

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 21, 2011

The Howard County Board of Commissioners met in Regular Session on Monday, March 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 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 Wyman led in a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

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

Mr. Murrell submitted the minutes of the Executive Session held March 3, 2011 at 4:30 p.m. The minutes were verbally reviewed by Mr. Wyman, and were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

At this time condolences were issued to Boilermaker and Notre Dame Fans on their recent loss. The Butler Bulldogs were congratulated on their recent win.

IN THE MATTER OF DEPARTMENTAL REPORTS:

HIGHWAY:

1. At the March 7th meeting, Commissioner Moore had submitted a School Bus Turn Around request from Northwestern School. The request was taken under advisement for review by Highway Engineer / Superintendent Ted Cain, and for verification of the address (*please refer to page four, "In The Matter Of Commissioner Issues", of the Regular Meeting minutes dated March 7, 2011*). The proposed location is 3435 West County Road 450 North, Kokomo, Indiana, and Mr. Cain reported that the Turn Around has already been completed. A motion was made by Mr. Wyman to approve the School Bus Turn Around Request as submitted. The motion was seconded by Mr. Thompson and carried.
2. Mr. Cain submitted the Annual 2010 Operations Report for the Highway Department, and distributed copies to the Board of Commissioners and Auditor Wells. After review of the report, the report was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

SHERIFF:

1. The Sheriff's Department is very busy at this time. One hundred and eight (108) people were booked in over the weekend. At least twenty-one (21) individuals were arrested as a result of the combined efforts of the Howard County Sheriff's Department, Kokomo Police Department and the Indiana State Police in their OWI Pullover Project.
2. Sheriff Rogers is awaiting the delivery of some of the supplies for the squad room tiling and the Law Library relocation projects previously approved by the Howard County Board of Commissioners (*please refer to page two, items one and two, "In The Matter Of New Business" of the Regular Meeting minutes dated February 21, 2011*).

MAINTENANCE:

1. At the November 15, 2010 meeting the Board of Commissions directed Mr. Reed to seek an estimate for a fourteen foot concrete pad on the north side of the Administration Center for a proposed Veterans monument (*please refer to item three, page three, "In The Matter of Maintenance Department Issues" of the Regular Meeting minutes dated November 15, 2010*). Mr. Reed informed the Commissioners that he has spoken with Mr. Dwight Schaaf concerning the concrete pad and when that work could begin. The Maintenance Department had hired Mr. Schaaf to brick the base of the flag pole this spring and would like to know if the concrete pad could be installed at the same time. At the conclusion of ensuing discussion between Mr. Reed, Veterans Service Officer Robert Ladd and the Board members, it was the consensus of the Board to NOT have a monument installed at the

Administration Center. They further directed Mr. Reed to negotiate with Mr. Schaaf a plan to incorporate concrete benches for each branch of the military with the concrete pad, in an amount not to exceed \$7,000.00.

2. New ceiling tiles are being installed in the hearing room of the Government Center. The hearing room also needs new carpeting and three quotes have been received as follows:

D. Berry Construction	\$3,560.40
Michael Thomison	\$3,543.99
Stout & Son Inc.	\$3,972.51

The lowest quote was for a different type of carpet that Mr. Reed's department confirmed was harder to clean. Mr. Reed recommends the quote from D. Berry Construction in the amount of \$3,560.40.

Because of the renovations to the hearing room, Mr. Reed distributed copies of a proposed "Rules For Howard County Meeting Rooms", outlining guidelines for usage of hearing rooms in both the Administration and Government Centers. After review of the policy, Mr. Wyman asked that number two (2) be amended to include allowance of service dogs to any hearing room. Mr. Reed was directed by the Board of Commissioners to amend #2 and to review the old room policy, then submit a final document at the April 4th meeting. Mr. Reed confirmed that reservation of the Government Center Hearing Room is done through the Extension Office and reservation of the Administration Center Hearing Room is done through the Auditor's Office. A motion was made by Mr. Wyman to replace the carpet in the Hearing Room of the Government Center and use the services of D. Berry Construction, in the amount of \$3,560.40, as submitted. The motion was seconded by Mr. Thompson and carried.

3. Attorney Larry Murrell and Mr. Reed submitted the contract with Benchmark Mechanical for equipment service and labor. This is an annual contract, and at the conclusion of 2011, Mr. Greg Smith, from Benchmark, wrote off about \$6400 worth of billings because Howard County had hours left on their 2010 contract. Mr. Reed commented that Benchmark is a good company to do business with. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the annual Service and Labor agreement with Benchmark Mechanical and to authorize the President to sign the agreement on behalf of the Board of Commissioners.

PERSONNEL:

Personnel Director Wanda McKillip submitted the PAC recommendations as follows:

1. The PAC met on Wednesday, March 9, 2011 concerning changes in the Sheriff's Department and made the recommendation to 1) Reduce the salary of the Drug Investigator from \$43,918.00 to \$42,888.00 and change the job title to Investigator Coordinator; 2) Transfer the remaining \$1,030.000 from the above salary and divide among all the investigators to increase their CI (Criminal Investigator) Pro Pay from \$191.25 to \$304.44 quarterly; 3) Increase the two Courthouse Security Officers salary from \$29,431.00 to \$29,953.41, the same as the current Correction Officer salary. Commissioner Wyman asked for further justification of the recommendation to increase the salaries of the Courthouse Security Officers. Sheriff Rogers informed the Board that the current Security Officer salary was set several years ago when the specific job requirements and duties were not fully known. He does not know all that went into the decision to pay them less than a Corrections Officer. Because the requirements are the same as a Corrections Officer (pre-basic with the authority to make an arrest outside of the Criminal Justice Center) and because Sheriff Rogers would like to assign other Corrections Officers with the same training to that post position, possibly using a rotation schedule between Courthouse Security, prisoner book-in, Process Server and courtroom security, he feels it is necessary to bring the Courthouse Security officers up to the same salary as the other Corrections Officers. At the present time, one of the security officers has moved to a position in another county office, and Sheriff Rogers needs to fill that vacated position. The Officer who will be filling the position is a Corrections Officer at the jail, whose salary is \$500 more than the security officer who is remaining there. Discussion ensued concerning the position and the intent to rotate the Corrections Officer jobs. At its conclusion a motion was made by Mr. Wyman to approve items one and two of the PAC recommendation for the Sheriff Department requests and forward the recommendation to the County Council at their 4:00 p.m. meeting on March 22, 2011. The motion was seconded by Mr. Thompson and carried. Mr. Thompson made a motion to accept number three of the PAC's recommendation to increase the Courthouse Security salary from \$29,431.00 to \$29,953.41. Commissioner Moore vacated the chair to second the motion. The motion carried with two aye votes and one nay vote.

2. Concerning the Auditor Request, the PAC recommended that the Auditor would add \$10,000 to the Job Share position, allowing the current Job Share employee to work additional hours to assist the finance department with their increased responsibilities and deadlines. The Auditor's \$7,000 in the part-time and overtime accounts would be transferred to the Job Share Account and an additional appropriation of \$3,000 would be requested. Auditor Wells justified the request by informing the Board of the increase to the volume of work added to the financial portion of the Auditor's Office, as well as the state mandated change in their account numbering system that has to be changed by January 1, 2012. The exemption portion of the Auditor's office is experiencing an increase in property transfers and trying to maintain the homestead verifications slips. Added to that is the fact that several employees are on intermittent FMLA. Ms. McKillip informed the Board that in the beginning of 2011, the Auditor did take one of her full time positions and made two job-share positions, saving the county in the costs of benefits. At the conclusion of ensuing discussion a motion was made by Mr. Wyman to recommend to the County Council to approve a transfer of \$3,500 from the Part Time Line item to the Job Share Line item and review the need at budget time to see if the additional job share hours are still needed. The motion was seconded by Mr. Thompson and carried. There was further discussion as to a possible miscommunication concerning the PAC's recommendation. Ms. McKillip will contact the PAC members to confirm what was truly recommended. If the recommendation would call for an additional PAC meeting, Ms. Wells asked that the request be withdrawn.

3. Ms. McKillip reported thirty-five participants in the Strong Kids Campaign, for a total amount of \$875.00, donated to the YWCA. This is the largest County participation to date, and the contest dates are March 14 to April 25, 2011. Prizes will be awarded to the ones with the greatest weight loss and largest percentage of weight loss. The City of Kokomo had sixteen participants.

IN THE MATTER OF THE PROBATION OFFICE AND SUPERIOR COURT I COPIER REQUESTS:

At the March 7th meeting the Board of Commissioners directed Probation Officer Don Travis to confirm the amount of money that could be saved by buying the three copiers / printers (*please refer to page two, "Juvenile Probation", of the Regular Meeting minutes dated March 7, 2011*). Mr. Travis submitted copies of research that showed he could save about \$2,700 annually with the purchase of the new copiers, paying for the copiers in several years. This will also allow centralized printing for the probation offices. This is the type of information Mr. Wyman was looking for.

Superior Court I Judge William Menges took this opportunity to request a new copier / printer / scanner. When Judge Menges left private practice / Public Defender to become the Judge in Superior Court I, he took his own copier / scanner / printer. That copier/ scanner / printer now needs to be replaced, requiring weekly repairs and parts that are no longer kept in stock. He would like to purchase a Biz Hub 601, and is requesting it to be purchased from the Cumulative Capital Equipment Fund.

At the conclusion of ensuing discussion, a motion was made by Mr. Wyman to approve the purchase of two Biz Hub 501 copier / printers and one 363 copier for the Probation Department and their service agreements, in the amount of \$18,744.00, to be paid from the Cumulative Capital Fund, Commissioner Equipment line item (04000). The motion was seconded by Mr. Thompson and carried. The request from Judge Menges will be re-submitted at the April 4th Commissioner meeting.

IN THE MATTER OF SHERIFF VEHICLE BIDS:

Captain Jerry Asher submitted the bids received for five Sheriff Patrol vehicles, and the Board of Commissioners opened them as follows:

Button Motors (2 packages, 2-tone and single tone) including trade-ins	\$110,205.00 solid color \$112,705.00 2 tone
Eric's Chevrolet, including trade-in values	\$129,780.00 caprice \$131,775.00 Tahoe

Kokomo Auto World is not bidding Sheriff's vehicles at this time. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to take the bids under advisement for Captain Asher's review.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Greg Sheline thanked the Board of Commissioners for their approval to refurbish the Hearing Room in the Government Center, since the Plan Commission Department does use the hearing room. Mr. Sheline submitted the following issues for the Board's information or approval:

1. **Appraisers For Flood Mitigation Grant:** At the March 7th meeting Mr. Sheline had informed the Board that the properties to be demolished first needed two appraisals done on each property. Because there were five listed local appraisers, Mr. Sheline asked the Board to recommend a procedure to procure the appraisers (*please refer to page one, item b*), "*In The Matter Of Departmental Reports*" of the *Regular Meeting minutes dated March 7, 2011*). Mr. Sheline has learned of three additional local appraisers and his office will call all the appraisers to see who is interested in appraising the flooded homes. Mr. Sheline was concerned with the motion that was passed, whether it needed to be rescinded. In reviewing the minutes from the March 7th meeting, the motion that was made is as follows: "A motion was made by Mr. Wyman to divide the appraisals equally over the five vendors. The motion was amended to spread the appraisal work evenly between the vendors who give a positive response. The amended motion was seconded by Mr. Thompson and carried." This motion will still apply.
2. **Unsafe Building:** A Public Hearing was set by the Board of Commissioners for the unsafe building located at 2513 Brookshire Drive, on Monday, April 4, 2011, at 4:30 p.m. (*please refer to page one, item c*), "*In The matter of Departmental Reports*", of the *Regular Meeting minutes dated March 7, 2011*). Mr. Sheline had reported that the homeowner did not intend to keep the house. Mr. Sheline now reports that the bank who holds the mortgage would like to work with the owner, and the owner now wishes to repair the home. Mr. Sheline has contacted the Health Department and the Health Department has sent a listing of procedures to bring the house back into repair. The first item on the list is an inspection by the Indiana Department of Environmental Management to determine the level of contamination in the home. Mr. Sheline is asking that the Board of Commissioners give the owner several weeks to try to repair the home. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to cancel the Public Hearing scheduled for April 4, 2011, at 4:30 p.m., giving an opportunity to the owner and the bank to improve the property.

IN THE MATTER OF CLERK DEPARTMENT MATTERS:

Clerk Kim Wilson submitted the following issues for the Commissioners' information and approval:

1. **Polling Site Listing:** Ms. Wilson submitted and distributed Polling Site listings for the 2011 election year. The listing is the same as the previous election with the exception of precinct 11. The building is being renovated by the new owner, who is not interested in hosting a polling site. The voting for Precinct 11 will be at the Bon Air Church of the Nazarene, which already hosts another precinct. A motion was made by Mr. Wyman to approve the Polling Site listing as submitted by Clerk Wilson. The motion was seconded by Mr. Thompson and carried. Ms. Wilson will make sure the Polling Site listing is published.
2. **Contract With Malinowski Consulting Inc.:** Ms. Wilson submitted a contract with Malinowski Consulting Inc., for the preparation of monthly Title IV-D Expenditure Reimbursement Claims and the quarterly Clerk IV-D Incentive and Clerk IV-D ARRA reporting to the State of Indiana, Department of Child Services. The cost of this contract is \$950.00 monthly, and will be paid from the Clerk Title IV-D Fund. Title IV-D funds come from child support and the county is reimbursed for the work the Clerk's office does on behalf of the State of Indiana. Mr. Murrell informed the Board that the regulations for this process is so complex that the Clerk's office is forced to hire companies that understand the regulations and can more effectively apply for the reimbursements that the County is entitled to. This contract is on a monthly basis and can be cancelled if proven that it is not paying for itself. Malinowski will also pay any penalty fees incurred. A motion was made by Mr. Wyman to approve the contract with Malinowski Consulting, Inc. for the preparation of claims for reimbursement to the County, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

IN THE MATTER OF VETERANS SERVICE OFFICE ISSUES:

Veterans Service Officer Robert Ladd submitted the following issues for the Board's approval:

1. **Request For Additional Office Space:** Mr. Ladd is requesting to use the additional office space located on the first floor of the Administration Center. According to the State's figures, the Howard County Veterans Office served 2,000 more veterans than in 2009. Also, Mr. Ladd has asked the State Department of Veterans Affairs to allow Howard County to be an outreach center for the DVA's education services (Voc Rehab). The DVA is sending a representative to Howard County five days a week, from 7:00 a.m. to 3:30 p.m. An additional office is needed for him, as well as access to the building at 7:00 a.m. He has veterans that will help with redesigning the space. Mr. Ladd estimates that 80% of the Veterans his office services are Howard County citizens; 15% would be out of Howard County, and 5% of the Veterans serviced are outside the State of Indiana. The Veterans Service Office already uses that space for storage reasons, but would like to get permission to use it as office space. A motion was made by Mr. Wyman to approve utilization of the space and have Mr. Ladd, Mr. Reed from Maintenance, and Commissioner Thompson to coordinate specific issues. The motion was seconded by Mr. Thompson and carried.
2. **Request To Utilize Social Media:** The Department of Veterans Affairs is considering the use of the social media through Facebook. This social site could decrease the number of phone calls to the office. Mr. Ladd has discussed the project with Information Systems Director Terry Tribby and Mr. Tribby sees no problem with the request. Mr. Ladd has also spoken with the Judge Advocate at Grissom Air Force Base in Peru concerning matters of security, since they just recently went to Facebook. They have a FAM page under organization, with a disclaimer. If anyone posts something unethical, it is immediately blocked. Currently there is no Facebook policy. Mr. Ladd will distribute his information to Mr. Murrell and Mr. Tribby for review for possible procedure, to bring to the April 4th meeting.

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 March 25 and April 1, 2011, in the amount of \$352,254.24 each were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** Commissioners' Operating Claims payable today, in the amount of \$229,092.70, were submitted and 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 February 28, 2011, was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Clerk's Report:** The Clerk's Monthly Report for the month ending February 28, 2011 was submitted and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

IN THE MATTER OF ATTORNEY ISSUES:

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

1. **MOU's:** Mr. Murrell submitted Memoranda of Understanding between Howard County and the Greater Kokomo Economic Development Alliance for the \$5,000 Small Business Grants for All God's Creatures and Hendrix Production, LLC. The grants have been approved by the Edit Grant Committee. A motion was made by Mr. Wyman to approve the grants upon the terms stated in the Memoranda of Understanding with All God's Creatures and Hendrix Production, LLC. The motion was seconded by Mr. Thompson and carried.

At the January 18th meeting the Board of Commissioners approved a Small Business Grant with Top of the Line Auto Detail (*please refer to page four, "In The Matter Of Small Business Grant Requests", of the Regular Meeting minutes dated January 18, 2011*). Mr. Murrell now reports that business owner Zack McKillip has asked that the MOU be amended to have the funds sent from GKEDA to his office,

rather than the downtown satellite office. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to confirm the amendment of the MOU to reflect a change in mailing address.

2. **Release Of Tax Sale Purchase:** Mr. Murrell submitted a Memorandum of Understanding between Howard County, the Department of Natural Resources, and Gerald J. Maden for a parcel purchased by Mr. Maden at a tax sale. The parcel was originally owned by the Department of Natural Resources, but was purchased at tax sale by Mr. Maden. When it came time for Mr. Maden to take the tax deed, the DNR expressed intention to retain the property. This agreement reflects the DNR's intent to retain the parcel and pay the surplus held (\$246.13), and Mr. Maden's intent to forego the tax deed and release any interest in the property. This agreement settles the dispute. A motion was made by Mr. Wyman to approve the Memorandum of Understanding between Howard County acting on behalf of the Howard County Auditor, the State of Indiana Department of Natural Resources, and Mr. Gerald Maden, and authorize President Moore to sign the MOU on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
3. **Kitty Run Matter:** We are currently working on documentation for the loan application for the Kitty Run Project. Because the Board of Commissioners signed the loan application, the State has requested that the Board of Commissioners also sign the Confirmation for the Right of Entry over the Kitty Run easement, declaring the County has the right to enter the easement for purposes of reconstruction. A motion was made by Mr. Wyman to confirm sending the letter to the WWSRF Program Administrator and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
4. **Wilson Statement:** Mr. Murrell submitted a statement from Attorney Alan Wilson for services rendered in the case of Nicholas Maggart v Marty Talbert, Sheriff of Howard County, in the amount of \$350.00. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson. The statement will be paid from the Insurance Deductible line item in the Commissioners' account.
5. **Resolution No. 2011-BCCR-07:** This is a resolution of the Board of Commissioners amending the Capital Improvement Plan for calendar years 2010-2011. The figures have been re-worked to reflect the addition of the Kitty Run loan payment in the amount of \$165,000 and to include the balance from the prior years. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Resolution No. 2011-BCCR-07.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Wyman:

Mr. Wyman congratulated the YMCA in the success of their \$5,000 dinner (annual fund-raiser) last Friday evening.

The Literary Coalition had their "Dancing With The Stars" event, last Saturday night that was also very successful.

Cook McDougal's hosted a St. Patrick's Day celebration. Mr. Wyman suggested that it was one of the best St. Patrick's Day celebrations in downtown Kokomo.

A personal thank-you to Commissioner Moore for his coaching of a basketball team that Mr. Wyman's son was involved in.

At Markland and Park Road there is a big pile of trash. That pile is a result of the hard work of the volunteer group, Wildcat Guardians, last Saturday morning.

Mr. Wyman would like the Board of Commissioners to keep current with the work of the Citizens Consolidation Committee concerning the Modernization Act, and address its discussion at the next Commissioner meeting.

Commissioner Moore:

Commissioner Moore once again congratulated the Kokomo Wildcats and Western Panthers for their basketball victories over the weekend. Kudos were also issued to Western’s Robotics team.

Earlier in the year the Board of Commissioners approved a five member Drainage Board. The Commissioners need to make their final appointment to the Board and Mr. Moore now submits the name of Ron Smith, who has agreed to serve, for consideration. A motion was made by Mr. Wyman to appoint Mr. Ron Smith to the Howard County Drainage Board. The motion was seconded by Mr. Thompson and approved.

Invitations have been received by the Commissioners to the next Drug Court graduation, on Wednesday, April 20, 2011. The graduation will be held at the Government Center’s Hearing Room.

This Thursday, March 24, 2011, at 6:00 p.m. there will be a public open house at Central Middle School for contract #10 of the US 31 Corridors Project. The presentation will begin at 7:00 p.m.

This Friday there will be a Grant Workshop for local governments, in Rochester, Indiana, at the Fulton County Public Library. Congressman Joe Donnelly will be the Master of Ceremonies for the event.

IDEM Notices were submitted as follows:

Approval of renewal of Solid Waste Facility Permit FP 34-06 for the Davis Road Transfer Station and notification to post and advertise

Receipt of Air Permit Application for Delphi Kokomo Technical Center

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

The Kokomo Rescue Mission would like to obtain a small strip of land next to the Open Arms location. This land has been on tax sale but not sold. A municipality could take certificate for the property for future sale. Mr. Moore would like to look into the idea of working with the City of Kokomo to get the small strip of land to the Rescue Mission.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:50 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 Commissioner Meeting March 21, 2011