Local Income Tax Funds that Counties have to pay back to the State. That amount was originally reported at \$609,700,000 and was decreased to \$408,276,000, and there is still no determined amount for each individual County. Senator Hershman explained that when Howard County approved the LOIT tax the State began payments to the County immediately after the approval process. This meant that there was no time for an accumulation of the income tax to pay out, so the State used its own funds. The Counties that had approved LOIT were not apprised of this situation at the time. That is how we have come to this point. The State will have each County's figure, soon, and will determine each individual County's payback schedule to be comfortable for their income. The Association of Indiana Counties is also working to help Counties that approve a Local Option Income Tax to have a procedure in hand that walks them through the process of building up capital before the State payments begin, so the present situation will not happen again.

IN THE MATTER OF THE REGION 4 WORKFORCE DEVELOPMENT PRESENTATION:

Mr. Roger Feldhaus is the Executive Director of the Tecumseh Area Partnership, the agency that provides staffing services to the Region 4 Workforce Board. Mr. Feldhaus introduced Ms. Deb Cook and Mr. Matt Boor, Directors of Region 4 Workforce Board, Ms. Terry Simons, WorkOne Regional Coordinator for Cass, Howard, Tipton and Miami Counties, and Ms. Sonja Heishman, case-manager for WorkOne Kokomo and Job Works, Inc. The Region 4 Workforce Board oversees the publicly funded Workforce Investment System, in coordination with Economic Development and Adult education /Training resources in a twelve county area that includes Benton, Carroll, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Warren and White counties. Their mission is to promote skills development and lifelong learning as a means of achieving economic success, and improving the quality of life of the citizenry. Mr. Feldhaus presented a Region 4 Workforce Board overview and at its conclusion he introduced Ms. Sonja Heishman who submitted a participant success story. At its conclusion Ms. Cook reported on citizens who are back in employment and also introduced the WAG Program. Mr. Feldhaus thanked the Board of Commissioners for their cooperation with the City of Kokomo in supporting and participating in the Region 4 Workforce Development program. Commissioner Moore thanked Region 4 for its work, and especially Mr. Matt Boor for being the Commissioners' appointee to the Board.

IN THE MATTER OF DEPARTMENTAL ISSUES:

MAINTENANCE:

1. Buildings & Grounds Superintendent Scott Reed informed the Board that the new emergency and EXIT lights have been installed at the Government Center,

2. New toilets have been installed at Howard Haven. These new fixtures will reduce the usage of water at the Home. There have been several high spikes in usage of electricity reported since a new meter has been installed. Duke Energy will monitor and investigate the situation. If that doesn't help determine the problem, the Maintenance Department will check for any grounding issues.

3. Mr. Dwight Schaaf and his workers have bricked around the flag poles at the Administration Center. Mr. Reed will coordinate moving one of the light poles with Mr. Schaaf so when the concrete company comes to pour footer for the light pole's new location, they can pour caps on the flag poles as well. The concrete benches have been delivered to the pole barn until all is ready for installation. Mr. Reed is waiting for the weather to clear up before having Cossell's come for landscaping.

4. Mr. Reed submitted a quote from Cossell's Creative Landscaping for landscaping work and river gravel for the parking lot north of the Administration Center, in the amount of \$4,565.56. If our Maintenance Department will do the first steps of the landscape plan, it would save the County \$1,100 in labor costs.

Also submitted was a proposal from Cossell's for the Courthouse landscaping and mulch, in the amount of \$3,081.00; landscaping and river gravel in the amount of \$8,919.90; landscaping and ornamental stone, \$15,729.90. Mr. Reed reminded the Board that much of the labor costs can be decreased by our own Maintenance Department's labor. As far as the mulch is concerned, Officer Brubaker who oversees the Inmate Work Crew stated that we could rake the mulch around the Courthouse and not have to replace the mulch until next year. Mr. Reed did give his recommendation of the second proposal that includes river gravel. That proposal is more costly this first year, but the gravel will not need to be replaced every couple of years, like the mulch.

5. Currently there is no phone service in the basement of the Administration Center. Mr. Reed will contact A T & T and Mr. Terry Tribby concerning installation of phone equipment and enhancement equipment for cell phone service. Mr. Reed has also contacted Sound of Music for amplification of the basement meeting room.

6. The Maintenance Department is now paying the utilities for the Old Jail building that was vacated by Kokomo Academy. He will need to go before the Council and ask for an additional appropriation, since his 2011 budget did not include payment of those utilities. Attorney Murrell commented that the lawsuit with Cedarbridge, former tenants of the old jail facility, is ongoing. Currently Assistant County Attorney Alan Wilson is in negotiations to remove the personal property. Once the negotiations have been completed, there will be an auction of the property. Sheriff Rogers would like to set an auction date as quickly as possible and has already spoken with Cartwright Ellis concerning assessment and auction of the property. It was the consensus of the Board to approve Sheriff Rogers to make arrangements with Cartwright Ellis to assess the Old Jail property and prepare for an auction, and look at prospective auction dates. Both Sheriff Rogers and Superintendent Reed will keep personal property records as the property is disposed or transferred.

7. The new carpet has been installed in the Hearing Room of the Government Center. Mr. Reed has reviewed the former meeting room rules contained in Resolution No. 2005-BCC-34 for the Government Center. Most of Mr. Reed's listing of rules is contained in the Resolution. He is concerned that the rule to "clean up your own mess" is implied in the Resolution, but not written down. Also of concern is the rule that states, "Non-county use is not permitted when a maintenance person is not present". The Maintenance Department has decreased its number of employees, and their hours have been restructured, so there is not a worker in the Government Center every evening to cover the after-hours meetings. The prohibition of animals is not addressed in the old policy. After ensuing discussion, the Board of Commissioners directed Mr. Reed to merge the two documents into one and submit that document at the May 2nd meeting.

8. On April 30th the Maintenance Department will be delivering election boxes for the primary election on May 3rd. On May 4th they will be picking them back up.

HOWARD HAVEN:

Howard Haven Superintendent Jennifer Vary submitted an Application for Admission on behalf of LaDawna L. Mote. Ms. Mote is a Howard County resident and will be private pay. A motion was made by Mr. Wyman to approve the application of Ms. LaDawna L. Mote with the usual 90-day probationary period. The motion was seconded by Mr. Thompson and carried.

PERSONNEL:

Personnel Director Wanda McKillip submitted the PAC request and recommendation as follows:

Brant Parry presented this request for Superior Court II;

1) Request a new full-time Secretary position. He will need \$15,963.13 for the remainder of 2011. Will not need to request additional funds; will transfer funds from existing accounts.

2) Transfer funds from Court Reporter, \$12,000; Law Books, \$3,000; and Part-Time, \$2,000 to total \$17,000

“The PAC Committee recommends transferring the \$17,000 to a part-time account and not adding a new Full-time Secretary position. The additional part-time funds will allow for hiring additional help to assist with the heavy workload that Superior Court is facing”. A motion was made by Mr. Wyman to approve the PAC recommendation as submitted and forward the recommendation to the County Council. The motion was seconded by Mr. Thompson and carried.

Ms. McKillip reminded the Board of the events for County Government Month as follows:

April 21, 2011 – third graders from Western will visit the Courthouse

April 26, 2011 – Juniors and Seniors from Taylor High School (Government Students) will tour the Administration Center.

INFORMATION SYSTEMS DEPARTMENT:

Director Terry Tribby and his office are conducting diagnostic services concerning coverage gaps between them and Verizon Wireless. Mr. Tribby submitted an agreement with AT & T to set up an account for Howard County to receive government pricing for the possibility of future service with A T & T. He will give a copy to Mr. Murrell for his review, and Mr. Tribby asks that the Board authorize Mr. Tribby to move forward, pending Mr. Murrell’s review. It was the consensus of the Board to take this matter under advisement allowing Attorney Murrell the opportunity to review the agreement.

PLAN COMMISSION:

Director Greg Sheline assured the Board of Commissioners that the confusion over the correct address of the unsafe property that had meth labs in it has been confirmed. Formerly reported as 2513 Brookshire, it is now confirmed as 2295 South County Road 300 West. The homeowner remains the same and his bank is interested in working with him to rehabilitate the home. Mr. Sheline recommends that the Public Hearing for 2513 Brookshire be vacated. A motion was made by Mr. Wyman to vacate the Public Hearing scheduled for May 2, 2011, at 4:30 p.m., concerning 2513 Brookshire. The motion was seconded by Mr. Thompson. Mr. Sheline is also asking the Board to give the homeowner one month to work on rehabilitation of the 2295 South County Road 300 West location before taking any action.

The unsafe property located at 1207 Moccasin Trail has been demolished. The neighbors are reported to be very happy.

President Moore thanked Mr. Sheline for admitting the error, and he thanked Perspective Reporter Pat Munsey for his follow-up reporting of the situation.

COUNTY ASSESSOR:

County Assessor Jamie Shepherd gave a brief update on GM negotiations which are still ongoing. This personal property assessment matter is crucial and now the taxpayers are aware of the situation. The consequence of this assessment matter is a \$5 million tax revenue shift from GM to Howard County taxpayers, and a \$3 million additional loss in the circuit breaker to all taxing units. The Treasurer, Auditor, both Assessor offices, Recorder, and Surveyor offices have been fielding questions since the tax statements went out. Ms. Shepherd has even been asked by taxpayers, if they could get the GM discount, too. Ms. Shepherd reminded the Board that personal property is self assessed. GM has reported an assessment of their personal property at a 98% decrease from what Delphi reported on the same equipment the prior year. The Assessors’ offices take the position that GM is not

compliant with the statutes and laws provided by the State of Indiana, and are fighting the reported assessment. The Assessors' offices will do what is necessary to continue to obtain a correct assessment, even taking this matter to the Indiana Board of Tax Revue and the Tax Court, if they cannot reach a reasonable agreement with GM. She recognizes the fact that the negotiations are costing the County money, but feels it is necessary because of the greater tax burden for Howard County taxpayers. She is asking for the Board's support as the Assessors and other officers continue in negotiations. Ms. Pullen thanked all the County, City and State Congressional leaders for standing behind the Assessors. She believes it is too costly to back down. Mr. Moore thanked Ms. Shepherd and Ms. Pullen, Mr. Murrell and Senators Brandt Hershman and Jim Buck. Mr. Murrell has been available around the clock. Mr. Murrell commented that the County is fortunate to have Ms. Shepherd and Ms. Pullen at this time and for this particular challenge. Unity of Government units can accomplish much.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** Salary, hourly and overtime claims payable April 21 and April 29, 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:** Commissioners' Operating Claims were submitted, payable today, in the amount of \$434,692.34. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Operating claims as submitted.
3. **Ratify Signatures:** Early payment claim was submitted for Indiana Finance Authority, in the amount of \$1,000.00 and Mr. Moore's signature needs to be ratified. A motion was made by Mr. Wyman to ratify Mr. Moore's signature on the early paid claim to Indiana Finance Authority, in the amount of \$1,000.00. The motion was seconded by Mr. Thompson and carried.

An early pay claim to USPS / Proforma was submitted for ratification of President Moore's signature. His signature was ratified on a motion made by Mr. Wyman and seconded by Mr. Thompson.

4. **Treasurer's Report:** The Treasurer's Report for the month ending March 31, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
5. **Clerk's Report:** The Clerk's Monthly Report for the month ending March 31, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
6. **Weights And Measures Report:** The Weights and Measures Report the month of March 16 to April 15, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
7. **School Funds Report:** Ms. Wells submitted a report on the condition of school funds. At one time taxpayers were allowed to borrow money for property, from the School Loan Fund. That practice is no longer allowed, but the interest that is generated by that fund, has to be reported to the state on an annual basis. A motion was made to approve and sign the Report on Condition of School Funds. The motion was seconded by Mr. Thompson and carried, and the report was signed by the Board members.
8. **Procedure For Appeal Hearings Regarding Township Assistance:** Ms. Wells submitted a written procedure for hearings regarding Township Assistance, from Trustee Diane Kuntz, Taylor Trustee. The form contains the appeals procedures as well as the rights for Township Assistance Clients. This form needs to be signed by the Board of Commissioners, and sent to the State. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve and sign the Appeal Procedures and rights for Township Assistance.
9. **Request For Consideration:** Ms. Wells and the Personnel Office would like the Board of Commissioners to consider the purchase of two defibrillators: one for the Administration Center and one for the Government Center. Security Officer Deputy Trott recommended the purchase of the same defibrillators as the Sheriff's Department and the Courthouse, since there are those who have already

trained on that equipment. The Personnel Department has contacted the Red Cross, as well. No action was taken at this time.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg for services rendered for the period ending February 28, 2011, for General Motors Component holdings matters in the amount of \$6,041.50. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Moore Invoice:** Mr. Murrell submitted an invoice from Moore Title & Escrow, in the amount of \$165.00 for an ownership report on 2295 South County Road 300 West, Kokomo, Indiana. That invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson. Mr. Moore abstained from the vote.
3. **Amend MOU:** It was brought to Mr. Murrell's attention that on the Memorandum of Understanding for Hendrix Productions (small business grant) Hendrix is misspelled. Let the records show that the MOU with the Greater Kokomo Economic Development Alliance for Hendrix Productions, Hendrix will be corrected to **Hendrik Production LLC**. A motion was made by Mr. Wyman to amend the spelling to Hendrik Production LLC on the Memorandum of Understanding. The motion was seconded by Mr. Thompson and carried.
4. **Bond Issue Documents Pertaining To Kitty Run:** Bond issue documents for the bond for Kitty Run were submitted by Mr. Murrell for the Board of Commissioners and the Drainage Board to sign. Mr. Murrell prepared language for those documents as Resolution No. 2011-BCCR-09, to be signed at the Drainage Board meeting. Resolution No. 2011-BCCR-09 was read by Mr. Wyman as follows:

"I move the Board of Commissioners approve and authorize the execution of the following documents necessary to issue the Howard County Drainage Board Drainage Assessment Revenue Bonds of 2011 in the amount of \$1,487,800:

- 1) Certificate of the County
- 2) Agreement for services of Registrar and Paying Agent
- 3) Financial Assistance Agreement
- 4) Tax and Arbitrage Certificate
- 5) Specimen Bond

I further move the Board authorize Board President Tyler O. Moore to approve and execute on behalf of this Board any further documents necessary to finalize the closing of this Bond Issue now scheduled for April 28, 2011."

Resolution No. 2011-BCCR-09 was seconded by Mr. Thompson and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER WYMAN:

The Commissioners have received a request from the Kokomo Elks 190 to use the SE corner of the Courthouse grounds and the flagpole for a Flag Day observance on Tuesday, June 14, 2011. A motion was made by Mr. Wyman to approve the request for use of the flagpole and the southeast corner public area, on Tuesday, June 14, 2011. The motion was seconded by Mr. Thompson and carried.

COMMISSIONER MOORE:

Mr. Moore submitted a Notice of Public Hearing from the Howard County Plan Commission for the petition of Beverly Wilson requesting Approval of the Preliminary Plat for Lazy K Subdivision, one lot at 4772 East County Road 400 South. The County owns property the borders the property in question and could be affected by any decision. The Hearing is Tuesday, April 19 at 7:00 p.m.

The EMA April Activities Calendar was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The Board received an invitation from Judge Lynn Murray, Howard Circuit Court, to attend the inaugural meeting for Howard County with regard to the Juvenile Detention Alternative Initiative on Thursday, April 21, 2011 at 4:00 p.m. at the Howard County Administration Center, Basement. This will be the first opportunity for all the stakeholders to come together for an informative session presented by the Youth Law Team of Indiana regarding the Juvenile Detention Alternative Initiative.

E-mails concerning Reverse Auction have been sent to the Board of Commissioners. President Moore asks that Mr. Wyman and Mr. Thompson review those e-mails for later discussion.

The Howard County Recycling District meeting scheduled for tomorrow has been postponed. The Recycling office will be at the Kokomo Event Center for their Earth Day celebration.

The Commissioners have had discussions regarding the request from the City of Kokomo to help with the extension work on North Street for the FEDEX project. The Board has received and reviewed a Memorandum of Understanding with the City. A motion was made by Mr. Wyman to approve the MOU with the City of Kokomo, not to exceed \$200,000 from the EDIT funds, subject to revision by Mr. Murrell and approval by the County Council, and forward to the County Council for appropriation at their April and May meetings. A question was posed by Mr. Thompson, as to the amount of the County's portion of the project. The motion states "...not to exceed \$200,000." Would this MOU have to come back to the Board of Commissioners if the Council did not approve the \$200,000 amount? Mr. Murrell confirmed that in the recital portion of the MOU it states that the anticipated cost of the project is \$400,000 and the County would pay half of the expense, at \$200,000. If the Council appropriates a lesser amount, the MOU would have to come back to the Board of Commissioners to renegotiate with the City of Kokomo. At the conclusion of this clarification and further discussion, Mr. Moore vacated the chair to second the motion and the motion carried.

There being no further business to come before the Board at this time, the Regular meeting was adjourned at 10:12 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 Meeting April 18, 2011