

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 2, 2012**

The Howard County Board of Commissioners met in Regular Session on Monday, July 2, 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 Thompson led in the Pledge of Allegiance, and Vice President Wyman offered a word of prayer.

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

The minutes of the June 16, 2012, 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 Special Called Session on June 28, 2012 were submitted and reviewed. A motion was made by Mr. Wyman to approve the minutes. The motion was seconded by Mr. Thompson and carried.

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

Commissioner Wyman commented that last weekend's Haynes – Apperson event was good with many exciting things happening. He thanked Sheriff Rogers and his crew, and Building Superintendent Scott Reed and his crew. He also mentioned that the City of Kokomo had several officers on duty at the event, and the Street and Traffic Department worked preparing for the event. There were close to one hundred community volunteers.

Sheriff Rogers reminded the Board of the "little wind" last Friday. The Criminal Justice Center was without power from 2:30 – 6:30 p.m. on Friday, but the generators fired perfectly. They experienced some difficulties being without full power. The Dispatch handled over one hundred calls, and thirty-eight fire calls during that time, scattered over the full length of the county. Kokomo and all volunteer fire departments responded. The Highway Department did a great job of handling problems as they were happening. Sheriff Rogers stated that Howard County is very blessed to have the EMA and Highway Departments that we have. All roads were cleared by midnight Friday night. The Dispatch room got up to 84 degrees, with no ventilation. Sheriff Rogers commended the dispatchers for working under those conditions. Sheriff Rogers also thanked Commissioner Thompson for his assistance.

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

#### **HIGHWAY DEPARTMENT:**

1) Highway Engineer / Superintendent Ted Cain submitted the Memorandum of Understanding between Howard County and the City of Kokomo, for the Morgan Street Project from the existing US 31 to Touby Pike. 78.3% of the project lies within the City boundary and 21.7% within County boundary. The City would like to change the three-lane section to a two lane section with a bike path, and will meet with Butler Fairman & Seufert to confirm that change. There is also a sewer issue that the City would like to enter into the project. Mr. Cain admits there will be a need for a change order (or Supplemental Agreement), but for now, he would like the Commissioners to approve the MOU as submitted. A motion was made by Mr. Wyman to approve the Memorandum of Understanding with the City of Kokomo, for the Morgan Street Project, from the existing US 31 to Touby Pike. President Moore vacated the chair in order to second the motion. The motion carried with two aye votes and one abstention from Commissioner Thompson.

2) Mr. Cain submitted the Indiana Department of Transportation – Local Public Agency Project Coordination Contract. This agreement allows Howard County to receive federal funds for the Morgan Street Project (from the existing US 31 to Touby Pike). A motion was made by Mr. Wyman to approve the Local Public Agency Project Coordination Contract. President Moore vacated the chair in order to second the motion. The motion carried with two aye votes and one abstention.

3) Mr. Cain commented that he will be meeting with Duke Energy in two weeks, to confirm several issues with higher management, concerning the need for local service.

Mr. John Speidel, from Butler Fairman & Seufert, thanked Mr. Cain and the Board of Commissioners for their vote of confidence in allowing Butler Fairman & Seufert to be the engineers for this project.

#### **SHERIFF DEPARTMENT:**

Sheriff Rogers introduced Mr. Paul Downing from DLZ Indiana, LLC. Mr. Downing submitted the bid specifications and construction documents for the Howard County Jail Renovation and Security Electronics Update Project. Mr. Downing distributed copies of these documents to the Board of Commissioners and reviewed them. He also reviewed the Project Schedule with the Board. Mr. Downing informed the Board that last week, Mr. Downing reviewed plans with the Sheriff and his staff, and several changes were made. Drains were changed from 3" to 4"; changed tables in day area from eight 4-seat tables to 6 6-seat; added 2<sup>nd</sup> ventilation fan in toilet and shower area. While discussing costs of the project, Mr. Downing reviewed the inclusion of two alternate bids; (1) revise Bid Hold period from 60 days to 90 days; and (2) extend Security Electronics warranty from 12 months to 24 months. The bids must be received no later than August 6, and recommendations will be submitted at the August 20, 2012 Board of Commissioner meeting. Mr. Downing asks that the bid be awarded at that time. The project completion date is January, 2013. A motion was made by Mr. Wyman to approve and authorize DLZ to begin the bidding phase of the project including publication of the Notice for Bids. The motion was seconded by Mr. Thompson and carried. A pre-bid meeting will be held on July 19, 2012, with all bid specifications being available from DLZ.

#### **PROBATION DEPARTMENT:**

Two weeks ago the Board of Commissioners approved a request submitted by Mr. Travis, to allow Howard County to apply for a Grant and then act as a "pass through agency" for the grant (*please refer to page two, Issue three, "In The Matter Of Departmental Reports, Probation Department", of the Regular Meeting minutes dated June 18, 2012*). Mr. Travis has returned in order to inform the Commissioners that an \$8,942.00 Federal grant has been awarded, and the match money will come from the Probation Officers Professional Association of Indiana (POPAI). Mr. Travis submitted award paperwork for the Board to sign; the paperwork was approved by Attorney Murrell. Mr. Travis has also received unofficial word that three of his probation officers have received a grant to attend national training in Indianapolis, in August. A motion was made by Mr. Wyman to approve the Award Letter and Grant Agreement, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

#### **HOWARD HAVEN:**

1) County Home Superintendent Jennifer Vary submitted the following Resident Applications:

Elizabeth Graves	Private Pay	Howard County Resident
Clarence Lamberson	Private Pay	Howard County Resident
Mary Diller	Private Pay	Howard County Resident and step great-grandmother of Ms. Vary

If approved, these three residents will bring the total of Howard Haven residency to twenty-two (22). A motion was made by Mr. Wyman to approve the Resident Applications of Clarence Lamberson, Elizabeth Graves, and Mary Diller, subject to the standard 90- day probationary period. The motion was seconded by Mr. Thompson and carried. Attorney Murrell informed the Board that the relationship between Ms. Vary and Ms. Mary Diller does not violate the County's Nepotism Policy.

2) Ms. Vary submitted a Professional Services Contract Residential Care Assistance Program with Indiana Family and Social Services Administration. This is an annual contract, necessary for the reimbursement of ARCH pay County Home residents. Mr. Murrell has reviewed the contract, essentially the same as last year, and recommends approval to the Board. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Professional Services Contract with the Indiana Family and Social Services Administration.

#### **IN THE MATTER OF A SMALL BUSINESS GRANT MOU:**

Commissioner Wyman submitted a Memorandum of Understanding for a Small Business Grant for Geary Photography Design. Mr. Wyman explained that the Small Business Grant Committee approved the grant, in the amount of \$3,600. The usual amount is \$5,000 but because their monthly rent is \$300, the grant committee approved the \$3,600 amount. This business will be located on the second floor of the building located at 219 North Main Street, downtown Kokomo, and is owned by Miles and Denise Geary. A motion was made by Mr. Wyman to approve the Memorandum of Understanding with Geary Photography Design and amend the MOU to read \$3,600 in lieu of \$5000. 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:** The Commissioners' Salary, Hourly, and Overtime Claims payable July 6 and 13, 2012, in the amount of \$346,081.33 each, were 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 \$612,029.88, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson. Mr. Moore abstained from the vote.
3. **Reports:** Ms. Wells submitted the Weights and Measures Monthly report for the month of May 16 – June 16, 2012, and the Weights and Measures Annual Report for the year June 16, 2011 to June 15, 2012. Both 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. **Nickel Plate MOU:** Mr. Murrell submitted a Memorandum of Understanding between Howard County Board of Commissioners and the City of Kokomo. This MOU refers to the Nickel Plate Extension Project from Cassville in northern Howard County to Gano Street in Kokomo, along the existing rail corridor. The trail will be used for hiking, bicycling, and other non-motorized recreational uses. A recent Indiana Supreme Court decision has raised questions whether railbanking triggers potential claims from property owners. For that reason, to protect the County's investment, there is a provision in the MOU that Howard County will reimburse the City of Kokomo the total sum of \$290,000, to be used and applied solely to the cost of construction of the project, toward the end of the project, and that it can only be reimbursed after a the City has accepted a construction bid. A motion was made by Mr. Wyman to approve the Memorandum of Understanding with the City of Kokomo, for the Nickel Plate Trail Extension Project. The motion was seconded by Mr. Thompson and carried. Mr. Murrell expressed appreciation to the City of Kokomo and their attorney, Lawrence McCormack.
2. **Dispatch Agreements:** At the May 21<sup>st</sup> meeting the Board of Commissioners approved four contracts with Digital Data Tech, for the Dispatch Center (*please refer to page two, "In The Matter Of Departmental Reports, Sheriff Department" of the Regular Meeting minutes dated May 21, 2012*). During review of the Contracts, County Assessor Jamie Shepherd noticed that there was no **protection** for our data, in the contract. Mr. Murrell contacted Digital Data and had them include in the contract their agreement to NOT release any of our data without our consent. Digital Data sent that inclusion as an addendum to the original contract, and Mr. Murrell asks that the Board approve the Addendum to the Digital Data Tech contracts. A motion was made by Mr. Wyman, seconded by Mr. Thompson and carried to approve the Addendum to the Digital Data Contracts, and authorize the President to sign on behalf of the Board of Commissioners.
3. **Approval Of Minutes:** Mr. Murrell submitted the minutes from the June 19, 2012 Administrative Meeting. Commissioners Tyler Moore and Paul Wyman received information and recommendations from Wanda McKillip, Brittany Dockemeyer and Consultant Kent Irwin regarding possible revisions to the Howard County Employee Handbook. County Attorney Larry Murrell was also present. A motion was made by Mr. Wyman, seconded by Mr. Thompson, and carried to approve the June 19, 2012 Administrative Meeting minutes.
4. **Alan Wilson Invoice:** Mr. Murrell submitted an invoice from Attorney Alan D. Wilson for litigation outside of his county attorney purview. The litigation concerns the suit against Von Liche Kennels, in the amount of \$671.00. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
5. **Additional Wilson Invoices:** Mr. Murrell submitted eleven additional statements for services rendered, including three Insurance Deductible cases, in the total amount of \$3,839.00. A motion was made by Mr.

Wyman to approve the additional invoices from Attorney Alan D. Wilson, in the amount of \$3,839.00. The motion was seconded by Mr. Thompson and carried.

6. **Waggoner, Irwin, Scheele & Associates Invoice:** Mr. Murrell submitted an invoice / statement from Waggoner, Irwin, Scheele & Associates, in the amount of \$4,289.71, for services rendered concerning the update of the Employee Policy Handbook. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Thompson.
7. **Community Howard Regional Partnership:** All paperwork having to do with Howard County's liability share in Howard Regional Hospital has been completed and Howard County has no liability issues with the new partnership Community Howard Regional Health.
8. **Wildcat Wind Farm Project:** Mr. Murrell informed the Board that he has been working with E-ON representatives on the inclusion of several Exhibits to the Road Usage Agreement. The document needs to be resigned by the Board of Commissioners.

Mr. Moore commented that there are those in the Howard County community who have expressed serious concerns pertaining to the Wind Farm project, such as set back distances and the effects of the turbines on small children, the elderly citizens, and cattle. The Board of Commissioners and the Plan Commission Board are being asked to consider set back distances in the Zoning Ordinance.

*There being no further business to come before the Board at this time, the meeting was adjourned at 4:55 p.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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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Commissioners Meeting July 2, 2012