

**HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 5, 2012**

The Howard County Board of Commissioners met in Regular Session on Monday, November 5, 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 October 15, 2012 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

**IN THE MATTER OF DEPARTMENTAL REPORTS:**

**HIGHWAY DEPARTMENT:**

- 1) Highway Department Superintendent/Engineer Ted Cain submitted a State LPA to Supplement #1 Agreement, between INDOT and Howard County (LPA), for additional federal funds needed for the Touby Pike project. A motion was made by Mr. Wyman to approve the State LPA Supplement Agreement (#1) between INDOT and Howard County (LPA), #0710026. The motion was seconded by Mr. Thompson and carried.
- 2) Mr. Cain has learned that some of the utilities for the Touby Pike /US 31 Project are contained in a private easement. Howard County will need to purchase a right-of-way and have the utilities moved, meaning additional costs for the project. Mr. Cain believes those costs will be covered 80% federal and 20% county funds.
- 3) Paperwork is moving forward for the LaFountain Street Bridge. A design meeting will be held on Thursday, November 8<sup>th</sup>.

**PLAN COMMISSION:**

- 1) Plan Commission Director Greg Sheline submitted one lot in Wild West Subdivision located at 5547 S County Road 800 W. The Plat was approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
- 2) Ordinance No. 2012-BCCO-27 is an ordinance to rezone property located at 5547 S County Road 800 W, from AG (Agricultural) to RR (Rural Residential). A motion was made by Mr. Wyman to approve Ordinance No. 2012-BCCO-27, rezoning from AG (Agricultural) to RR (Rural Residential). The motion was seconded by Mr. Thompson and carried.
- 3) Ordinance No. 2012-BCCO-28 is an ordinance to rezone property located at 10766 E County Road 500 S from AG (Agricultural) to RR (Rural Residential). Ordinance No. 2012-BCCO-28 was approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
- 4) Resolution No. 2012-BCCR-32 is a resolution amending fees for services and publications of the Howard County Plan Commission. The fees affected by this resolution are as follows:

- A. Improvement Location Permits:
  - 1. One (1) dollar per estimate or contract cost with \$100 minimum and \$1,000 Maximum Fee
  - 2. Sign Fees:
    - (1) Temporary Sign Permit \$75.00
    - (2) Small On-Premise Sign Permit \$100.00
    - (3) Large On-Premise Sign Permit \$100.00
    - (4) Off-Premise Sign Permit \$100.00
- H. Director's Approval of Site Plan \$600.00

These fees were approved by the City of Kokomo in March of 2012. The previous Temporary Sign Permit had been \$15.00 and Mr. Sheline is aware that it seems to be a big increase. He reminded the Board that the \$15.00

amount was set twenty (20) years ago, and this is the first increase. It should have been increased by increments, but had not been addressed. The Plan Commission cannot do the work it takes to write the permit for \$15 dollars. At the conclusion of ensuing discussion, a motion was made by Mr. Wyman to approve Resolution No. 2012-BCCR-32. President Moore vacated the chair in order to second the motion and the motion carried on two Aye votes. Mr. Thompson did not vote on this motion, due to insufficient information.

5) Mr. Sheline submitted bids for the Flood Mitigation Excavation project, and the bids were opened as follows:

Feightner Excavating	\$108,655.00	All nine properties
Alliance Excavating & Demolition	\$ 65,680.00	All nine properties
North American Construction Inc.	\$ 87,000.00	All nine properties

A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to receive the bids and take them under advisement for further review.

6) Mr. Sheline submitted a letter to FEMA confirming the Joint Plan Commission's wish to participate in the Flood Mitigation Update Plan, that happens every five years; and to approve application for a grant to the State of Indiana to fund the project. If we don't participate in the Plan Update, it will affect the EMA office. A motion was made by Mr. Wyman to approve the Flood Mitigation Update letter of participation and approval of grant application, and authorize Mr. Sheline to sign the letter on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

*At this time Vice President Paul Wyman, on behalf of the Board of Commissioners, recognized the presence of Councilman Les Ellison.*

**RECORDER:**

County Recorder Brook Cleaver submitted a Contract for Back Indexing, between Howard County and Karen Klein. Ms. Klein is the Chief Deputy Recorder and this contract is for work done for the Recorder's Office as it pertains to the back indexing of records. This contract is a renewal to the present contract, effective beginning January 1, 2013. The current agreement expires December 31, 2012. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Agreement for Contract Services for Back Indexing, between Howard County and Karen Klein, effective January 1, 2013, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

**STORMWATER DISTRICT:**

Stormwater Coordinator Greg Lake submitted an additional Certificate of Loan Completion from the State Revolving Loan, used for the construction of the Kitty Run Drain Project. The Drainage Board is listed as the signator but Mr. Lake would like the Board of Commissioners to act on this as well. The documents are correct and agree with our documents. A motion was made by Mr. Wyman to receive the Certificate of Completion for the State Revolving Loan fund, for the Kitty Run Project, and forward the Certificate to the Drainage Board. The motion was seconded by Mr. Thompson and carried.

**PERSONNEL DEPARTMENT:**

1) Personnel Director Wanda McKillip informed the Board that the Wellness Program has begun with the first screenings on Saturday, November 3<sup>rd</sup>. The Personnel Office has already received several positive comments.

2) The Personnel Department is now ready to do Anthem on-line open enrollment, beginning this year.

3) Ms. McKillip introduced Mr. Doug Heath, Regions Insurance, to review the 2013 Anthem Renewal Plan. The Insurance Committee met on October 30, 2012 to review, discuss, and approve the 2013 Renewal Plan. The 2013 Renewal Plan will experience an increase of \$34,102 (slight increase in Administrative and Specific Insurance costs). After review of the fund balance and claims listing from the last several months, the Insurance Committee gave a recommendation to (1) NOT CHANGE any of the Benefit Plan Design, and (2) NOT CHANGE any of the employee contributions for the 2013 Plan Year. The Insurance Fund balance has increased the last eight (8) months. At the conclusion of review, Mr. Heath asked the Board of Commissioners to approve the Insurance Recommendations as submitted. A motion was made by Wyman, seconded by Mr. Thompson and carried to approve the recommendation from the Insurance Committee to (1) not change any of the Benefit Plan Design and

(2) to not change employee contributions for the 2013 Plan Year, implement the Wellness Program on the point system, and implement the online Open Enrollment, this year, to eliminate paper packets. The motion was seconded by Mr. Thompson and carried.

A motion was made by Mr. Wyman to approve the Anthem Renewal documents, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

4) A motion was made Mr. Wyman, seconded by Mr. Thompson and carried to approve the Agreement between Howard County and American Health Network for Biometric Screening and related wellness activities, and authorize the President to sign on behalf of the Board of Commissioners.

#### **IN THE MATTER OF THE 2013 HOLIDAY SCHEDULE AND COMMISSIONER MEETING SCHEDULE:**

Auditor Ann Wells submitted the 2013 Holiday Schedule and the 2013 Commissioner Meeting Schedule. The Commissioners reviewed the Schedules. The Holiday Schedule lists twelve (12) holidays reflecting the lack of two voting days, and was approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. The Commissioner's 2013 Meeting Schedule was reviewed. The Commissioners changed the last meeting date from Thursday, December 26, 2013 to Monday, December 30, 2013. The Meeting Schedule was amended to show the last meeting as Monday, December 30, 2013 at 12:00 noon, and approved on a motion made by Mr. Thompson and seconded by Mr. Wyman.

At this time Mr. Clee Oliver, 5768 West County Road 00 North South, Kokomo, Indiana, asked if the Board of Commissioners had acted upon his request to adopt a policy change to allow "any person" to request notification that, in the past, has only been afforded to the news media (*please refer to page one, "In The Matter of Public Comment", of the Regular Meeting minutes dated October 1, 2012*). The Board responded that they have not addressed the request at this time. Mr. Oliver commended the Plan Commission for the notices of Public Hearing that they send out by e-mails. County Attorney Larry Murrell took this opportunity to clarify the State Statute that addresses the publication of Commissioner meeting dates. If the Board of Commissioners decides to do more than the Statute requires, they must do so by formal action through an Ordinance or Resolution. He also addressed intent of the Administration Meeting and why it does not need prior notification.

#### **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:** Commissioners' Salary, Hourly and Overtime claims payable November 9 and 16, 2012, in the amount of \$351,341.90 each, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$503,115.05, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Weights & Measures:** The Weights & Measurer Monthly Report for the month of September 16 – October 15, 2012 was submitted and received on a motion made by Mr. Wyman and seconded by Mr. Thompson.
4. **Sheriff Commissary:** Ms. Wells submitted the Sheriff Commissary reports for the months of August and September, 2012, and the reports were received 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 September 30, 2012, was submitted and received 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. **MOU With Kokomo:** Mr. Murrell submitted a Memorandum of Understanding between Howard County and the City of Kokomo concerning the vehicles and equipment of the Weights & Measures and Emergency Management Agency. The basic agreement is; (1) to transfer the vehicles and equipment used for the Weights and Measures Department, to the County as they will be taking over; (2) transfer the EMA equipment and vehicles to Howard County with the exception of the two “tankers”; (3) add to Mutual Aid Agreement, the joint use of the Tankers after January 1, 2013; (4) City of Kokomo Fire Department agrees to respond to calls for assistant from the EMA director (or designee) with the tankers in a timely manner and without charge; (5) the County retains the right to charge a user fee for services provided by EMA or Weights & Measures with the same fee being charged for incorporated and unincorporated areas of Howard County. This agreement has already been signed by Mayor Goodnight. A motion was made by Mr. Wyman to approve the Memorandum of Understanding between Howard County and the City of Kokomo. President Moore vacated the chair in order to second the motion. The motion passed with two aye votes. Commissioner Thompson did not vote. The vehicle titles will be transferred at the end of the year. Mr. Wyman thanked everyone for the work done in this MOU process. Mr. Murrell commented that the City’s attorney, Mr. McCormack, was very cooperative.
2. **MOU With Forever Young:** This Memorandum of Understanding, between Howard County and the Greater Kokomo Economic Development Alliance, is for the Small Business Grant previously approved for the Main Street Café (Forever Young) (*please refer to page five, item one, “Commissioner Issues: Commissioner Wyman”, of the Regular Meeting minutes dated September 4, 2012*). A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Memorandum of Understanding in behalf of the Main Street Café, between Howard County and the Greater Kokomo Economic Development Alliance.
3. **Amended Purchase Agreement:** Mr. Murrell submitted Addendum #1 to the October 11, 2012 Purchase Agreement that was signed at the previous meeting (*please refer to page four, “In The Matter Of The Purchase Of New Property By The County”, of the Regular meeting minutes dated October 15, 2012*). This Addendum reflects changes requested by the Seller’s attorney. In response to a question asked by Mr. Thompson, Mr. Wyman commented that the facility was open for inspection by IT and Maintenance Departments. A motion was made by Mr. Wyman to approve Addendum #1 to the Purchase Agreement and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
4. **Appoint Appraisers:** With the purchase of the new building on the corner of Superior and Main Streets, the County must hire two appraisers and take the average of the two appraisals of the fair market value. A motion was made to appoint Phil Johnston of Johnston Taylor, and Michael Lady, of Indianapolis, to perform separate appraisals for the property located at 213 South Main Street. The appraisals must be returned no later than 12:00 noon on November 28, 2012.
5. **Vehicle Quotes:** The Quotes for a Weights & Measures vehicle are no longer needed due to the Memorandum of Understanding between Howard County and the City of Kokomo. A motion was made by Mr. Wyman to reject all bids for the Weights & Measures vehicle from Brad Howell Ford, Erik’s Chevrolet, and McGonigal. Mr. Moore vacated the chair in order to second the motion and the motion carried. Commissioner Thompson did not vote.
6. **Extend Russiaville Loan:** Currently the Town of Russiaville has a loan from Howard County for the combination of the New London Sewer District (35,000) and the Town of Russiaville (\$46,000), in the amount of \$81,000.00. The balance of the loan is in the amount of \$76,334.00 and Russiaville (on request of Indiana Finance Authority) is asking that the Commissioners consider one of the following options:
  - 1) Forgive the current balance of the loan
  - 2) Forgive the balloon payment
  - 3) Restructure the balloon payment allowing \$2,333.00 per year paid until the loan is extinguished.
  - 4) Extend the current payment until 2019 with the new balloon amount

A motion was made by Mr. Wyman to approve option #4, to extend the current payment until 2019 with the new balloon amount, and authorize President Moore to sign any documentation reflecting this option

on behalf of the Board of Commissioners, subject to Attorney Murrell's review. The motion was seconded by Mr. Thompson and carried.

7. **Invoices:** Mr. Murrell submitted the following invoices for payment:

Barnes & Thornburg	Isaiah Christmas EEOC	\$1,488.00
DLZ, Indiana	CJC Renovation	\$1,405.00
Alan D. Wilson Atty	Driver v Howard Co Sheriff	\$ 286.00

A motion was made by Mr. Wyman to approve all three invoices for payment, as submitted. The motion was seconded by Mr. Thompson and carried.

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

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

"Tomorrow is election day.

Every election year (including several times from this very chair) I encourage folks to vote. Voting is a right and for me an obligation. What a greater County this would be if every eligible voter cast their ballot in every election. But there are forces in the United States (both individuals and state governments) that are working to disenfranchise many voters.

This is not just happening in states like Colorado, Florida, and Ohio; according to a local newspaper article last week, this could be happening right here in Howard County, Indiana. The article stated a mailer was sent out across the state by a right-leaning Washington, DC political action group, "Americans for Limited Government", purporting to be an "audit of public voting records".

I appreciate our local election officials for handling this situation the best they could and the Indiana Secretary of State for urging voters to ignore the mailers, but it is a sad time we live in, when Governors, Legislators and individuals in many states are trying to suppress a right we as Americans are all born with, the right to vote.

Tomorrow is Election Day. If you have not already voted early, I ask you, again, please exercise your right to vote!"

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

Mr. Wyman informed those present that on October 31, 2012, the Board of Commissioners received eighteen resumes for the Veterans Service Officer position. The Board has narrowed it down to five (5) resumes, and interviews will begin on Wednesday, November 14<sup>th</sup>. The final choice will be submitted at the November 19<sup>th</sup> meeting.

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

1) This week is Military Appreciation Days and Mr. Moore co-chairs the events along with Mayor Greg Goodnight. Mr. Moore will be privileged to present Resolution No. 2012-BCCR-34 at the Military Ball on Saturday night. Mr. Moore read Resolution No. 2012-BCCR-34 one time, as follows:

**WHEREAS**, on October 8, 1954, the year Armistice Day was renamed Veterans Day, President Dwight D. Eisenhower issued the first "Veterans Day Proclamation," stating

*On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.*

**WHEREAS**, fifty-eight (58) years later, on Veterans Day November 11, 2012, it is fitting that we continue to pay tribute to all who have proudly worn the uniform of the United States of America.

**NOW, THEREFORE, BE IT RESOLVED** that, on behalf of the citizens of Howard County, the Howard County Board of Commissioners once again honors our Soldiers, Sailors, Airmen, Marines and Coast Guardsmen, who have served our country in the past, and serve our country today.

**BE IT FURTHER RESOLVED** that the Board encourages all citizens of this County to recognize the valor and sacrifice of our Veterans through appropriate public ceremonies and private thoughts and prayers throughout the week of Military Appreciation Days in Howard County, Indiana.

**DONE THIS 5 DAY OF NOVEMBER, 2012**

A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve Resolution No. 2012-BCCR-34 as read.

2) A Thank-You letter was received from Mr. David Broman of the Howard County Historical Society, thanking the Board of Commissioners for the use of the Courthouse Rotunda for their annual meeting. They commented that the Building Staff were generous with their time and help, and Mr. Broman commended them.

3) Purdue Extension gave notice of their Annual Extension Meeting on Wednesday, November 28, 2012, at 6:00 p.m. at the County Fairgrounds in Greentown.

4) Received Notice of Public Hearing from the Kokomo Common Council, to be held on Monday, November 19, 2012 at the City Council Chambers, City Hall. The Hearing is for Resolution 2628 and Resolution 2626, both titled Preliminary Economic Revitalization Area. The notices were received on a motion made by Mr. Wyman and seconded by Mr. Thompson.

5) IDEM notices were received as follows:

- a) Sanitary Sewer permit for the City of Kokomo, concerning a Sewer Separation Project in Kokomo.
- b) Notice of 30 day period for public comment – IDEM application from Chrysler to modify the Part 70 Operating Permit.

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

*A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to adjourn the meeting at 5:33 p.m. The meeting reconvened on a motion made by Mr. Wyman and seconded by Mr. Thompson at 5:34 p.m., in order to address two Township Assistance Hearings.*

The first Township Assistance Hearing was for Mr. David W. Smith, Center Township. After hearing the testimony of both sides of this case, it was Mr. Moore's recommendation to uphold the denial of the Township Trustee. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to uphold the denial of the Township Trustee.

The second Hearing was for Mr. Reginald A. Harvey, from Center Township. After hearing the testimony of both sides Mr. Moore recommends upholding the denial of the Township Trustee. The denial of the Township Trustee was upheld for the case of Mr. Reginald A. Harvey, on a motion made by Mr. Wyman and seconded by Mr. Moore.

*There being no further issues to come before Board of Commissioners at this time, the meeting was adjourned at 5:36 p.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 November 5, 2012