

## HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 7, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, February 7<sup>th</sup>, 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 and Vice President Bradley J. Bagwell. Also present were County Attorney Lawrence Murrell and Auditor Ann Wells. Member John B. Harbaugh was out of state and unable to attend the meeting.

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

*As a matter of proper procedure, President Paul Raver made provision to vacate the chair when necessary, in order to carry out the business of the County, in the absence of Member John B. Harbaugh.*

### IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, January 18<sup>th</sup>, 2005 were considered. Mr. Bagwell made a motion to approve the minutes with the following corrections. Seconded by Mr. Raver, the motion carried and the minutes were approved as corrected.

On page 6, "In the Matter Commissioners Issues", Item 4 – Correct the Paragraph to read: *"The Commissioners' request for additional appropriation of \$2,000.00 out of the Cumulative Capital Development Fund "was" presented at the Council meeting on Tuesday, "January 25<sup>th</sup>, 2005."*

On page 7 – The corrected notation should read: *"The Commissioners excused Mr. Raver so he could attend a "Wage and Hour" meeting".*

### IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Approval of Streets:** After inspection of the improvements to Cobblestone Villas Subdivision, Section 2, by the Howard County Highway Department, it has been determined that the streets in this subdivision should be approved. The contractor will be responsible for the maintenance of these improvements for three years after acceptance of these improvements and will have to provide a three-year maintenance bond.  
  
Mr. Bagwell made a motion to accept the streets in Cobblestone Villas Subdivision, Section 2 into the County Highway system. Mr. Raver seconded the motion, and it carried.
2. **Petition to Create Funding for Road Systems:** (*See page 1, "In the Matter of Highway Issues", Item 2, for related discussion*) County Attorney Larry Murrell reviewed the document and recommended that the Commissioners should not sign the petition. Mr. Cain took the same position and said he would not sign the petition.
3. **Road 400 North Project:** Mr. Cain noticed the state specifications contained a clause stating the contractor would receive extra money if the road is finished to a certain smoothness. Mr. Cain voiced displeasure with the statement and questioned why the contractor would receive extra money when the work was supposed done correctly in the first place. Mr. Cain advised he would contact the state regarding the outcome if the County decides not to sign off on the project.
4. **Performance Bond:** A Memorandum of Performance Bond No. B-8864523 in the amount of \$92,000.00 was submitted from E & K Construction, Inc. for the earthwork, storm systems, streets, street signs, curbs, and gutters, for **Walnut Estates Subdivision, Section 17**, in Harrison Township. Mr. Cain and Attorney Larry Murrell reviewed the documents and found everything to be in order.

Mr. Bagwell made a motion to accept the Performance Bond for Walnut Estates Subdivision, Section 17. Mr. Raver 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. **Meal Report:** Head Cook Donna Walker prepared a report outlining the amount of meals served at the Howard County Jail. In 2004 there was an increase of 28,860 meals. At a cost of \$2.79 per day for each meal, an additional \$80,519.40 was spent in 2004 compared to 2003.
2. **SWAT Truck Conversion:** The storage compartments of the current SWAT truck were designed to contain medical supplies and not SWAT equipment. Sheriff Talbert submitted a quote from Delphi Body Works, Inc. for \$20,615.00 to equip the current truck with storage compartments specifically designed for the SWAT Team. Sheriff Talbert said the cost for the conversion is available in the Misdemeanant Fund. The Sheriff's Department already has two new radios to place in the truck alleviating the need to purchase additional radio equipment.

Mr. Bagwell made a motion to authorize conversion of the SWAT Truck by Delphi Body Works at a cost of \$20,615.00 to be paid out of the Sheriff's Department Misdemeanant Fund, subject to Council approval. Seconded by Mr. Raver, the motion carried.

**IN THE MATTER OF PLAN COMMISSION ISSUES:**

Plan Commission Director Glen Boise presented the following issues for Commissioner information and approval:

1. **Ordinance No. 2005-BCC-06 (Case 1-CZ-05):** A change in zone classification from A-1 (Agriculture) to B-1 (Local Business) for property located in Liberty Township, at 3718 North 700 East, was considered. Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to approve Ordinance No. 2005-BCC-06.
2. **Unsafe Buildings:** Mr. Bagwell requested Mr. Boise to inspect an abandoned house on 850 East. Stray dogs found a way into the house and have been using it for shelter. Mr. Boise advised that the house is currently listed on an inspection schedule.
3. **Flood Mitigation Assistance Grant:** Mr. Boise is currently working on the duplication of benefits for the two properties that the County has agreed to purchase.
4. **County Comprehensive Plan Update:** Mr. Boise advised that the County Comprehensive Plan Steering Committee held a series of workshops at various locations in the community on February 3<sup>rd</sup>, 2005 to enable public comments on the County Comprehensive Plan.

**IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

*(See page 4, January 18<sup>th</sup>, 2005 minutes, "In the Matter of Maintenance Department Issues" for related discussion)*

Maintenance and Grounds Superintendent Thomas Harrison presented the following issues for Commissioner information and approval:

1. **Howard Haven Sewer Connection Update:** The sewer connection has been completed and is in operation. Nolan and Son Excavation will conclude the project with some grading work.
2. **Tile Flooring Project Update:** The vinyl tile floor covering for the Vital Records and Environmental Offices in the Howard County Government Center has been installed. Some painting still needs to be completed.

3. **Damaged Handrails:** The County received a check from the City of Kokomo for compensation of the damages to the handrail on the west side of the courthouse.
4. **Additional Telephone Lines in Courthouse:** Mr. Harrison said he would order the new telephone equipment for installation of additional phone lines in the Courthouse. He said there is no money appropriated in the Maintenance Department Budget for 2005 to pay for the equipment.
5. **Update on Electrical Boxes at Courthouse:** *(See page 6, December 20<sup>th</sup>, 2004 minutes, "In the Matter of Kokomo Downtown Association", Item 2, for related discussion)* Mr. Raver met with representatives from the Kokomo Downtown Association last week regarding the electrical issues around the Courthouse square. They have no official plans or figures to present. Mr. Harrison said he would contact City Electrician Kim Phipps and the electric company about removing the electrical boxes.

**IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:**

Commissioner Raver presented the following issue on behalf of Personnel Director Wanda McKillip, who was unable to attend the meeting:

**1. Commissioner Appointments for 2005:**

- a. **Howard County Economic Development Commission:** Mr. Larry Hinesley's term on the Howard County Economic Development Commission expired on January 31<sup>st</sup>, 2005. Mr. Bagwell made a motion to reappointed Mr. Hinesley to the Howard County Economic Development Commission for a term of four (4) years beginning February 1<sup>st</sup>, 2004 and ending January 31<sup>st</sup>, 2008. Seconded by Mr. Raver, the motion carried.
- b. **Property Tax Assessment Board of Appeals (PTBOA):** Indiana Code 6-1.1-2-18 states that the County fiscal body shall make two (2) of the four (4) appointments to the Property Tax Assessment Board of Appeals (PTBOA). One appointment is required to be a Republican and the other a Democrat.

Mr. Raver made a motion to reappoint Mr. William Sahn, (R), 3137 Enclave Ct., and Mr. William Jones, (D), 804 Woodcliff Dr., to the PTBOA for a term of one (1) year. Mr. Bagwell seconded the motion, which carried.

**IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:**

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

1. **E-Mail Upgrade:** The County e-mail system has been changed over to a new server. County workstations were set up and configured to the new server. Most of the SPAM message issues have been resolved and the virus protection is operating successfully. Mr. Tribby commended Systems Administrator Jeremy Stevens for his work on this project.
2. **Phase II Wireless Project:** A kick off meeting was held last week for the Phase II Wireless Project. Representatives from Information Systems, Berbee Wireless Network Solutions, Cisco Hardware, City Information Technology, Kokomo Police Information Technology Department, Kokomo Fire Department, and 911 Dispatch discussed prioritization of project goals.
3. **GIS Project Update:** Last week the GIS Core Steering Committee met with representatives from The Schneider Corporation. Mr. Tribby said the software has been ordered and dates have been scheduled for training. The county aerial photographs and data bases were provided to the Schneider Corporation. The first draft of the project is anticipated to be finished in May 2005.

**IN THE MATTER OF EMT STUDY:**

*(See page 7, May 17<sup>th</sup>, 2004 and page 9, December 6<sup>th</sup>, 2004 minutes, "In the Matter Commissioner Issues" for related discussion)*

Mr. Harbaugh was unable to attend the meeting and asked Mr. Raver to remove the issue from the agenda. Mr. Raver made a motion to remove the issue. The motion died due to lack of a second.

Representatives from Howard Regional Health Systems were present and requested that the Commissioners hear their comments. Mr. Bagwell stated he was interested listening to their comments in order to find out what their position on the matter is.

Mr. David Shearer, Appointee on Howard Regional Health System Board of Trustees, said representatives from Howard Regional Health System were present in response to Mr. Harbaugh's letter dated February 2, 2005. Mr. Shearer gave an account of the events that occurred up to the present time. He said Howard Regional disagrees with several statements contained in the letters from Mr. Harbaugh in regard to boundaries and response times. Mr. Shearer stated, *"In spite of the fact that Howard has continually tried to focus these discussions on quality of care for the residents of Howard County discussions over the past ten months have focused on boundaries and response time."*

Dr. Lori Melton, R.N., ER Ambulance Manager and Intensive Care Unit, said Howard Regional and St. Joseph Hospital were asked to submit maps with data. Howard Regional ran some routes to determine the locations they can get to the fastest and submitted a map labeled "Howard's Original Proposal" to the Commissioners. When the original negotiations began the changes to the western portions of the county were easily agreed upon between both hospitals, however the eastern portion of the county remains in question. Howard Regional suggested boundaries on the map based on the routes that were tested. St. Joseph Hospital ran their own test routes and do not agree with Howard Community's proposal.

Mr. Thomas Hilligoss, Attorney for the Board of Trustees, presented the legal perspective. Howard Regional is a quasi-governmental facility, which means the County owns the hospital but its employees are not public employees. The reason that the County owns Howard Regional Hospital is to make sure that the residents receive adequate and appropriate medical service. The legislature enacted a law stating that the Commissioners shall determine which agency provides emergency services to the community. Attorney Hilligoss supposed that the legislators did not want economic interests to decide the best interests of the people, meaning that money would take precedence over good health care. Attorney Hilligoss said the Trustees of the Hospital have a fiduciary duty to present information that the Commissioners might need to make determinations for Howard Regional and the citizens. He advised that Howard Regional should not enter into the contract with the knowledge that it would result in serious derogation of services to certain residents in the community.

Dr. Coy, Medical Director of Howard Regional Emergency Department, focused on time being a critical issue regarding patient care. She stated that even the slightest delay in care can adversely affect the outcome and survival of patients.

Dr. Lynette Hazelbaker, Internal Medicine Physician, reiterated that time is critical in regard to emergency care. Using a simple kitchen timer, Dr. Hazelbaker demonstrated the affect that a 45 second delay would have on an emergency response.

Mr. Shearer said Howard Regional System would accept the route proposal with one exception: that the northeastern territory line should be at 300 East and Howard Regional should continue to retain that territory. He said Howard Regional has a faster response time for emergency medical service to that area.

Mr. Bagwell made a motion to set a hearing for further discussion on February 21<sup>st</sup>, 2005 in Hearing Room No. 338 of the Howard County Administration Center and invite St. Joseph Hospital and a representative from Howard Regional Health System. Mr. Raver seconded the motion, and it carried.

**IN THE MATTER OF COMMUNITY CORRECTIONS ISSUS:**

Adult Community Corrections Director Steve Maus presented the following issues for Commissioner information and approval:

1. **Adult Community Corrections Grant Application:** This is a bi-annual grant requesting \$612,183.00 for Community Correction Programs. The grant will be effective July 1, 2005 through June 30, 2007. Mr. Maus spent a few moments explaining the program components. For the first year Community Corrections employees will receive a \$500.00 pay increase. The second year they will receive a \$1,000.00 raise, which is the same pay increases that County employees received for 2005. Within the grant application is a request for one (1) full-time case worker. One half of the salary would be paid out of transition money, a “per-diem” basis by the Department of Corrections, and the other half would be paid out of Project Income User Fees.

Mr. Maus explained that the grant request contained an additional component to IDOC. He explained that the component would be an enhancement to the current Home Detention Program. The grant application requests a total of \$47,230 for the first year and \$48,416 for the second year. The grant would include an additional full time caseworker beginning July 1, 2005, subject to IDOC approval. Mr. Maus briefly outlined the responsibilities of the new caseworker. During the discussion, the following corrections were made to the grant documents:

- a. On page 1 in Section B, Item 2: Change the Original Component start date from “January 1, 2001” to “*January 1, 1987*”.
- b. On page 11, Section E: Change the Auditor’s name on the Letter of Approval from “Martha Lake” to “*Ann Wells*”.

Mr. Bagwell made a motion to approve the Letter of Approval for the Fiscal Year 2005-2007 Grant Application as corrected. Seconded by Mr. Raver, the motion carried.

**IN THE MATTER OF JUVENILE COMMUNITY CORRECTIONS GRANT APPLICATION:**

Chief Juvenile Probation Officer Don Travis presented the Department of Correction’s Community Corrections Grant Application for approval. The grant in the amount of \$149,970.00 is for the Biennium year July 1, 2005 through June 30<sup>th</sup>, 2007. This grant is used for the SHOCAP Tracker Program, and Volunteer Service Work Program. The grant application reflects a 3% increase and falls in line with the amount of expenditures allowed by the IDOC. Two new components were requested. The Juvenile Drug Court Program would add a part-time contractual position of an Assessment Coordinator, and the Juvenile Institutional Re-Entry Program would provide a new full-time position for a Transition Coordinator. Mr. Travis stated that adding the new positions entails a lengthy process. If the requests are approved by the County Council, the positions would not commence until January 2006.

Mr. Bagwell made a motion to approve the Juvenile Community Corrections Grant for the Fiscal Year 2005-2007. Mr. Raver seconded the motion, and it carried.

**IN THE MATTER OF AUDITOR’S OFFICE ISSUES:**

County Auditor Ann Wells presented a service contract renewal from Peak Technologies for the annual service agreement for the check signer. The annual cost of the agreement, which expires on April 21, 2005, is \$522.96. The Commissioners delayed taking any action on this issue in order for Ms. Wells to research further information regarding service and replacement costs of the equipment.

**IN THE MATTER OF PARTNERS FOR A HEALTHIER COMMUNITY:**

Mr. Russ Towner, Howard County Health Fair Committee, informed the Commissioners that the responsibility for coordinating and funding the annual Howard County Health Fair has been transferred from the Howard County

Council on Aging, which no longer exists, to Partners for a Healthier Community. Mr. Towner provided details of the 2004 Health Fair that provided flu shots to Howard County residents.

In January, \$700.00 was encumbered from 2004 in Account 023, Howard County Commissioners' Budget to help sponsor the flu shot program; an additional \$700.00 was appropriated for 2005, for a total figure of \$1,400.00. The Commissioners advised that future claims submitted for payment to the Auditor's Office should verify that the Partners for a Healthier Community is the successor to the Howard County Council on Aging.

Mr. Bagwell made a motion to recognize that the Partners for a Healthier Community is the successor to the Howard County Council on Aging. Seconded by Mr. Raver, the motion carried.

**IN THE MATTER OF KINSEY YOUTH CENTER:**

Kinsey Youth Center Director Janet Weaver presented the following issues for Commissioner information and approval:

1. **Annual Service Agreements:** Ms. Weaver presented the annual service agreements as follows:

<u>Company</u>	<u>Agreement Renewal</u>	<u>Amount</u>
Lininger	Fire Sprinkler Inspection	\$ 190.00
Mobile Radio of Kokomo, Inc.	Intercom System	\$ 3,160.00
Mobile Radio of Kokomo, Inc.	Camera – Monitoring	\$ 2,525.00

Mr. Bagwell made a motion to approve the maintenance agreement with Lininger Company for the Automatic Fire Sprinkler Inspection Agreement in the amount of \$190.00 and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, which carried.

Mr. Bagwell made a motion to approve the Service Agreement with Mobile Radio of Kokomo, Inc. for the Intercom System in the amount of \$3,160.00 and the Service Agreement for the Monitoring System in the amount of \$2,525.00 for parts and labor only; and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, and it carried.

2. **Additional Appropriation Request:** Ms. Weaver submitted a request for \$30,000.00 out of the Cumulative Capital Development Fund to purchase a vehicle. This request was inadvertently misplaced in December 2004 when departmental requests for the CCD Fund were considered.

Mr. Bagwell made a motion to approve a request to the County Council for a \$30,000.00 appropriation out of the Cumulative Capital Development Fund for the Kinsey Youth Center to purchase a vehicle. Seconded by Mr. Raver, the motion carried.

3. Ms. Weaver introduced Ms. Kristy Koontz, an Indiana Wesleyan Social Work Intern.

**IN THE MATTER OF POOR RELIEF APPEAL FOR HARRISON TOWNSHIP:**

A Poor Relief Hearing was conducted on February 4<sup>th</sup>, 2005 for Harrison Township on behalf of **Jami M. Summitt**. The petitioner failed to attend the hearing. Commissioner Raver, Acting Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Harrison Township Trustee on February 4, 2005.

Mr. Bagwell made a motion to uphold the denial of the Harrison Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Poor Relief applicable to the case. Mr. Raver seconded the motion, and it carried.

**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 February 4<sup>th</sup>, February 11<sup>th</sup>, and February 18<sup>th</sup>, 2005** were considered. Mr. Bagwell made a motion to approve payment. Mr. Raver seconded the motion, and it carried.
2. **Operating claims payable on February 7<sup>th</sup>, 2005 in the amount of \$1,728,703.51** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
3. Copies of the **Soil and Water Conservancy District**, January 26<sup>th</sup> 2005 minutes, and the agenda for the February 23<sup>rd</sup>, 2005 meeting were provided to the Commissioners.
4. **Chrysler Bond Issue:** The Commissioners received an update from Mr. Bernie Ampe, Ampe Realty Management, Inc. on the bond issue funds for the Chrysler project for the month of December, 2004.
5. **Contractual Service Agreement:** The contract with Purdue University to provide salaries for the Purdue Extension Agents was submitted. Mr. Bagwell made a motion to approve the contract, effective January 1, 2005, pending review and approval by the County Attorney, and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.
6. **Secretary for County Attorney:** Mr. Bagwell made a motion to approve a request for an additional appropriation of \$17,500.00 to hire a part-time legal secretary for the County Attorney. Mr. Raver seconded the motion, which carried.

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

1. **Office Allowance:** Attorney Murrell presented a claim for his monthly office allowance in the amount of \$500.00 for the month of February 2005. Mr. Bagwell made a motion to approve payment. Mr. Raver seconded the motion and it carried.
2. **Employment Contracts:** The proposed employment contracts between Attorney Murrell and Assistant County Attorney Brian Oaks were distributed to the Commissioners for review.
3. **Grant Activity:** The Semi-Annual Reports prepared by Mendenhall and Associates for the Taylor Township Regional Sewer District and Honey Creek Township Fire Truck Grants were submitted for approval. Attorney Murrell reviewed the documents and found everything to be in order.

Mr. Bagwell made a motion to approve the Semi-Annual Reports on the Taylor Township Regional Sewer District and Honey Creek Township Fire Truck Grants, and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, which carried.

4. **Prosecutor Vehicle:** (*See page 4, January 3<sup>rd</sup>, 2005 minutes, "In the Matter of Prosecutor's Office" for related discussion*) Attorney Murrell reminded the Commissioners that the bids for the purchase of the unused Prosecutor vehicle are scheduled to be opened at the next meeting on February 21<sup>st</sup>, 2005.
5. **Seminar Invitation:** The Commissioners received an invitation to a Planning Design and Fund Seminar for Criminal Justice and Detention Facilities to be held on Wednesday, February 23<sup>rd</sup>, 2005 in Ft. Wayne.

**IN THE MATTER OF COMMISSIONER ISSUES:**

1. The **Weights and Measures Monthly Report for December 15<sup>th</sup>, 2004 to January 15<sup>th</sup>, 2005** was accepted on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.

2. The **Veteran Service Office Report for the month of January 2005** was accepted on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, and it carried.
3. **Suncoast Publishing Maps:** *(See page 5, November 1, 2004 minutes, "In the Matter of Map Publication Proposal" for related discussion)* Mr. Raver inquired if anyone has had contact with Mr. James Spurgeon, President of Suncoast Publishing. Attorney Murrell said he attempted to contact Mr. Spurgeon on November 18<sup>th</sup>, 2004 regarding the contract but has not heard back from him.

**IN THE MATTER OF MISCELLANEOUS BUSINESS:**

Mr. Raver asked if there was any further business to be brought before the Board.

Jay McKinley, 1159 West 300 North, and Thomas Trine, 1226 West 350 North, came forward and spoke in opposition of the proposed transfer station to be located at 2605 N. Davis Road. They voiced concerns about potential traffic problems, drainage problems, and environmental concerns. In addition they voiced complaints about the manner in which the Howard County Board of Zoning Appeals granted approval for the business.

Mr. McKinley said the citizens of the northern portion of the county wanted to make the Commissioners aware that they plan to take whatever political and legal means necessary to appeal the project. Mr. McKinley requested the Commissioners' opinions and help regarding the issue.

Due to pending litigation, it was the consensus of the Commissioners to not make any comments on the issue at this point in time.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, and it carried. The meeting closed at 11:10 a.m.

**THE HOWARD COUNTY BOARD OF COMMISSIONERS**

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PAUL J. RAVEN, PRESIDENT

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BRADLEY J. BAGWELL, VICE PRESIDENT

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JOHN B. HARBAUGH, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Commissioner Minutes, February 7<sup>th</sup>, 2005