

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 3, 2012**

The Howard County Board of Commissioners met in Regular Session on Monday, December 3, 2012, at 4:00 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 December 3, 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 November 20, 2012 Executive Session were submitted. The subject matter of the meeting was that permitted under IC 5-14-1.5-6.1(b)(2)(D), and no other subject matter was discussed. Those attending were Commissioners Tyler Moore and Paul Wyman; Councilman Dick Miller; Auditor Ann Wells; and County Attorney Larry Murrell. The minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

#### **HIGHWAY DEPARTMENT:**

1) Highway Superintendent / Engineer Ted Cain reviewed the 2013 Annual Bids for Materials and Supplies and gave a recommendation that all bids be approved (*please refer to pages two and three, "In The Matter of Departmental Reports: Highway", of the Regular Meeting minutes dated November 19, 2012*). A motion was made by Mr. Wyman to approve and award all the bids received at the November 19, 2012 regular meeting, as listed in the November 19<sup>th</sup> meeting as items 2, 3, 4, & 6. The motion was seconded by Mr. Thompson and carried.

2) Mr. Cain informed the Commissioners that a bid proposal was not received from one of the local vendors that historically bids for bridge work equipment rental. Mr. Cain would like to re-bid the project just for Item 5, Equipment Rental. The bids would be advertised two times, with submission to the Auditor's Office no later than 8:00 a.m. on Monday, December 17, 2012. A motion was made by Mr. Wyman to approve the Notice to Bid for Item 5, Equipment Rental, and to have the bids due to the Auditor's Office no later than 8:00 a.m. on Monday, December 17, 2012. The motion was seconded by Mr. Thompson. Attorney Murrell called for a Point of Order. He clarified that a Notice to Bid had to be published two (2) times, ten days before the meeting. The meeting on the 17<sup>th</sup> would not give us enough time to advertise twice. Mr. Wyman amended his motion to read, "A motion was made by Mr. Wyman to approve the Notice to Bid for Item 5, Equipment Rental, and to have the bids due to the Auditor's Office no later than 8:00 a.m. on Thursday, December 27, 2012. The amended motion was seconded by Mr. Thompson and carried.

#### **KINSEY YOUTH CENTER:**

1) Kinsey Youth Center Director Brent Kelley submitted a contract between Howard County and Swank Motion Pictures, for a license fee to show copyrighted movies, in the amount of \$400.00. The contract has been reviewed and approved by Attorney Murrell. The contract with Swank Pictures was approved and the President was authorized to sign on behalf of the Board of Commissioners, on a motion made by Mr. Wyman and seconded by Mr. Thompson.

2) Mr. Kelley submitted an agreement with Functional Family Therapy Associates for ongoing technical support and training, and licensing for intellectual property, for the Functional Family Therapy program at the Kinsey Youth Center. A motion was made by Mr. Wyman to approve the Agreement with Functional Family Therapy Associates, Inc., and authorize President Moore to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

3) Mr. Kelley submitted a Residential Treatment Services Provider Contract, EDS# A93-3-13-RE-S0-1315, between Howard County and the Indiana Department of Child Services. This is to continue the Residential and Shelter Care programs at Kinsey Youth Center. Mr. Murrell has reviewed the agreement. A motion was made by

Mr. Wyman to approve the Residential Treatment Services Provider Contract and authorize the President to sign on behalf of the Board of Commissioners.

4) Kinsey Youth Center has a 2005 Chevy Trail Blazer that has 132,000+ miles on it. This vehicle was struck by a deer and had sustained damage. Eric's Chevrolet has submitted a proposal to allow KYC to trade the Trail Blazer in for a 2010 Equinox that has 34,000 miles on it, in lieu of repairing the Trail Blazer. The price for the Equinox, including the trade, would be \$15,175. Mr. Kelley believes the trade and purchase would be a wise investment and safer for the residents of the Kinsey Youth Center. There is \$22,618 left in the Cum Cap Vehicle line item (150-000-04723.23). A motion was made by Mr. Wyman to approve the request to trade the 2005 Trail Blazer and purchase the 2010 Equinox, in the amount of \$15,175, from the Cum Cap Fund. The motion was seconded by Mr. Thompson and carried.

#### **COUNTY ASSESSOR:**

1) Assessor Jamie Shepherd submitted her recommendation for the bids received for the Annual Adjustment and Assessment Service Contracts, approved by Resolution No. 2012-BCCR-25 (*please refer to page two, "In The Matter Of Opening Of The Reassessment Bids", of the Regular Commissioner Meeting dated September 17, 2012*). The two bids received were; (1) Ad Valorem, \$109,400 and; Tyler Technologies, \$84,950. Ms. Shepherd has reviewed and evaluated the bid paperwork against the specifications outlined in the resolution. Although Ad Valorem is higher, she recommends awarding them the bid because it is the most responsive and advantageous in the areas of accessibility (local vendor with quicker response time), long term relationship, lower cost in appeal support, contribution to local tax base, and their twenty-four (24) year experience of working with the State House. At the conclusion of Ms. Shepherd's presentation, Center Township Assessor Sheila Pullen stepped to the podium to give her opinion and support of awarding the bid to Ad Valorem solutions. A motion was made by Mr. Wyman to approve awarding of the bid to Ad Valorem Services, referring to Resolution No. 2012-BCCR-25, in the amount of \$109,400, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson. Attorney Larry Murrell submitted a Point of Order, asking that the last sentence on the first page of Ms. Shepherd's report be included as a part of the action of approving this bid award. Mr. Wyman amended his motion to include the sentence, "Further the Assessor is authorized to finalize the contracts with Ad Valorem Solutions, and the President is authorized to execute the final contracts, all subject to the approval of the DLGF". The amended motion was seconded by Mr. Thompson and carried.

2) Ms. Shepherd hosted a presentation by X-Soft, a CAMA provided software program to house all assessment and data. She was excited to see what the software could do, and had invited the Commissioners, several Council members, Auditor, Treasurer, Recorder, Surveyor, Stormwater Coordinator, both Assessor Offices, and IT Director Terry Tribby. Ms. Shepherd will continue discussion at a later meeting.

#### **INFORMATION SYSTEMS:**

Information Systems Director Terry Tribby submitted a request to approve a Purchase Agreement with Electronic Strategies Inc (ESI) in the amount of \$19,861.76. This agreement is for equipment to help in the consolidation of data centers (we are currently at two centers). Consolidation will assist in back-up and restoring information. At the conclusion of explanation, a motion was made by Mr. Wyman to approve the Purchase Agreement with Electronic Strategies Inc, for the purchase of the Dell EqualLogic, in the amount of \$19,861.76, and authorize the President to sign the Purchase Agreement on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

#### **PUBLIC DEFENDER:**

1) Public Defender Steve Raquet submitted a request to purchase Apple I-pads, in the amount of \$120,144, from the Public Defenders Supplemental Fund. These I-pads would enable the Public Defenders to retrieve documents while they are in the Courtroom. It would also allow Counsel to meet with an inmate (all assignments must meet with offender within 48 hours) at any location through video conferencing, and was the deciding issue in purchasing the Apple product. IT Director Terry Tribby is reviewing compatibility with the County's IT system and will be ready to give his recommendation when completed. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the purchase of the Apple I-pads from the Public Defender Supplemental Fund, subject to final testing of the Information Systems Department.

2) A Deputy Public Defender resigned November 1<sup>st</sup>. He has requested that he be able to purchase his computer that had been purchased through the Public Defender's Supplemental Fund. According to Mr. Tribby, the computer is of no value to the County, but the IT Department would charge a \$30 fee to remove sensitive County information and programs. A motion was made by Mr. Wyman to authorize the transfer of the computer assigned

to the former Deputy Public Defender, and to charge a \$30 reconditioning fee. The motion was seconded by Mr. Thompson and carried.

#### **PLAN COMMISSION:**

1) Plan Commission Director Greg Sheline submitted Case 6-CP-12, one (1) lot in Matchett Subdivision, and it comes from the Plan Commission Board with a favorable recommendation. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Case 6-CP-12, one lot in Matchett Subdivision.

2) Mr. Sheline submitted Case 9-CZ-12, Ordinance No. 2012-BCCO-30, a rezoning request. This request is to rezone property located at 6972 E. County Road 400 S. from IS (Institutional) to AC (Agricultural Commercial). This request was brought to the Plan Commission by Ms. Mary Wilborn on behalf of Pals for Paws. This request comes from the Plan Commission Board with an Unfavorable Recommendation. Today's meeting was also advertised as a Public Hearing Case 9-CZ-12 and President Moore introduced Assistant County Attorney Alan D. Wilson, attorney assigned to the Plan Commission, and then opened the floor for public comment as follows.

**Deb Smith, 1301 Tepee Drive, Kokomo, Indiana:** Ms. Smith is involved with Pals for Paws and was here to represent Ms. Mary Wilburn who could not attend. Ms. Smith distributed paperwork to the Board of Commissioners that included maps of the location to be considered, as well as locations of Fort Wayne rescue/spay & neuter clinics. Ms. Smith has been involved with Pals for Paws, a rescue group, since its inception. Grants can be used to help citizens with costs of vaccination and spay & neuter services, but cannot pay for all medical costs. Costs not covered by grants are funded by adoption costs. The location in question is to house a free Spay/Neuter clinic in Howard County that will bring in twenty-seven (27) employee positions. Howard County has a "stray animal" problem. Ms. Smith then read a letter written by Ms. Wilburn.

**Tom Trauring, 515 W. Sycamore Street, Kokomo, Indiana:** Mr. Trauring is the attorney for the one hundred sixty-nine (169) remonstrators against the zoning change. The remonstrators are not against pets or the Pals for Paws organization. They question whether this request is proper land use for the proposed location. The area in question is trending residential, even though a 2003 Comprehensive Plan cited that business of this kind would be a proper use in this zoned area. There is also occasional flooding in this area, and noise concerns that could be considered a public nuisance. The remonstrators ask that the Board of Commissioners deny the Rezone request.

Commissioner Wyman asked Mr. Trauring several questions concerning the remark, "...trending residential...".

**Tony Denaudin, 3864 S. CR 700 East:** Mr. Denaudin's residence is four hundred-twenty (420) feet from the existing building on the property in question. He commented that dogs do bark and have the potential to create significant noise. He's also concerned with dog waste and possible run-off.

**Ms. Deb Smith:** There could be up to 80 – 100 dogs on the premises during the day, but no more than 20 animals overnight. This facility is mainly a spay/neuter clinic, and overnight stays will be minimal. She assured the Board that dog waste will not be a problem.

Discussion ensued concerning the recuperation time for most spayed or neutered animals; stray animal concerns; miscellaneous issues. At its conclusion, both Commissioner Wyman and Councilman Roberts offered to work with Pals for Paws to find an appropriate location for a clinic, or to find a way to partner with the existing Humane Shelter when they relocate. A motion was made by Mr. Wyman to support the unfavorable recommendation from the Plan Commission Board and deny the request to rezone, Case 6972 East CR 400 South. The motion was seconded by Mr. Thompson and carried.

**Becky Langley, 4640 South CR 700 East, Kokomo, Indiana:** Ms. Langley wondered why Pals for Paws couldn't be located next to the new Humane Shelter facility.

#### **IN THE MATTER OF THE YMCA SUPPORT ANNOUNCEMENT:**

The Howard County Board of Commissioners recognized the attendance of several guests from the community and the local YMCA Board, as well as Council members Joe Pencek, John Roberts, Richard Miller, Les Ellison, and Commissioner Elect Brad Bray. The Howard County Board of Commissioners is pleased to announce a pledge of \$500,000 of County EDIT funds to the Kokomo YMCA building project. This pledge will be paid over five years in annual installments of \$100,000, subject to the County's annual budgetary process and compliance with the EDIT statute. These payments will commence upon the Y's completion of a successful capital fund campaign, enabling the immediate construction of a new

downtown facility. President Moore opened the floor for public comment, and many positive comments were received. Mr. Dave Dubois, Director of the YMCA, expressed appreciation to the Council and Commissioners and continued to outline some of the services provided by the local YMCA.

Mr. Ron Metz, General Chairman of the YMCA Community Building Project, expressed excitement and inspiration over this pledge. County involvement is “hugely significant”. He continued to thank the Board of Commissioners for their leadership and their pledge.

#### **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:** The Commissioners’ Salary, Hourly and Overtime Claims payable December 7 & 14, 2012, in the amount of \$351,341.90 each, were approved as submitted 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 \$745,478.68, were submitted, and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. Ms. Wells commented that these claims included the November election poll worker claims.
3. **Confirm Advanced Payment Claims:** Ms. Wells submitted two advanced pay claims, signed by Mr. Moore. She asked that his signature be confirmed. The claims were Settlement Claims that did not meet our insurance deductible. Mr. Moore’s signatures were confirmed on both claims on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Monthly Report:** The Clerk’s Monthly Report for the month ending October 31, 2012, was submitted, and accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

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

1. **Amended Resolution:** Previously in the meeting, the Reassessment Contracts were addressed and the motion was amended (*please refer to page two, item one*). Ms. Shepherd submitted the amended Resolution for the Commissioners’ signatures.
2. **Humane Society Contract:** Mr. Murrell has reviewed the 2013 Contract with the Humane Society. The contract is in the same format and the amount has been reduced to \$130,000, because of a decrease in territory due to annexations. The contract amount has been budgeted by the County Council. Assistant County Attorney Mr. Alan Wilson advises that he has experienced no performance issues with the Society in the enforcement of our Animal Control Ordinance. The Contract with the Kokomo Humane Society was approved as submitted, in the amount of \$130,000, on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Chippendale Insurance Claim:** At the October 1<sup>st</sup> meeting Mr. Murrell submitted a letter on behalf of the Chippendale Homeowners’ Association, confirming that Howard County owned the land the entrance median was on, but the median is maintained by the Chippendale Homeowners’ Association. The letter had been requested by DuPont Chemicals, as a part of the Insurance Claim for damage done to trees that were treated with the DuPont product (*please refer to page three, item one, “In The Matter Of County Attorney Issues”, of the Regular Meeting dated October 1, 2012*). Mr. Murrell now submits a Claim Resolution Agreement with DuPont concerning the insurance claim. He has reviewed the agreement and made a few changes and now submits it to the Board of Commissioners for their approval and signature. President Moore submitted an amended 1<sup>st</sup> page, correcting the location of the property, and it was attached to the original agreement. A motion was made by Mr. Wyman to approve the Claim Resolution Agreement with DuPont Chemicals, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

4. **Health Department Vehicle Letter:** Mr. Murrell has prepared a letter to the Indiana State Department of Health, Local Health Department Outreach Division on request of Health Department Director Kent Weaver. This letter informs the State Department that Howard County approves the purchase of a vehicle for the Health Department and that it will be titled exclusively in the name of the Board of Commissioners. It also confirms the fact that any vehicle purchased from Local Health Department Trust Fund monies will be "...used solely by the Health Department". A motion was made by Mr. Wyman to approve the letter to the Indiana State Department of Health, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

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

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

Mr. Wyman expressed appreciation to all involved in the arrival of Santa Claus, last Saturday. Although he had to be out of town, he heard rave reviews, and thanked Commissioner Moore and his family for the major role they played in the event. Mr. Wyman also thanked the Greater Kokomo Economic Development Alliance (GKEDA). Mr. Moore and Mr. Wyman thanked our Maintenance Department and the folks at IBW, for installing the decorations around the Courthouse.

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

- 1) Notices were submitted as follows:

Notice of Public Meeting of the Drainage Board to consider giving drainage board approval to U. D. Little Subdivision, and associated site plan, to commence on Monday, December 3, 2012 at 6:30 p.m.

Hostess Brands – Notice that the Company should know about December 1, 2012, whether the Company will have to begin selling portions of its business and/or wind down its operations and liquidate, leading to employee separations within 14 days.

Notice to Taxpayers and all other persons affected by the adoption and content of Resolutions of the Kokomo Redevelopment Commission and Notice of Public Hearing on confirmatory Resolution (amendment to Kokomo Wildcat Declaratory Resolution).

The notices were received by the Board of Commissioners on a motion made by Mr. Wyman and seconded by Mr. Thompson.

- 2) Mr. Moore submitted a DLZ Invoice to Sheriff Rogers, for the Criminal Justice Center Renovation Project. Sheriff Rogers commented that the reconstruction project is progressing well. The crew is doing a fine job of keeping construction areas as neat as possible. He invited the Commissioners to come to the Center to view the progress.

- 3) President Moore commended Commissioner-Elect Brad Bray for attending Commissioner Training at the Annual Conference last week.

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

Mr. Moore opened the floor for Public Comment as follows:

**Evan Yoder, 5351 W County Road 300 S:** Mr. Yoder has been a poll worker for the Howard County elections and also served as Inspector. He has compiled information concerning the proposed Voting Centers being considered by the Howard County Election Board, and made copies available to the Commissioners for their information. The packets include Indiana Code 3.11-18.1-3, viable questions to ask, definition of voting issues, and the decline in e-voting.

The Commissioners thanked Mr. Yoder for his service to Howard County, and for the information packets.

*There being no further business to come before the Board of Commissioners at this time  
the meeting was adjourned at 6:00 p.m. on a motion made by  
Mr. Wyman and seconded by Mr. Thompson.*

**HOWARD COUNTY COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Commissioner Meeting December 3, 2012