

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 15, 2012**

The Howard County Board of Commissioners met in Regular Session on Monday, October 15, 2012, at 8:30 p.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 Bill Thompson led in the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

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

The minutes of the October 1, 2012 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 October 5, 2012 Administrative Session were submitted. Commissioners Tyler Moore and Paul Wyman received information and recommendations from Wanda McKillip, Brittany Dockemeyer and Regions' agent Doug Heath. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

### **IN THE MATTER OF PUBLIC COMMENT:**

President Moore opened the floor for Public Comment as follows:

Mark Slater, 105 S. Jay St., Kokomo, Indiana: Mr. Slater received an e-mail from The Kokomo Event Center informing him that he can no longer hold his Mixed Martial Arts Convention at the Event Center. The Chancellor was concerned that a college building is being used for a Martial Arts event. Mr. Slater put the e-mail on his facebook page, but never contacted the media. He does have a license from the Indiana Gaming Commission to hold these types of events, and a representative is present at every event. At the time when the Board of Commissioners gave Ivy Tech the Event Center building, Mr. Slater was told by Ms. Tiffany Damitz (Event Center Coordinator) that the change of ownership would not affect his events for three to four years, until the new Event Center was built. Nine months ago she announced in the media that, "we are assuring everyone that there are no changes in the scheduling of events." Mr. Slater received no warning – just the e-mail. This kind of event is the fastest growing sport's event in the world and he is concerned for the bad publicity and the visitor income the County will lose (about \$600,000 annually). This story will be featured on Access TV and the Inside MMA television program. Mr. Slater continued to review statistics around this event and fielded questions from the Board of Commissioners.

Commissioner Wyman gave historical background for the reasons of turning the Event Center over to Ivy Tech. He and Mr. Moore offered to talk with the Chancellor. Attorney Larry Murrell clarified that due to the transfer agreement, the Commissioners have a limited capability to influence any decision. They need to talk with the Chancellor and determine if the facts support the decision as "reasonable". If so, that is the extent of the Commissioners' recourse against Ivy Tech.

Kristina McQuiston, 1121 S. Elizabeth Street, Kokomo: also gave support to for the Mixed Martial Arts Convention. She asked the Commissioners, "... what is the appropriate action to take?"

Commissioner Moore reminded Ms. McQuiston that Ivy Tech does own the facility. Commissioner Wyman confirmed that that coming to the Board of Commissioners was the appropriate action, and they will meet with the Chancellor to collect facts to see if it was a reasonable decision. But Ivy Tech is the owner of the property and there is no other entity to force a property owner to reverse their decision. Discussion also ensued between Ms. McQuiston, Mr. Slater, and the Commissioners concerning the acquisition of a new Event Center.

Joshua Willis, 417 Branded Blvd., Kokomo: he is one of the supporters for Homes for Wounded Warriors and is here on behalf of Marcus Trobach. Mr. Trobach had planned to take on a UFC fighter in the next Coliseum Combat. Proceeds from the fight were to benefit a wounded veteran for the next Home for Wounded Warriors. Now there is nowhere to hold the event (Mr. Trobach made over \$7,000 from the September 29<sup>th</sup> event in Kokomo).

The Board confirmed that they would be meeting with the Chancellor of Ivy Tech concerning this issue.

**IN THE MATTER OF DEPARTMENTAL REPORTS:**

**HIGHWAY DEPARTMENT:**

1) Highway Superintendent/Engineer Ted Cain submitted the paperwork for the 2013 Annual Bids for materials and supplies, and asked that the Board of Commissioners sign the cover sheet. The bids are due no later than 8:00 a.m. on November 19, 2012. A motion was made by Mr. Wyman to approve the Notice to Bidders for the 2013 Annual bids for Materials and Supplies. The motion was seconded by Mr. Thompson and carried.

2) Mr. Cain gave a report on the status of new vehicle needs for the Highway Department. He is working on specifications for collecting quotes for new vehicles in 2013 (\$25,000 to \$75,000). Vehicles needed are pick-up trucks and vans; estimated costs are between \$26,000 and \$30,000 dollars.

**PLAN COMMISSION:**

1) Plan Commission Director Greg Sheline submitted specifications for the Flood Mitigation Excavation Bids. The bid will be published in the papers on October 2 and 24, 2012, to be received no later than noon on November 5<sup>th</sup>, at the Plan Commission Office. The bid and legal advertising documents have been prepared by Grant Administrator Tina Henderson. A motion was made by Mr. Wyman to approve the bid documents, and to set the received date of November 5, 2012, at noon. The motion was seconded by Mr. Thompson and carried. Mr. Sheline will contact local contractors to make them aware of the invitation to bid. Mr. Murrell informed the Board that the documents do not specify a completion date, and asks the Board for a consensus to allow the Grant Administrator and Mr. Sheline to determine the date, possibly the end of April, 2013. The Board agreed by consensus.

2) Mr. Sheline informed the Commissioners' that the excavation of the unsafe building at 900 S. Clark Street has been completed, with the final leveling and re-seeding to take place today or tomorrow. Final inspection will be completed this week.

**COUNTY ASSESSOR:**

County Assessor Jamie Shepherd submitted an informal update of the TMA Personal Property Audits. The audits are halfway completed as it pertains to parcel count, not assessed value. The office has discovered total values of \$12.6 million assessed value and have found a negative variance (refund) of \$3.2 million. This means a total of \$9.4 million net ahead in discovered valued. An additional \$70,000 will be billed to carry forward, but the billing process is not yet completed. This has been a tedious process for both Assessor offices and the Auditor's Office, but beneficial.

**STORMWATER:**

Stormwater Coordinator Greg Lake informed the Board that the Darrough Chapel Project is progressing well. He submitted a Payment Voucher from Keith Sullivan Excavating in the amount of \$69,639.86, for signature and payment. A motion was made by Mr. Wyman to approve the payment of Voucher DV-11-208, in the amount of \$69,639.86, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

**PERSONNEL DEPARTMENT:**

1) Personnel Director Wanda McKillip submitted an employee memo concerning the Pizza Luncheon sponsored by Compass Healthcare Advisers on Tuesday, October 30, 2012. This luncheon will inform employees who take the medical insurance, of the SmartShopper program that provides cost information and incentive for healthcare facilities in our area. There will be two session times, the first being from 11:10 – 11:50 a.m. and the second at 12:10 p.m. – 12:50 p.m. A motion was made by Mr. Wyman to approve the Pizza Luncheon on October 30, 2012, and the Employee Memo. A motion was seconded by Thompson and carried.

2) The Insurance Committee is moving forward with the Employee Wellness Program. This is a voluntary program that will offer incentive awards to participate in a screening program that will test and advise in these four areas:

- Body Mass Index
- Blood Pressure
- Tobacco levels
- Cholesterol levels

Ms. McKillip and the Insurance Committee received three quotes, for the screening, and Ms. McKillip recommends using American Health Network and their Employee Health Program. The Personnel Department is preparing the Annual Employee Health Insurance Packets, and all the screening information will be provided. Screening is available in November, 2012 and May, 2013. A contract will be available this afternoon and Mr. Murrell suggests that the Commissioners approve the contract today, subject to Mr. Murrell's review. A motion was made by Mr. Wyman to approve the contract with American Health Network for the Employee Wellness Program, subject to Attorney Murrell's review, and authorize the President to sign on behalf of the Board of Commissioners. Mr. Moore vacated the chair in order to second the motion and the motion carried.

3) A motion was made by Mr. Wyman to approve the job posting of the Veteran's Service Officer. The motion was seconded by Mr. Thompson and carried. Ms. McKillip confirmed that the advertisement would be included in two Sunday papers and one Wednesday paper. It will also be posted on several websites.

**MAINTENANCE DEPARTMENT:**

1) Commissioner Moore thanked Superintendent Scott Reed and the Maintenance Department for their work in re-vamping and supervising the County's parking lots, and for "dressing up" the Government Center.

2) On behalf of Mr. Reed, Mr. Murrell submitted the contract with Lawmakers for the roofing project at Howard Haven. The contract has been signed by Lawmakers and the paperwork includes the Performance Bond and their Certificate of Insurance. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the contract with Lawmakers, in the amount of \$144,900.00, and authorize the President to sign on behalf of the Board of Commissioners.

**IN THE MATTER OF THE WEIGHTS & MEASURES VEHICLE QUOTES:**

The Board of Commissioners has not received a response from the City of Kokomo concerning a determination of equipment and vehicles for the Emergency Management & Weights and Measures Departments, before today's meeting. They will now receive Weights and Measures Vehicle Quotes as follows:

Eric's Chevrolet	\$25,970.00
Brad Howell Ford	\$26,728.00

Mr. Wyman would like to give the City until Friday to respond to the Board of Commissioners regarding the Weights & Measures equipment and vehicle. He would also like to review the bids with Mr. Gary Gist.

Mr. Thompson read the following statement for the record:

"At our last meeting, I stated that in order to be fair to the taxpayers regarding ownership of equipment (due to the termination of Weights & Measures and Emergency Management Agency) I believed the best course of action was to settle the matter in a court of law. I also stated that the court ruling might help with any future division of equipment; this was in reference to when the city terminates the joint Dispatch and the joint Planning Commission agreements. Since our last meeting the County has sent a letter to the city putting them on notice that it is our opinion the equipment (already paid for with taxpayer money) should stay with the provider of service. Therefore, until this issue is settled through a court of law, I believe it is unwise, and a disservice to the taxpayers, to purchase more of the same equipment."

At the conclusion of ensuing discussion, concerning legal options, a motion was made by Mr. Wyman to approve moving forward with the purchase of a vehicle for the Weights & Measures Department, subject to review by the Board of Commissioners and Gary Gist, as well as all necessary equipment, as a "Special Purchase", if the Board has not received the equipment and vehicle from the City of Kokomo by noon on Friday, October 19, 2012. The Board can also consider issuing a Restraining Order, at that time, for the vehicle and equipment of the Weights & Measures Department. Mr. Moore vacated the chair in order to second the motion, and the motion carried with two aye votes: Mr. Thompson did not vote. It was confirmed that the media would be notified if a "Special Meeting" is needed.

### IN THE MATTER OF THE PURCHASE OF NEW PROPERTY BY THE COUNTY:

Mr. Wyman explained that the Board of Commissioners has been looking at space planning and parking issues for the downtown County owned buildings. We are currently seventy (70) spaces short of parking spaces for full time employees that work downtown. In order to address the office space and parking concerns, the Board of Commissioners are considering the purchase of the property located at 213 South Main Street (corner of Main and Superior Sts), giving us one hundred twenty (120) parking spaces and 18,000 square feet of space. The Commissioners would move the Prosecutor's offices to the new building and move the Probation offices to the second floor, from the basement. The Board proposes a Purchase Agreement of \$850,000 over a three year period: \$305,000 in 2012, \$300,000 in 2013 and \$245,000 in 2014. This agreement is subject to Board and County Council approval; County Council appropriation from the Cumulative Capital Fund and State Approval; subject to the hiring of two certified appraisers, the county taking the average price of the two appraisals; County to certify that usage is appropriate for the current zoning law. The purpose of splitting the purchase price over a three payments is in order to not overload the Cumulative Capital Fund. At the conclusion of ensuing discussion, a motion was made by Mr. Wyman to approve the Purchase Agreement, and use the Agreement to draft a final land contract over a three year period, subject to final review and approval, 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 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 were submitted for October 19 and 26, and November 2, 2012, in the amount of \$351,341.90 each. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Salary Claims as submitted.
2. **Operating Claims:** Operating Claims payable today, in the amount of \$370,577.76, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Early Pay Claim:** Ms. Wells submitted a claim for early payment to Keith Sullivan Excavating, Inc., in the amount of \$121,104.63. This is for the Darrough Chapel Project and is being paid from a grant. The invoice was approved for early payment on a motion made by Mr. Wyman and seconded by Mr. Thompson. Because the grant monies cannot be held by the County for more than three day, a motion was made by Mr. Wyman to authorize the President of the Board of Commissioners and Stormwater Coordinator Greg Lake to sign all early pay claims that are related to the Darrough Chapel Project. The motion was seconded by Mr. Thompson and carried.
4. **Reports:** Ms. Wells submitted the Treasurer's Report for the month ending September 30, 2012, and the EMA Calendars and event lists for the months of September and October, 2012. The reports were 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 Board's information and approval:

1. **DLZ Invoice:** Mr. Murrell submitted an invoice from DLZ Indiana, Inc., in the amount of \$1,405.00, for services rendered for the Criminal Justice Center Renovation and Technology Upgrade project. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Resolution No. 2012-BCCR-30:** Mr. Murrell submitted a Decommissioning Agreement with Eon for the Wildcat Wind Farm, in the event that Eon would, for whatever reason, abandon the project, a process is put into place to decommission the units. The salvage would go to the landowners and/or the County. Eon is posting a bond to cover the costs associated with the decommissioning. Mr. Murrell also submitted Resolution No. 2012-BCCR-30, approving the Decommission Agreement. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Decommissioning Agreement with Eon, as well as Resolution No. 2012-BCCR-30.
3. **Sprint Nextel Rebanding Conclusion:** Mr. Murrell submitted final documents for the FRA Frequency Reconfiguration Agreement, authorizing the return of a \$17,000 payment the County received for

expenses to the County. The payment was never used because it could not be confirmed, and the Resolution reflects the Commissioners' action to return the payment to Sprint Nextel. Howard County has no further obligation to this project and E911 Dispatch Coordinator Nick Capozzoli has also signed off on this project. A motion was made by Mr. Wyman to approve this Sprint Nextel Rebanding resolution. "In order to close out the county's frequency reconfiguration agreement with Sprint Nextel dated May 14, 2007, the Board hereby approves and authorizes the President to execute the following closing documents: (1) Mutual Assignment of FCC Licensing, (2) Closing Certificate of Howard County, (3) Incumbent Completion Certification, and (4) Finance Reconciliation Statement; provided, however, such approval and delivery of these documents are subject to confirmation that the county has no further obligations or requirements imposed by the Transition Administrator. The motion was seconded by Mr. Thompson and carried.

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

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

- 1) Mr. Thompson reminded all that October is Breast Cancer Awareness Month.
- 2) "Happy Birthday. Seventy-Five years ago this Saturday, on October 20, 1937, folks from throughout all of Indiana came to dedicate a new Howard County Court House. That year the President of the United States was Franklin Delano Roosevelt. On the lighter side: the President of our County Council, Richard Miller, was just starting his first term in public office and just as the Courthouse itself has changed very little over the last seventy-five years, so have the wages of our County employees. Just thought you might be interested."

##### **COMMISSIONER WYMAN:**

At the Indiana Main Street Conference, last week, the City of Kokomo and Howard County received a joint Award for Excellence in Economic Development (downtown beautification efforts). Mr. Wyman reviewed a listing of accomplishments that included landscaping and parking lot renovations, and the sixteen (16) businesses that have received Small Business incentives to locate downtown. Congratulations!!

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

- 1) IDEM Notices:  
Approval of Permit Modification #067-31936-00065, Chrysler Group, LLC – Kokomo Transmission Plant.  
  
Part 70 Operating Permit to produce transmissions in automobiles and light duty trucks, No. T 067-18292-00065.

The notices were received on a motion made by Mr. Wyman and seconded by Mr. Thompson.

- 2) We received an Extension of Conditional Notice Pursuant to the Worker Adjustment and Retraining Notification Act for the Hostess Brands bankruptcy proceedings. That Notice was received by consensus.
- 3) Commissioner Moore acted as the Hearing Officer of the Township Appeal filed by Linda G. Powell, Center Township. It was a lengthy appeal and a lot of information was provided. If the findings of the Township Trustee are upheld, Ms. Powell will appeal to the State of Indiana. Mr. Moore recommends the decision of the Township Trustee be upheld. A motion was made by Mr. Wyman, seconded by Mr. Thompson, and carried to uphold the denial of the Township Trustee for Linda G. Powell, Center Township.
- 4) Mr. Moore read the following Certificates of Appreciation to Howard County Employees as follows:

Five Years:	Brian Harmon
	Peggy Detchon
	Priscilla Cook
	Justin Markley
	Kristina Shirey
	Andrea Stonestreet
	Gregory Burns
	Tony Bower

Steven Barton  
Joshua Rosselot  
Joseph Pullen

Ten Years: Bradley Hamilton  
Ronald Kendall  
Blake Harness  
Mark Brackett  
Gary Cook  
Mary Bailey

Fifteen Years: Stephanie Doran  
Charles Scarborough Jr.

Twenty Years: Holly Stahl

Twenty-Five Years: Wayne Ives

**IN THE MATTER OF PUBLIC COMMENT:**

Auditor Ann Wells informed the Board that she was privileged to hear E911 Coordinator Nick Capozzoli speak at the Republican Women's Club Meeting. He submitted a presentation of E911 responsibilities, and fielded questions from the audience. "I really think that we have a great person in Nick Capozzoli as Director of E911."

*There being no further business to come before the Board of Commissioners at this time  
the meeting was adjourned at 10:40 a.m. on a motion made by  
Mr. Wyman and seconded by Mr. Thompson.*

**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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BILL THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting October 15, 2012