

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 18, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, July 18, 2005, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver, Vice President Bradley J. Bagwell, and member John B. Harbaugh. Also in attendance were County Attorney Larry 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 July 5, 2005 Regular Meeting were considered, having been previously submitted, and approved on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried

Also considered were minutes from the Executive Session of June 27, 2005, reconvened on June 30, 2005 and completed on July 7, 2005. The minutes were approved as submitted on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **A Memorandum of Performance Bond** was submitted from F & K Construction, Inc. for Phase One of the Sycamore Farms Project. This bond covers seeding and erosion control, storm sewers, and earth work. Performance Bonds for additional work will be submitted as needed. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried, to approve the Performance Bond as outlined by Mr. Cain.
2. Mr. Cain updated the Board concerning Highway Department ongoing projects.
 - a. **The paving operation was halted** due to summer commitments of Mohr Construction, a Division of E & B Paving, Inc., that took precedence. This gives the highway department time to catch up on their chip and seal work.
 - b. **The Dixon Road Project is progressing.** Mr. Cain does not like the inconvenience to businesses and homeowners, caused by this project, but knows that it will be worth it when completed.
 - c. **The Webster Street Bridge project is completed.**

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Howard County Sheriff Marshall Talbert presented the following issues to the Board of Commissioners:

1. The **vehicle quotes have been distributed** to Kokomo Auto World, Bloomington Ford and Brad Howell Ford, and are due back on Friday, July 29th. Those quotes will be submitted and acted upon at the August 1, 2005 meeting.
2. Mr. Art Fross, Sheriff Department Maintenance, submitted a **proposal from Benchmark Mechanical concerning repair of the range steamer** located in the kitchen of the Criminal Justice Center. This steamer is about five years old and has serviced about 1,000 meals per year. Benchmark proposes to replace the boiler unit of the steamer and dispose of the replaced

parts for a total of \$4,750.00 including labor. At the present time, they were able to remove one burner and get the unit running, but this is just a short term repair. Sheriff Talbert believes he has enough money in the Building and Structures and Repairs accounts to cover the needed expense. The repair will require the steamer to be shut down for a part of two days and the water to be turned off, so the inmates will have to be fed sack meals. The law requires that inmates have to be fed at least one hot meal a day. They would receive a hot breakfast the first day and a hot meal for their dinner the evening of the second day. A motion was made by Mr. Bagwell to proceed with the replacement of the boiler unit in the steamer. The motion was seconded by Mr. Harbaugh and carried.

3. Mr. Fross also informed the Board of the **need to replace washers and dryers in the 2006 budget year.**
4. Mr. Fross had previously informed the Board of the need to **replace water lines** (*refer to item #6, page 2 of the May 16, 2005 Board minutes, "In the Matter of Sheriff Issues"*). The parts for this project are available and they may be able to coordinate the replacement of the pipes, with the steamer repair. Both projects would require the water to be turned off and the inmates to be fed with sack meals.
5. **The current jail population is 314 inmates.**

IN THE MATTER OF PLAN COMMISSION ISSUES:

Though there are no plats to be submitted for approval at this time, Plan Commissioner Director, Glen Boise, presented the following issues for Board information:

1. Flood Hazard Mitigation issues.
 - a. **The Randal property that was purchased by the County has been demolished to its foundation** (*refer to item 2a, page 2 of the June 20, 2005 Board minutes, "In The Matter of Plan Commission Issues"*). It will be completed soon.
 - b. **The Fike property, located at 500 Ridge Road, has been purchased.** Mr. Boise will come to the Board with a request for demolition, sometime in August.
 - c. At the July 5, 2005 meeting, the Board of Commissioners directed Mr. Boise to proceed with the **appraisals and inspection for the property of Richard Dale and Cindy Ann Ables**, located at 4089 South 50 East, Kokomo (*see item 3, page 2 of the July 5, 2005 Regular Meeting minutes, "In the Matter of Plan Commission Issues"*). The title work has been received, but he is still waiting for the appraisals.
2. **The Multi Hazard Mitigation Steering Committee will be meeting next week.**
3. Mr. Boise has been contacted by the Department of Natural Resource, **concerning flood plain maps.** The National Flood Insurance Program has started a project of updating flood plain maps. Tuesday, July 26, there will be a technical meeting for finding data to assist their effort.
4. The Board of Commissioners received a letter from the Harrison Township Trustee concerning an **abandoned property located at 3904 South 350 West.** The first order was issued in 2001 and the Plan Commission was advised of bankruptcy. They have never received a response from the owners. In 2004, the Sheriff's Department removed several abandoned vehicles. There are funds in the Unsafe Buildings account to initiate a course of action. This property has been certified for the October Tax Sale. Auditor Wells informed the Board that if this property

is still in bankruptcy, it would be taken off the Tax Sale list. Attorney Murrell was directed to investigate the bankruptcy status of this property, and respond to the Township Trustee of further action.

IN THE MATTER OF MAINTENANCE ISSUES:

Commissioner President, Paul Raver, presented the following maintenance issues, in lieu of Supervisor Tom Harrison:

1. **SBC contacted the Maintenance Department concerning the low usage of the pay phone located on the third floor of the Courthouse.** They will continue service to the phone for a convenience fee of at least \$50.00 per month, but because there is such low usage, they recommend removal of the phone. Due to wide usage of cell phones and the fact there is a phone located outside the east door, it was the consensus of the Board to not respond to the letter, allowing the phone company to remove the pay phone on the third floor of the Courthouse
2. **The Maintenance Department has secured two estimates for electrical work being done on the second floor of the Government Center.** This is a part of the renovation of the Department of Health offices. The number of electrical circuits and boxes need to be increased.

J & J Electric of Indiana	\$8,900.00	
Stelco/Amber Electric, Inc.	\$2,130.00	Sub Feed Panel
	\$4,904.00	Panel with new feed

The Stelco/Amber Electric, Inc. bid is much lower, but their work proposal is a short term repair. J & J Electric's proposal is a replacement system that will meet the needs of the Department for a much longer period of time. With that in mind, Mr. Bagwell moved to accept the quote from J & J Electric of Indiana in the amount of \$8,900.00. The motion was seconded by Mr. Harbaugh and carried.

3. During the last power outage to the Administration Center, it was noted there were no emergency lights in the stairwells. **Koorsen Fire & Security proposes to install eleven (11) emergency lights in stairwells for an amount of \$1,141.70,** including lights and installation. A motion was made by Mr. Bagwell to authorize the installation of the lights by Koorsen Fire & Security in the amount of \$1,141.70. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF PERSONNEL ISSUES:

Mrs. Wanda McKillip presented the following personnel issues for Board information and approval:

1. In 2001, a seventeen-year employee of the Highway Department, Dennis Duncan, was put on disability. **Mr. Duncan passed away recently, at the age of fifty-one,** and the Personnel Department is processing his claim.
2. Dustin Delong, an intern working in the Personnel Department, has **updated the website link for the Personnel Department concerning employee benefits.** The full medical plan is not yet available, but dental and vision plans are ready, as are AIG, voluntary insurance, PERF, Social Security, Hoosier Start, AFLAC and Colonial. This should all be in place by August 1, 2005 and will be convenient for current and prospective employees.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

Information Systems Director, Terry Tribby, informed the Board of the following issues for information and approval:

1. **The county's website is always a "work in progress"** with departments, such as the Personnel Department and Department of Health, to name a few. Mr. Tribby is working with the Clerk's office to set up a program to pay traffic violations on-line.
2. **In the last few weeks, software has been installed that allows the installation of updates and applications through the network instead of individual work stations.** This saves many man hours of work. It was done for the Auditor and Treasurer's offices, allowing them to pull down automatic updates. Seventy five per cent of the stations worked and twenty five percent failed. Within the hour, Manatron had sent an e-mail bulletin telling counties not to install the update, due to technical problems, but by then, the Information Systems Department had already fixed the problem and was able to help Manatron. An anti-virus program was installed, last week, for the whole county.
3. The City has been in contact with Mr. Tribby concerning their interest in **connecting a wireless alarm system to the County's panic alarm system, (see item 6, page 4 of the June 20, 2005 minutes, "In the Matter of Information Systems issues")**. A letter drafted by Mr. Tribby and Mr. Murrell, was delivered to the City last Friday. The next step in the process will be an Inter-Local Agreement prepared by the city attorney, for the County's approval.

IN THE MATTER OF THE ANGELA BURTON PETITION:

Mr. Bagwell reported on the Executive Session of the Howard County Board of Commissioners that was held on Monday, June 27, 2005, reconvened on June 30 and again, on July 7, 2005. The subject matter considered was that permitted under IC 5-14-1.5-6.1(b) (6) (A). Mr. Bagwell made the following motion, which was seconded by Mr. Harbaugh and passed: "Pursuant to section 7.1 of the Howard County Employee Handbook, this board has investigated the June 9, 2005 Petition for reinstatement filed by Angela Burton, this board deems it appropriate to take no further action with respect to that petition

IN THE MATTER OF SUPPORT MONEY REQUESTS FROM LOCAL ORGANIZATIONS:

The following organizations were represented with support requests for the budget year 2006:

Kokomo/Howard Development Corporation	Greg Aaron	\$40,000.00
Kokomo Downtown Association	Paul Wyman	\$15,000.00
Chamber of Commerce	Rick Hamilton	\$ 9,000.00
North Central Indiana Small Business Development Center	Mary Giangiordano	\$12,500.00

At the conclusion of the presentations and requests, Mr. Raver opened the meeting to the public for discussion and comment. Mr. Brian Marley, owner of Integrity Alarms & Security Solutions, spoke in support of the organizations listed above, crediting his success, in part, to the services of these organizations.

Mr. Don Wilson, Kokomo Perspective, applauded the Board's decision to consider funds for Project Access and stated it was not the Board's responsibility to fund any organization.

Further discussion ensued, and Mr. Bagwell informed those in attendance, concerning the intent of usage for EDIT Funds, state statute and guideline changes concerning EDIT Funds, the concept of "bait and switch", and the first responsibility of County Government. Other topics of information included the county's support of economic development organizations over the years, a four year history of the lack of raises for county

employees, the concept of "tax levy", and the city's increase in levy and how it affects the county's ability to raise funds. Mr. Bagwell reiterated the Board's intention to support Economic Development, but not at the expense of running County Government successfully. Mr. Bagwell stated, "Hopefully, again, hopefully, when the Council meets and they talk about all these things, they look at the funding and they come up with decent raises for employees using General Fund money, and maybe, dip into the EDIT Fund, there may still be enough EDIT Fund money to support all of the organizations that we would really like to support, to the level that you would like us to support. But it may not be there; and you may have to suffer for a year. I don't want you to. I agree, all the things that you've presented to us are great things; I just wish we could do everything that everybody wants us to do. But we just can't."

In the interest of completing the County's business, further discussion was tabled until **Commissioner Issues**, toward the conclusion of the Agenda (*see page 7, item 4e, "In The Matter of commissioner Issues"*)

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following issues for Board information and approval:

1. **Commissioners' Salary Claims for July 22, and July 29, 2005, in the amount of \$291,420.90.** A motion was made by Mr. Harbaugh to approve the Commissioners' Salary Claims as submitted. The motion was seconded by Mr. Bagwell and carried.
2. **County Operating Claims payable July 18, 2005, in the amount of \$1,070,788.59.** There were several claims that were questionable as concerning whether they fell within the guidelines of the County Travel Policy. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the County Operating Claims payable July 18, 2005 in the amount of \$1,070,788.59, with the exception of the three claims in question.
3. **The County Treasurer's Monthly Report for month ending June 30, 2005,** was submitted by Mrs. Wells. A motion was made by Mr. Harbaugh to approve the Treasurer's Monthly Report for June, 2005. The motion was seconded by Mr. Bagwell and carried.
4. **Harrison Township Assistance Appeal of Cathy S. Miller:** Based upon the recommendation of the Hearing Officer, the action of the Harrison Township Trustee is upheld. On a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, the Board approved to uphold the denial of assistance.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. The Superior Court III Victims Impact Panel requires security services to be provided by a law enforcement officer. **Mr. Murrell presented an agreement for Contract Services between the Board of Commissioners and Brad Reed.** A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the contract as submitted and authorize the President to sign.
2. As acting Hearing Officer for Township Assistance Appeals, Mr. Raver questioned the **standards that are to be used for the appeals determination** (*refer to page 4, item #3, "In The Matter of Township Assistance Appeals"*). Mr. Murrell advised that the standards, and any revisions or amendments, must be approved by the Township's Advisory Board and a copy is to be filed in the Auditor's Office. These are to be reviewed and updated annually. Mr. Murrell has drafted a memo regarding Township Assistance Standards and suggests the Auditor mail the memo to all the Township Trustees. The Hearing Officer has the right to disregard any

standards which "do not conform to these requirements." A motion was made by Mr. Bagwell to authorize Mrs. Wells to send the memo to all trustees, regarding the Township Assistance standards. The motion was seconded by Mr. Harbaugh and carried.

3. **Mr. Murrell submitted a list of pending ordinances to the Board for their consideration.** Discussion ensued, particular to each pending ordinance. At this time, Sheriff Talbert reported to the Board, phone calls the Department has received concerning door-to-door magazine sales representatives that have moved into the area. This event spotlights the possible need for a Peddler's Ordinance.

IN THE MATTER OF COMMISSIONER ISSUES:

1. Mr. Bagwell reminded the Board that a Public Hearing was scheduled for today to vacate a public way, and has not yet been held.

At this time, the Regular meeting was recessed to hold a Scheduled Public Meeting in regard to a Vacation of A Public Way. The meeting was opened at 10:30 a.m.

Also, at this time, it was necessary for Mr. Harbaugh to leave the meeting. As a matter of proper procedure, President Paul Raver vacated the chair, when necessary, in order to carry out the business of the County.

Property owner, Ned Davy, was in attendance to present the Petition to Vacate a Public Way, located at 4501 Orleans Drive. An adjacent property owner, Ivin Minglin, 4505 Orleans Drive, was also in attendance to support the Petition. Mr. Davy explained he would like to build a garage on the requested property. Mr. Davy's attorney was not present with needed paperwork for the Board of Commissioners. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to continue the Petition to Vacate until such time as the Petitioner asks to be put on the agenda.

The Public Meeting was closed at 10:45 a.m.

2. The **Weights and Measures Report was submitted for June 15 to July 15, 2005.** A motion was made by Mr. Bagwell to accept the Weights and Measures report as submitted. The motion was seconded by Mr. Raver and carried.
3. The **Veteran Service Officer's Monthly Report for June, 2005** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.
4. **Commissioner Budget Issues:**
 - a. The County has a Maintenance Department to maintain the Courthouse, Administration Center, Government Center, and Howard Haven, and provides one worker to the Criminal Justice Center. Kinsey Youth Center, Criminal Justice Center, and Highway Departments have their own Maintenance workers and budget account numbers. **Mr. Bagwell suggests grouping all Maintenance under the County instead of making the Department Heads responsible for budgeting Maintenance concerns.** By consensus, the Board decided to table this issue until the August 1st meeting and direct Mrs. Wells to place it on the Agenda under Commissioner Issues.
 - b. At the present time, each individual court is responsible for its own security; some circumstances have even required entering into a contract for those services. The Board of Commissioners would like to consider the prospect of **placing all security needs**

under the Sheriff Department's jurisdiction, rather than under the jurisdiction of the individual courts.

- c. Because the State mandated the formation of a fourth court in Howard County, all the costs associated with the formation of that court can be appealed to the State for a levy adjustment. The County has contracted with Crowe Chizek & Co, LLC, to gather the information to present to the State. The new judge will take office January 6, 2006. In order to have all the furniture and recording devices in place, they must be purchased in 2005 so that the newly appointed judge can "influence" the furniture purchases before taking office. The Board agreed **that an Additional Appropriation should be requested in August so that the money is in place to purchase the furniture as soon as the Judge's appointment is made.**
- d. **The PERF rate is being raised ¼ percent (5.75) in 2006.** Regardless of whether the employees receive raises or not, the PERF budget will need to be adjusted to accommodate the new rate.
- e. **Concerning the EDIT budget request for 2006,** Mr. Raver opened the meeting for comment (*please refer to page 4, In The Matter of Support Money Requests From Local Organizations*). Mr. Bagwell began by assuring those present that he would suggest recommending to the Council, "These are up for consideration. If there are funds available, we'd like to see them back, at least, to the 2005 level. I'd like for us to get there, but that's up to the Council to decide." Mrs. Kathy Harbaugh asked the Board, "Would it be proper, then, for the Commissioner's to send a resolution or something..."? Mr. Bagwell assured them that the Commissioners would be in attendance to justify their budget requests to the Council. Also of concern was the Chrysler Bond Payment, and whether it would change the county finances upon its completion. The Board responded that it would free up funds in a significant way in the year 2008. Mr. Rick Hamilton, Chamber of Commerce asked about the council meeting dates.

Mr. Paul Wyman, Kokomo Downtown Association, commented, "I, personally, am not opposed to Project Access nor is the Kokomo Downtown organization; however, their names have been put into the mix, here, and it just makes it very difficult to talk about this topic without talking about it, and coming across as if we're opposed to it and we're not ...and when you sit here and tell me the county is in a position that we have to make these cuts in order to maintain our business, but we're cutting you to take money to give to something new, you have to understand that that doesn't, in my mind, equate to 'us strapping our belts', okay, 'cause that's not what we're doing. We're taking money from the Downtown Association and the other four Economic Development organizations, and giving it to another organization, because the money is coming from EDIT."

Mr. Bagwell responded, "Let me rephrase that. We're taking County money, the taxpayers' money, and distributing it in a different way. It's not your money to give to them; it's how the county plans to distribute it to all of you.

"And I do appreciate that, however, it is EDIT money and the EDIT money traditionally has been set aside for these organizations..."

"Traditionally, it has...I agree."

"...of which these five organizations, I'm assuming, you feel are vital to the economic development of our..."

"Which is why we are still requesting funding for each of your organizations to some level."

Additional discussion continued, but was soon dismissed because of time constraints.

A motion was made by Mr. Bagwell to adjourn the meeting. The motion was seconded by Mr. Raver and carried, and the meeting was adjourned at 11:02 p.m.

HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes July 18, 2005