

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 21, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, February 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, February 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.

OPEN BIDS FOR SALE OF PROSECUTOR VEHICLE:

(See page 4, January 3rd, 2005 minutes, "In the Matter of Prosecutor's Office" for related discussion)

Sealed bids were received in response to the legally advertised offer to sell the Prosecutor's unused 2002 Ford Explorer SUV. The vehicle is being sold "as is", with no warranties, express or implied. The terms of the sale is that the full purchase price is to be paid by certified check upon delivery of the title within ten (10) days after bid is accepted by the Commissioners. The Commissioners opened the following bids:

Benjamin Thompson	Kokomo	\$ 2,000.00
Graham Ford, Inc.	Converse	\$10,000.00

Mr. Bagwell made a motion to accept the bid from Graham Ford, Inc. in the amount of \$10,000.00 as being the most beneficial to the County. Mr. Harbaugh seconded the motion, and it carried.

Mr. Bagwell made a motion to authorize the President to execute his signature on the vehicle title on behalf of the County. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF JAIL REFINANCING – Resolution No. 2005-BCC-03:

Mr. Rick Hall, Barnes and Thornburg LLP, advised that the County has an opportunity to refund the 1995 Howard County Jail Bonds. The current outstanding bond balance is approximately \$ 10,000,000.

The Resolution states that the 2005 Bonds shall be sold by private negotiated sale to Fifth Third Securities Inc. as the underwriter. Barnes and Thornburg LLP shall serve as bond counsel; and Crowe Chizek & Company will serve as the financial advisor.

The annual projected savings would be approximately \$65,000.00 for a total savings of \$380,000.00, subject to interest rate changes being locked in on the new bonds. A brief discussion was held regarding an alternative way to keep the payments at the same amount but shorten the term of the bonds. Mr. Hall said this alternative could be explored, however Crowe Chizek has concluded that the best savings would likely be lowering the annual payments. Mr. Hall outlined the process of approval for the refinancing. Upon approval by the Commissioners, the Resolution would need approved by the County Council and the Building Corporation.

Mr. Bagwell made a motion to approve Resolution No. 2005-BCC-03, a Resolution of the Board of Commissioners of Howard County, Indiana, Approving the Refunding of the Howard County Jail and Juvenile Detention Center Building Corporation First Mortgage Refunding Bonds of 1995. Seconded by Mr. Harbaugh, the motion carried.

IN THE MATTER OF HIGHWAY ISSUES:

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

information and approval:

1. **Release of Performance Bond:** R. N. Thompson & Associates LLC submitted a request to release the Performance Bond in the amount of \$24,364.30 for Storm Sewers for Webster Crossing Subdivision, Section 1. The subdivision is proposed to be annexed into the City. City Engineer Carey Stranahan provided a letter stating that the City Department of Engineering, Traffic, and Inspection Services has inspected the project and found the storm sewer improvements to be acceptable. The letter further recommends that the Commissioners release the performance bond provided that a suitable maintenance bond has been accepted. Mr. Cain advised that an adequate maintenance bond (No. 716236S) has been provided. He recommended release of the performance bond and acceptance of the maintenance bond for the storm sewers.

Mr. Bagwell made a motion to release the performance bond and approve the maintenance bond for Webster Crossing Subdivision, Section 1. Mr. Harbaugh seconded the motion, which 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 Larry Smith located at 2108 East 50 North.

Mr. Bagwell made a motion to approve the Agreement for School Bus Turn Around in Northwestern School Corporation. Mr. Harbaugh seconded the motion, and it carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Greentown Special Police Vehicle Update:** *(See pages 2-3, December 20th, 2004 minutes, "In the Matter of the Greentown Special Deputy Vehicle" for related discussion)* The Sheriff's Department has taken possession of the 2002 Chevrolet Tahoe. The vehicle seems to be in good mechanical condition with only 8,000 miles of use. A test drive established that the SUV is not designed as a pursuit rated vehicle. Sheriff Talbert decided to assign the vehicle to crime scene investigations and transfer the current crime scene mini-van, having 87,000 miles of use, to Howard Haven Residential Center whose van is old and not mechanically sound. Money has not been allocated in their 2005 budget to purchase a new vehicle. Howard Haven's old van will be placed in the annual County Auction.

Mr. Harbaugh made a motion to transfer the Sheriff's Department current crime scene mini-van to Howard Haven Residential Center and place Howard Haven's old van in the County Auction. Mr. Bagwell seconded the motion, and it carried.

Mr. Bagwell made a motion to authorize the Sheriff to establish a date, time, and auctioneer for the annual Howard County Auction. Mr. Harbaugh seconded the motion, which carried.

2. **Emergency Vehicle Purchase:** On February 17th, 2005 a patrol vehicle was involved in an accident on a patch of ice and sustained total damage. The vehicle had only 60,000 miles on it which would have provided about sixteen months of additional use. Sheriff Talbert contacted Kokomo Auto World whose bid was accepted four weeks ago for the purchase of four patrol vehicles. *(See page 2, January 18th, 2005 minutes, "In the Matter of Sheriff's Department Issues", Item 3, for related discussion)* The dealership stated that they could sell one additional vehicle at the same bid price with no trade-in discount. Sheriff Talbert requested that the Commissioners authorize an emergency purchase for one additional vehicle from Kokomo Auto World at a cost of \$21,244.25. Attorney Murrell briefly outlined the emergency and special purchase provisions.

After finding that an emergency exists and following the normal bidding procedure would impair the functioning of the Howard County Sheriff's Department. Mr. Bagwell made a motion to authorize the

purchase of one additional vehicle from Kokomo Auto World. Mr. Harbaugh seconded the motion, and it carried.

3. **800 MHz Rebanding Project:** The Sheriff was notified there will be a rebanding of public safety radio frequencies. Nextel and Verizon Wireless Company indicate a need for some of the current frequencies currently assigned for public safety use. Many public agencies will be affected by the rebanding and will be required to change frequencies. Any costs associated with the rebanding will be absorbed by the entities that take over the frequencies. Sheriff Talbert is concerned about the coordination efforts to reprogram more than 1300 radios used by the County. Communications Director Steve Kline, Assistant Director of Communications Gary Bates, and representatives from Integrity Radio plan to attend an informational meeting conducted by the Integrated Public Safety Commission/Project Hoosier SAFE-T staff regarding the project. Sheriff Talbert said he would provide the Commissioners with further information within the next few weeks.
4. **Video Monitoring System Update:** The Sheriff conducted a live visual presentation of the current security camera system at the Criminal Justice Center. The video recordings reduce liability issues. Once the camera systems are connected to the wireless network, the images would be available for view on mobile laptop computers. Sheriff Talbert urged the Commissioners to consider updating the camera system at the Courthouse at a cost between \$8,000.00 to \$9,000.00. Information Systems Director Terry Tribby voiced support for the project. Mr. Tribby said the camera system in the Courthouse is an older unit and does not have networking or compact disc recording capabilities. The Commissioners took no action and the issue was taken under advisement by consensus.
5. **Electronic Media Copy Fees:** The technology regarding compact discs did not exist at the time the current Ordinance was established for copy fees at the Sheriff's Department. Sheriff Talbert requested an amendment to the current Ordinance to align the copy fees with the Indiana State Supreme Court electronic media copying fee schedule: \$25.00 for VHS-format videotape and \$12.00 for CD-ROM.

Mr. Bagwell made a motion to authorize the County Attorney to compose an amendment to the Ordinance to change the Sheriff's Department copying fees to \$25.00 for VHS tapes and \$12.00 for CD-ROMs. Mr. Harbaugh seconded the motion, which carried.

6. **Simplex Grinnell Service Contract:** The coverage specifications are the same as last year's contract which covers the annual inspections of the fire alarm system, cameras, intercom system, kitchen hood, and sprinkler risers in the kitchen area. The contract begins on January 1, 2005 and ends on December 31, 2005 in the amount of \$27,526.00.

Mr. Bagwell made a motion to approve the Maintenance Agreement with Simplex Grinnell in the amount of \$27,526.00 as outlined above from January 1, 2005 to December 31, 2005 and authorize the President to sign on behalf of the Board. Seconded by Mr. Harbaugh, 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. **Flood Mitigation Assistance Grant:** Mr. Boise sent in the first duplication of benefits and received a reply from the State regarding the two properties that the County has agreed to purchase.
2. **Proposed Transfer Station:** Mr. Boise reported that during a public hearing, the Howard County Board of Zoning Appeals approved a site for the proposed transfer station at 2605 N. Davis Road. The next step of the process is a review of environmental issues by the Indiana Department of Environmental Management. Mr. Boise wished to point out that this is the fifth site that the City of Kokomo and Howard County has considered in the past year. This site was determined to be the most isolated and conveniently located close to the city.

Mr. Bagwell asked about the appeal process in regard to the decision made by the Board of Zoning Appeals. Mr. Boise explained the process would be to appeal through a Writ of Certiorari within thirty (30) days from the decision. In a Writ of Certiorari the courts do not review the Board's decision; they review the process by which the decision was made. There were citizens in the audience who wished to voice their concerns:

- o Linda Cross, Howard County resident, felt the Board of Zoning Appeals did not give any consideration to the public. Attorney Murrell said the Board of Zoning Appeals did indeed hold a public hearing and reiterated the process to file an appeal.
- o Tom Trine (1226 West 350 North) requested Commissioner help and consideration regarding the issue.
- o Jay McKinley (1159 West 300 North) voiced concerns about additional truck traffic and the effect on tax rates following annexation.

Attorney Murrell advised that according to the Indiana procedure, there is no process by which the Board of Commissioners can overrule the decision made by the Howard County Board of Zoning Appeals. The discussion concluded as the Commissioners expressed appreciation of the citizens' interest in the community.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

Personnel Director Wanda McKillip presented the following PAC recommendations for Commissioner information and approval:

1. **Attorney and Secretary Position:** The PAC recommends changing the County Attorney part-time position to a full-time position effective March 1, 2005 with a salary of \$84,000.00. The PAC also recommended a new part-time legal secretary position with the salary/hourly rate based on experience.

Mr. Bagwell made a motion to change the County Attorney position from a part-time position to a full-time position effective March 1, 2005. Seconded by Mr. Harbaugh, the motion carried.

Mr. Bagwell made a motion to approve a new part-time legal secretary position for an annual salary of \$17,500.00, effective March 1, 2005. Mr. Harbaugh seconded the motion, which carried.

2. **Juvenile Probation Secretary Position:** As per the request from Chief Juvenile Probation Officer Don Travis, the PAC recommended increasing the salary of the Juvenile Probation Secretary from \$24,299.00 to \$26,190.00, effective January 1, 2005. Mrs. McKillip explained the increase is based on the expanded job duties for the position. The money for the salary increase will be transferred from the Adult Probation User Fee Fund and not paid out of the County General Fund.

Mr. Bagwell made a motion to approve the recommendation from the PAC to increase the salary of the Juvenile Probation Secretary from \$24,299.00 to \$26,190.00, effective January 1, 2005. Mr. Harbaugh seconded the motion, and it carried.

3. **Amendment to Resolution No. 1998-HCC-21 – Business Travel Procedure:** The State approved mileage rate is \$0.34 per mile; the Federal approved mileage rate is \$0.40.5 per mile. The PAC recommends making an amendment to Resolution No. 1998-HCC-21, as amended, to increase mileage reimbursement for county employees utilizing their personal vehicle for County business from \$0.32 to \$0.34 per mile.

Mr. Bagwell made a motion to approve an amendment to Resolution No. 1998-HCC-21 to increase the mileage from \$0.32 to \$0.34 per mile, effective March 1, 2005. Seconded by Mr. Harbaugh, the motion carried.

4. **Ordinance No. 2005-BCC-10 - Employee Handbook Revision:** The PAC recommends amending the Howard County Personnel Policies Handbook to change employee Personal Leave time from half or whole day increments to hourly increments effective March 1, 2005.

Mr. Harbaugh made a motion to approve Ordinance No. 2005-BCC-10, to revise employee Personal Leave time from half or whole day increments to hourly increments effective March 1, 2005. Mr. Bagwell seconded the motion, and it carried.

5. **Birthday Post Cards:** Mrs. McKillip suggested changing the picture on the postcards for calendar year 2005 to promote the Howard County Government Center. She presented photographs for Commissioner review. Mr. Bagwell made a motion to table the issue until further notice. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF EMT STUDY:

(See page 4, February 7th, 2005 minutes, "In the Matter of EMT Study" for related discussion)

At the last meeting several representatives from Howard Regional Health System made comments and stated their position regarding the proposed redivision of emergency response coverage in the county. However, there was no one present to represent St. Joseph Hospital. Representatives from Howard Regional Health System and St. Joseph Hospital were present at this meeting.

Ms. Monette Allen, Manager of Critical Care Services for St. Joseph Hospital, said the hospital did not have any new data to submit on the project and referred to data that was previously submitted to the Commissioners. Ms. Allen stated that the intention of St. Joseph Hospital has always been to provide optimal care for the residents of Howard County.

All three Commissioners conducted detailed research regarding the matter. Different sources of data were used by each and the conclusions were dissimilar. Mr. Raver gave a detailed explanation of the data used in his extensive research. The Commissioners challenged the accuracy of data used in their individual researches and were not in agreement with response times. The Commissioners agreed in unison that most important issue is the best interests of the citizens in the community. Due to the amount and complexity of the data involved for the research project, Mr. Bagwell suggested hiring a consultant to prepare an independent evaluation. Mr. Bagwell made a motion to adopt Howard Regional System's proposal to include 300 East on the northeast side and 100 South on the west side of the County. The motion failed due to lack of a second.

Mr. Harbaugh made a motion to adopt the proposed map titled "Attachment A", dated January 24, 2005 and the written description "Attachment B" designating emergency advanced life support first call response territory for St. Joseph Hospital and Howard Regional Health System, effective April 1, 2005, and that Attachments A and B become a part of the minutes. Mr. Raver vacated the chair to second the motion.

Mr. Bagwell had requested the assistance of Mr. John Speidel, a professional consultant, to help compile data regarding ambulance runs from both hospitals. Mr. Speidel stated that approximately 200 ambulance response times and time of day were plotted on a map based on 2004 data. Mr. Speidel offered to conduct a further study at no cost to the County.

County Council Member Dwight Singer acknowledged all of the hard work that went into the individual researches but the conclusions were very different. Mr. Singer suggested that representatives from both hospitals should work with Mr. Speidel to plot one map and bring the results back to the Commissioners.

Sheriff Talbert suggested establishing satellite ambulance stations that would reduce response times and provide better service to the community.

Mr. David Shearer, Howard Regional Health System Board of Trustees and Ms. Monette Allen, Manager of Critical Care Services for St. Joseph Hospital, indicated that they support the concept of an independent study. A gentleman in the audience suggested that an EMS Consulting Firm should be contacted to conduct the study.

Mr. Harbaugh amended his motion to continue discussion on the issue until the March 21st, 2005 meeting. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF TREASURER'S OFFICE ISSUE:

The County currently has a contract with PayTrust Solutions that enables the County Clerk, Sheriff's Department, and Juvenile Probation to accept payments from credit cards. Treasurer Martha Lake requested approval for the Treasurer's Office to be added to the contract to allow property tax payments by credit cards. Ms. Lake stated the State Board of Accounts does not have any problems with this method of payment.

Mr. Jeff Milner, PayTrust Solutions, commented that the payment option has worked very well with the other County departments. He requested that the Commissioners consider expanding the option to the Treasurer's Office. The fee schedule was discussed briefly and Mr. Milner said there would be no liability to the County.

Mr. Bagwell made a motion to amend the contract with PayTrust Solutions to include the fee schedule for the Treasurer's Office. Mr. Harbaugh seconded the motion, which carried.

A recess was called at 11:45 a.m. in order to hold the Howard County Drainage Board Meeting on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.

The meeting reconvened at 12:15 p.m.

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 25th and March 4th, 2005** were considered. Mr. Bagwell made a motion to approve payment. Mr. Harbaugh seconded the motion, and it carried.
2. **Operating claims payable on February 21st, 2005 in the amount of \$113,456.83** 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 January 2005** was accepted on a motion made by Mr. Harbaugh, seconded by Mr. Bagwell and carried.
4. **SBC Advertising Order:** SBC Communications sent a notice requesting updates to the advertising order for Howard County, which are published in the Kokomo SBC Yellow Pages and Internet Yellow Pages. The Auditor will check for any changes and update the information with SBC.

IN THE MATTER OF POOR RELIEF APPEAL FOR CENTER TOWNSHIP:

A Poor Relief Hearing was conducted on February 18th, 2005 for Center Township on behalf of Cory Lee Divens. Commissioner Raver, Acting Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on January 26th, 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. Harbaugh seconded the motion, and it carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

1. **Employment Agreements:** (See page 7, January 18th, 2005 minutes, "In the Matter of Changing County Attorney Position to Full-Time Status" for related discussion)

- a. **County Attorney:** Mr. Bagwell made a motion to approve the full-time employment agreement with Mr. Larry Murrell to serve as County Attorney for the Board of Commissioners effective March 1, 2005. Mr. Harbaugh seconded the motion, and it carried.
 - b. **Assistant County Attorney:** Mr. Bagwell made a motion to approve the part-time Employment agreement with Mr. Brian Oaks to serve as the Assistant County Attorney for the Board of Commissioners for the 2005 year. Mr. Harbaugh seconded the motion, and it carried.
2. **Taylor Township Regional Sewer District Grant Activity:**
- a. A Change of Signature Form was submitted by Grant Administrator Tina Henderson to reflect the change in names of the Commissioner President and County Auditor.

Mr. Bagwell made a motion to approve the Change of Signature for the Taylor Regional Sewer District activity. Mr. Harbaugh seconded the motion, which carried.
 - b. Ms. Tina Henderson submitted a claim voucher from the Indiana Department of Commerce for her Grant Administer Fees on the Taylor Township Regional Sewer District Project in the amount of \$20,000.00. It was noted that \$10,000.00 of the fee amount will be reimbursed to Taylor Township RSD to pay for the advance they gave to Ms. Henderson. Taylor Township RSD has approved the claim voucher.

Mr. Bagwell made a motion to approve the claim to the Indiana Department of Commerce for the Taylor Regional Sewer District for the Grant Administer fees in the amount of \$20,000.00 and authorize the President to sign on behalf of the Board. Seconded by Mr. Harbaugh, the motion carried.
3. Mr. Murrell contacted the Attorney General's Office regarding the 2002 Chevrolet Tahoe that was involved in litigation and returned to the Sheriff's Department. The Attorney General reviewed the entire situation and responded in writing that they believe the action taken by the County and use of the vehicle is appropriate.
 4. Financial Consultant Services: Attorney Murrell said the Auditor and Treasurer are in need of expert advice regarding the impact of the property tax increases that are currently being discussed, specifically in regard to the County Option Income Tax and the Excise Tax. He recommended that the County authorize the employment of financial advisor Crowe Chizek to be paid out of the Contract Services.

Mr. Bagwell made a motion to authorize the Auditor and Treasurer to employ Crowe Chizek to be paid out of the Contract Services. Mr. Harbaugh seconded the motion, and it carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Clarification Matter:** Mr. Bagwell clarified that Mr. John Speidel, Consulting Engineer, would work on the EMT Study as an independent consultant and not as a representative of Butler, Fairman and Seufert.
2. Mr. Bagwell said he would be unavailable to attend the March 7th, 2005 Commissioners' meeting.
3. The **Weights and Measures Monthly Report for January 15th to February 15th, 2005** was accepted on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.
4. **Suncoast Publishing Maps:** *(See page 5, November 1, 2004 minutes, "In the Matter of Map Publication Proposal" for related discussion)* Attorney Murrell received a letter from Mr. James

Spurgeon, President of Suncoast Publishing stating that they were unable to find sponsors for the map project and no maps will be printed.

5. **Solid Waste District Issue:** The Solid Waste District will hold a meeting on **February 22nd, 2005 at 11:00 a.m.** Mr. Raver said one of the issues to be discussed is the changing their retirement fund to become a part of the County Public Employment Retirement Fund ("PERF"). Attorney Murrell said the County Council would need to revise the PERF Ordinance.

Mr. Bagwell made a motion to recommend that the Council include the Solid Waste District personnel in the County PERF plan. Seconded by Mr. Harbaugh, the motion carried.

6. **Contractual Service Agreement:** *(See page 7, February 7th, 2005 minutes, "In the Matter of Claims and Reports", Item 6, for related discussion)* Mr. Bagwell made a motion to reaffirm President Raver's signature on the contract with Purdue University to provide salaries for the Purdue Extension Agents. Seconded by Mr. Harbaugh, the motion carried.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, and it carried. The meeting adjourned at 12:35 p.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, February 21st, 2005