

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 21, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, March 21st, 2005 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Paul J. Raver, Vice President Bradley J. Bagwell, and Member John B. Harbaugh. Also present were County Attorney Lawrence Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Paul J. Raver.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, March 7th, 2005 were considered. Mr. Bagwell made a motion to approve the minutes. Seconded by Mr. Harbaugh, the motion carried and the minutes were approved as submitted.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Howard County Highway Engineer/Superintendent, presented the following issues for Commissioner information and approval:

- 1. **Maintenance Bonds were submitted for Cobblestone Villas Subdivision, Section 2,** as follows:

| <u>Bond Number</u> | <u>Principal</u> | <u>Improvements</u> | <u>Amount</u> |
|--------------------|---------------------------------|-------------------------------|---------------|
| 3-807-110 | Hambone, LLC | Signs & Monuments | \$ 187.50 |
| 3-807-111 | Hambone, LLC | Soil Erosion | \$ 3,000.00 |
| 3-807-112 | Harvey Construction Co., Inc. | Storm Sewer | \$ 6,777.50 |
| 728167 / 104349960 | Shelly & Sands, Inc. | Stone Base & Asphalt Pavement | \$ 8,272.68 |
| 728168 / 104349961 | Shelly & Sands, Inc. | Surface Paving Only | \$ 4,658.27 |
| 5015387 | Advantage Concrete Limited, LLC | Concrete Curbs | \$ 2,647.40 |

Mr. Bagwell made a motion to accept the above listed maintenance bonds for Cobblestone Villas Subdivision, Section 2, as presented. Mr. Harbaugh seconded the motion, and it carried.

- 2. **Agreement for School Bus Turn Around:** Northwestern School Corporation Superintendent, Ryan A. Snoddy, submitted a written request that the Howard County Board of Commissioners approve a facility for a school bus turn around on property owned by Patrick Richards located at 3299 West 100 North.

Mr. Bagwell made a motion to approve the school bus turn around. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert presented the following issues for Commissioner information and approval:

- 1. **New Vehicle Update:** The Sheriff received information from Kokomo Auto World that the two marked Ford Crown Victoria patrol cars would be built today and the two unmarked vehicles will be built on March 28th, 2005. Delivery of the vehicles is anticipated to be in April 2005.
- 2. **Department of Corrections Issues:**
 - a. **DOC Reimbursement:** The County received a check in the amount of \$110,000.00 from the Indiana Department of Corrections for holding DOC prisoners and medical expenses. Sheriff Talbert received a letter from the Commissioner of the Department of Corrections stating that the payments to the county will no longer be delayed.
 - b. **Prisoner Lodging:** The Indiana Department of Corrections will no longer pay for inmate lodging in Kentucky and is in the process of moving prisoners back to Indiana. Sheriff Talbert said this

would be a savings to the county by not having to transport prisoners back from Kentucky for hearings.

3. **Jail Medical Conference:** Sheriff Talbert, Captain Harold Vincent, Jail Matron Sheila Wyrick, Councilman Les Ellison, and County Attorney Larry Murrell attended the Jail Medical Conference held on March 4th, 2005 in Indianapolis. Issues were addressed regarding the County's obligations and requirements regarding inmate medical care. The Sheriff received information that Senate Bill 350 failed. The bill would have required inmate medical care to be reimbursed at Medicaid/Medicare reimbursement rates. An interim study committee proposes to conduct a further study of the issue this year.
4. **Gasoline Budget:** The Sheriff stated concerns about the rising gasoline prices and costs for prisoner extraditions.
5. **Jail Population:** Various options have been implemented to decrease the jail population. The current number of inmates has reduced to 271 and the Sheriff questioned whether it would be viable to attend an upcoming Jail Building exhibition. The Sheriff advised that if anyone is interested in attending the seminar to contact him prior to the registration date of April 11th, 2005.
6. **Workplace Violence Training:** All elected officials and department heads were invited to attend a workplace violence training seminar conducted by Captain Harold Vincent on **March 22nd, 2005 from 11:00 a.m. to 1:00 p.m.**

IN THE MATTER OF PLAN COMMISSION ISSUES AND PROPERTIES FOR APPROVAL:

Assistant Plan Commission Director James Hunter presented the following issue for Commissioner information and approval:

1. **Case 43-CP-03– three (3) lots in Spicer Subdivision of Claypool Subdivision, Lot 1, located at 2950 South 870 West** was approved on a motion made by Mr. Bagwell. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Assistant Maintenance and Grounds Superintendent Jeff Berry was present before the meeting started and gave a brief update on the following issues:

1. Maintenance and Grounds Superintendent Tom Harrison has been released from the hospital in Florida and anticipates returning home on Thursday, March 24th, 2005.
2. The maintenance staff will remove the pump and electrical connection from the old sewage system at Howard Haven Residential Center.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

(See pages 4-5, February 21st, 2005 minutes, "In the Matter of Personnel Administrator Issues" for related discussion)

Ordinance No. 2005-BCC-10, an Ordinance of the Howard County Board of Commissioners Adopting a Revised County Personnel Policies Handbook to change employee Personal Leave time from half or whole day increments to hourly increments and the Amendment to Resolution No. 1998-HCC-21, Business Travel Procedure, were signed by President Raver.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

Information Systems Director Terry Tribby presented the following issues for Commissioner information and approval:

1. **Computer Upgrade - Administration Center:** *(See page 4, February 21st, 2005 minutes, “In the Matter of Information Systems Director Issues”, Item 4, for related discussion)* Some of the equipment that was ordered for the computer systems has arrived. Mr. Tribby advised the systems cost approximately \$1,150.00 each and includes printers at no additional cost. Mr. Tribby requested authorization to proceed with the purchase of twelve (12) additional computer systems for a total cost of \$12,593.84. *(Nine (9) systems for price of \$10,349.73 and three (3) GIS workstations at a cost of \$2,244.11).*

Mr. Bagwell made a motion authorize the purchase of twelve (12) computer systems for the Howard County Administration Center in the amount of \$12,593.84 and the Board finds that compatibility is a substantial consideration in the purchase whereby only one source meets the requirements, and authorize the President to sign on behalf of the Board. Mr. Harbaugh seconded the motion, and it carried.

3. Mr. Tribby extended congratulations to Ms. Jo Lee, the new part-time legal secretary in the County Attorney’s Office.
4. **Video Monitoring System Upgrade Project:** *(See page 3, February 21st, 2005 minutes, “In the Matter of Information Systems Director Issues”, Item 4, for related discussion)* Aadco, Inc. Alarm & Communication quoted a one time price of \$2,500.00 to move the old video equipment from the Courthouse to the Administration Center. The existing cameras in the Courthouse must remain; therefore new cameras would be needed for the Administration Center. Cameras having microphones cost \$2,130.00 each and cameras without microphones costs \$1,500.00 each. The camera system will be network capable and can be monitored from various locations. Mr. Tribby requested input regarding placement of cameras to determine the number needed and costs for the project.

There was discussion about funding sources to get the camera system installed before for tax time. Mr. Bagwell suggested obtaining an opinion from the Council at their next meeting to learn their position on funding the project. Auditor Ann Wells shall provide a report on the amount of funds available in the Cumulative Capital Development Fund and Economic Development Fund to the next Council.

IN THE MATTER OF EMT STUDY:

(See pages 5-6, February 21st, 2005 minutes, “In the Matter of EMT Study” for related discussion)

Mr. Raver addressed comments that were made regarding the previous discussion on February 21st, 2005. In the 38 years of involvement with Howard County Government, Mr. Raver stated that he has never used religion as a basis for any decisions as alleged in newspaper reports. Mr. Raver stated that both St. Joseph Hospital and Howard Community Hospital are needed in the community and commended their programs and services.

Mr. John Speidel, a professional consultant, plotted ambulance run data from both hospitals on a map. Mr. Speidel said the complication with plotting data in the northeast quadrant is that it is currently being served by Howard Regional Health System. There is no data available to conclude which hospital would have the faster response time to that area. Due to the lack of data available, Mr. Speidel was unable to recommend any solutions regarding division of ambulance territories. He said, *“I wish the people (from the hospitals) who operate these things and have the most knowledge would say to me or to anyone who can service this better”.*

Mr. David Shearer, Chairman of the Howard Regional Health System Board of Trustees, commented there have not been any complaints regarding emergency service to the community.

Kokomo Mayor Matt McKillip and Fire Chief Dave Duncan were present to represent the City’s contract with both hospitals. Mayor McKillip stated that the City is responsible for establishing geographic boundaries within the city limits to facilitate and coordinate the operations between the City and the various providers of advanced life support services. The Mayor said the City would be receptive to discussing revisions to the contracts and/or boundaries with both hospitals.

Mr. James Alender, President and CEO of Howard Regional Health System, commented that determining which hospital has quicker response times should not be based on assumptions. Mr. Alender was in support of conducting

dual runs to the disputed territory in the northeast quadrant in order to gain a realistic concept of response times. The Commissioners were concerned about liability risks involved with non-emergency ambulance runs.

In summary, the Commissioners offered differing conclusions resulting from their individual researches. However, everyone was in agreement that it was difficult to reach a unified conclusion when there are so many variables involved.

Mr. Harbaugh made a motion to continue the discussion and establish a study committee consisting of two (2) representatives from each hospital, one (1) representative from City Government, with Commissioner Harbaugh in charge, and Attorney Larry Murrell to serve as the coordinator. Seconded by Mr. Bagwell, the motion carried.

IN THE MATTER OF TIRE RECLAMATION PROJECT:

Mr. Charlie Skoog, Program Director for the Wildcat Guardians Adopt a River Program, presented an appeal for County Government and community assistance to clean up property located in Center Township at 2610 East Carter Street. Approximately 10,000 vehicle tires have been dumped in the floodway of the Wildcat Creek prior to the 1970's. During times of flooding the tires get into the creek and float downstream.

When Trinity Wesleyan Church acquired the parcel (Transfer Date 12/14/99, Indiana Central District of the Wesleyan Church, Inc.) they were unaware of the tire problem at the back of the property. The Church hopes to develop the property in the future. Currently the dump site is not accessible by most vehicles. The City of Kokomo made a commitment to develop an access road and to help remove the tires. The Wildcat Creek Guardians are currently seeking assistance from the Howard County Solid Waste District and various other community organizations. Firestone Tire will provide two trailers to haul the tires agreed to recycle the tires free of charge. Mr. Skoog invited the Commissioners and County Officials to visit the site this afternoon during a press conference scheduled today at 4:00 p.m.

The Commissioners took no action and the issue was taken under advisement by consensus.

IN THE MATTER OF CLAIMS AND REPORTS:

Howard County Auditor Ann Wells presented the following reports for Commissioner information and approval:

1. **Commissioner's Salary Claims for hourly, salary, and overtime payable for March 25th and April 1st, 2005 in the amount of \$291,420.90** were considered. Mr. Harbaugh made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
2. **Operating claims payable on March 21st, 2005 in the amount of \$90,004.67** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.
3. The **Howard County Treasurers Report for the month of February 2005** was accepted on a motion made by Mr. Harbaugh, seconded by Mr. Bagwell and carried.

IN THE MATTER OF SALES TAX REIMBURSEMENT ISSUES:

The County does not reimburse sales tax on purchases. The Commissioners were unsure whether a policy has officially been established. The following discussions were held regarding issues pertaining to sales tax reimbursement:

1. **Sheriff's Department:** The County does not reimburse the sales tax from the purchase of the following uniforms and related clothing. Sheriff Talbert reported that Merit Deputies and E-911 Dispatchers receive a uniform allowance twice annually. However, Corrections Officers do not and, consequently, will submit requests for reimbursement of uniform purchases, often including sales tax. It was determined that the Correction Officers will receive an annual uniform allowance of \$150.00 each June, separate from their paychecks, after completing one year of employment.
2. **Clerk's Office:** County Clerk Mona Myers submitted a request for reimbursement of sales tax in the amount of \$19.32 for the purchase of storage totes for election materials. A letter from Indiana State

Board of Accounts Bruce Hartman stated that the State pays sales tax for their employees as long as it is infrequent. If it becomes consistent, Mr. Hartman recommended that the employees use the tax exempt number and not get charged for the tax. Mr. Bagwell made the following recommendations regarding the Clerk's request for reimbursement:

- i) Return the sales receipt to the store with the county tax exempt number and receive a refund; or
- ii) Purchase from businesses that provide direct billing to the County so the county can provide the tax exempt number and not pay the sales tax.

Mr. Bagwell stated that reimbursement of sales tax costs the county additional money. Auditor Ann Wells advised that all office holders were provided with county tax exempt numbers. The Commissioners took no action at this time and requested the Auditor to research the records for a County policy addressing reimbursement of sales tax.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell presented the following issues for Commissioner information and approval:

1. Attorney Murrell acknowledged a thank you card from the family of Auditor Ann Wells for the flowers that were sent for the death of her mother.
2. Ms. Jo Lee, the new part-time legal secretary for the County Attorney was acknowledged. Attorney Murrell stated appreciation for Information System Director Terry Tribby's help in setting up the new workstation and the Auditor's office for sharing some office supplies.
3. A Claim-Voucher in the amount of \$10,000.00 was presented from the Indiana Department of Commerce regarding the services of Grant Administrator Tina Henderson for the Taylor Township Regional Sewer District project. (*Essentially, the Department of Commerce pays Howard County and then the County pays Ms. Henderson*).

Mr. Bagwell made a motion to pay the Claim-Voucher in the amount of \$10,000.00 on behalf of Howard County to the Indiana Department of Commerce in regard to the Taylor Township Regional Sewer District project. Mr. Harbaugh seconded the motion, which carried.

4. Attorney Murrell presented claims on behalf of Assistant County Attorney Brian Oaks as follows:
 - a. **Monthly office expense from January through March 2005 in the amount of \$330.00.** Mr. Bagwell made a motion to approve payment of the claim to Attorney Oaks. Seconded by Mr. Harbaugh, the motion carried.
 - b. A **claim for professional services rendered in the amount of \$599.50** for litigation with respect to matters regarding proposed Transfer Station. Mr. Bagwell made a motion, seconded by Mr. Harbaugh and carried, to approve payment of the claim.
5. **Consent Letter:** The City of Kokomo asked Barnes and Thornburg LLP to provide government relations services in their endeavor to lobby for funds. Currently the law firm represents Howard County with respect to the redevelopment of the Continental Steel Superfund Site. As a matter of a code of ethics Barnes and Thornburg submitted the letter to request the County's consent regarding their proposal to provide counsel to the City. The letter states that Barnes and Thornburg cannot represent the City or the County in the event of a legal claim or controversy against the other. Attorney Murrell did not foresee any problems with granting the consent to Barnes and Thornburg and advised that this would not prevent the law firm from assisting the County in the future.

Mr. Bagwell made a motion to approve the consent letter from Barnes and Thornburg LLP regarding the Continental Steel Superfund Site and the City of Kokomo and authorize the President to sign on behalf of the Board. Mr. Harbaugh seconded the motion, and it carried.

6. **Acquisition of Real Estate:** Pursuant to IC 16-22-3-25 Howard Regional System notified the Commissioners of its need to obtain the property located at 3609 S. Reed Road (formerly occupied by Denny's Restaurant) by way of condemnation proceedings. An Agreement between Howard Regional Health System and Howard County was presented regarding the use of Barnes and Thornburg Law Firm on this project.

Mr. Bagwell made a motion to approve the Agreement between Howard County and the Board of Trustees of Howard Regional Health System regarding condemnation of the property described above. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. The **Veteran Service Office Report for the month of February 2005** was accepted on a motion made by Mr. Bagwell. Mr. Harbaugh seconded the motion, and it carried.
2. The **Weights and Measures Monthly Report for February 15th, 2004 to March 15th, 2005** was accepted on a motion made by Mr. Harbaugh. Seconded by Mr. Bagwell, the motion carried.
3. The **Indiana Historical Society and the Indiana Historical Bureau** submitted a letter notifying the Commissioners that Mr. Fred C. Odiet has been selected to serve as the official County Historian.
4. **Informational Meeting:** The Citizens Resisting As-usual Politics sent a letter inviting Mr. Raver to attend a public information meeting on March 21st, 2005 at the Kokomo-Howard County Public Library regarding to the proposed waste transfer station at 2605 N. Davis Road. Due to the current litigation regarding this issue, Mr. Raver declined the invitation.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Harbaugh seconded the motion, and it carried. The meeting closed at 11:30 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVER, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes, March 21st, 2005