

**HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 21, 2005**

The Howard County Board of Commissioners met in Regular Session on Monday, November 21, 2005, 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 and Vice President Bradley J. Bagwell. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

*Due to the absence of Commissioner John B. Harbaugh, as a matter of proper procedure, Commissioner President Paul Raver vacated the chair, when necessary, to carry out the business of the County.*

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

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

The minutes of the November 7, 2005 Regular Meeting were reviewed, having been previously submitted, and approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.

**IN THE MATTER OF HIGHWAY ISSUES:**

Mr. Ted Cain, Highway Supervisor / Engineer submitted the following issues for Commissioner information and approval:

1. **Opening of Bids:** The bids for Highway materials and supplies were opened and submitted as follows:

a.	Pre-cast Beams	None
b.	Asphalt, Emulsion & Tar and Asphalt materials	Asphalt Material Mohr Construction
c.	Bituminous	Mohr Construction
d.	Stone	Irving Materials Martin Marietta Hanson Aggregates Midwest
e.	Equipment Rental	Baker & Schultz
f.	Diesel Fuel	North Central Coop

On a motion made by Mr. Bagwell and seconded by Mr. Raver, it was approved to take the bids under advisement and refer them back to Mr. Cain for review and recommendation.

2. **Change Order #2:** This change order is for the Dixon Road project, Contract R-22345. There are several changes, dividing the project into two sections and incurring a net decrease of \$78,820.52. The state has approved this change order. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve Change Order #2 for Contract R-22345.
3. **Request for Additional Funds:** Mr. Cain informed the Board of Additional Appropriations going before the Council at Tuesday evening's Council Meeting (November 22, 2005). Two reimbursement checks from INDOT have not been received to date. When the checks are received, the funds will be reimbursed.

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

Sheriff Marshall Talbert submitted the following issues for Board information and approval:

1. **Jail Population:** The current jail population is 306, in house. Four inmates have been returned from Clinton County.
2. **Boat Donation:** Mr. Martin Jansen has offered to donate a 1980 Pontoon boat to the Sheriff's Department for the Dive Team. There are no liens on the boat. A motion was made by Mr. Bagwell to accept the donation of a 1980 Pontoon boat from Mr. Martin Jansen. The motion was seconded by Mr. Raver and carried. Sheriff Talbert will take the title to the Bureau of Motor Vehicles for transfer.
3. **Meeting with Judge Hopkins:** Mr. Talbert had a meeting with Judge George Hopkins, the judge for the new Superior Court IV. He indicated that he was willing to come to the Criminal Justice Center to complete initial hearings, saving fuel, man hours and labor.
4. **Service Contract with NEC Solutions:** NEC Solutions is the company that supplied the live scan fingerprinting system at the Criminal Justice Center. They have submitted a contract for the year 2006. Mr. Murrell has reviewed the contract and finds it in order. This will be paid from a state grant. A motion was made by Mr. Bagwell to approve the contract with NEC Solutions and to authorize the president to sign on behalf of the Board. The motion was seconded by Mr. Raver and carried.

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

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

1. **Flood Hazard Mitigation:** The Howard County State-Local Agreement Flood Mitigation Assistance Program contract for the property located at 4089 South 50 East (Ables property) was signed at the October 17, 2005 meeting (*please refer to page 4, item 3 of the October 17, 2005 Regular Meeting Minutes*). The State has received the signed contract but the County is waiting for the check.
2. **Multi-Hazard Mitigation Plan:** The Plan is still in progress.

*At this time, the Regular meeting was recessed to hold a previously scheduled Public Meeting concerning the Unsafe property located at 3904 South 350 West.*

At the October 3, 2005 Regular Commissioner Meeting, Mr. Boise was issued an enforcement order directing the owners, Martin and Frieda Myers, to seal the building, exterminate vermin and remove trash, pending demolition (*please refer to page 3, item 13 of the October 3, 2005 Regular Meeting Minutes*). Progress on the Enforcement Order is to be reported at a Public Hearing, November 21, 2005. To date no progress has been made and there was no representative of the Myers' in attendance. When the floor was opened for comment or question, Mrs. Kathy Harbaugh took the floor on behalf of Township Trustee, John Harbaugh. She stated that the trustee's office has received numerous complaints concerning the property and that it poses a common nuisance. There is no evidence that clean up has begun. Mr. Boise reported that the property has been investigated by the Drug Task Force for possible drug activity. Mr. Murrell has prepared Resolution #2005-BCC-31 which modifies in part and affirms in part the October 3, 2005 order. Mr. Boise is authorized and directed to seal the building against intrusion, exterminate vermin, and remove trash and debris, as a first step. Demolition cannot occur until all persons having a substantial interest in the property have been notified and an additional public meeting needs to be scheduled for that purpose. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve Resolution #2005 BCC-31 and to continue the Public Hearing at 9:00 a.m. on Monday, December 19, 2005.

*The Public Hearing was recessed and the Regular Meeting was reconvened.*

**IN THE MATTER OF MAINTENANCE ISSUES:**

Mr. Tom Harrison presented the following issues for Commissioner information and approval:

1. **Siemens Contract:** Mr. Harrison submitted the Technical Support Proposal for HVAC equipment located in the Criminal Justice Center, Kinsey Youth Center, and County Courthouse, with reapportioned hours to be used at the Administrative Center. There is a 3% increase from the 2005 contract, and Mr. Murrell proposed the following changes.
  - a. On page 7, change date in first paragraph from December 1, 2004 to **October 31, 2005.**
  - b. On page 7, paragraph 4.4 as follows: "SBTS will indemnify Customer from and against losses, claims, expenses and damages (including reasonable attorney's fees) for personal injury **including workers compensation claims.....**"

Mr. Murrell also called attention to paragraph 5.3, concerning notifying Siemens of any hazardous materials (referencing past Asbestos contaminants). Mr. Harrison assured the Board that the Asbestos contaminants have been removed. On a motion made by Mr. Bagwell and seconded by Mr. Murrell, the contract with Siemens for technical support was approved as amended.

2. **Administrative Center Boiler Work:** The Boiler at the Administrative Center needed repairs. The water was turned off to the top three floors, on Friday, November 11<sup>th</sup> so a piece of piping could be removed and repaired.
3. **Maintenance worker resigned:** Mr. Bill Laughlin has resigned his position with the Maintenance Department. Mr. Harrison will be accepting applications for someone with HVAC experience.
4. **Storage Shed in Parking Lot:** At the November 7<sup>th</sup> meeting, Mr. Harrison informed the Board of his suggestion to build a shed in the northeast corner of the parking lot located on the corner of Buckeye and Mulberry Streets (*please refer to page six, item 5 of the November 7, 2005 Regular Meeting Minutes*). After contacting the Plan Commission, they were advised that the proposed building would not meet zoning requirements. Mr. Harrison will not pursue the project.
5. **Superior Court IV:** Mr. Harrison has met with Assistant Superintendent Jeff Berry and Superior Court IV Judge George Hopkins, concerning needs for the new court. Mr. Harrison appreciates Judge Hopkins's willingness to cooperate with the Maintenance Department.
6. **Electrical boxes around the Courthouse:** The electrical boxes that provide electricity for city events, have been removed and posts taken over to WWKI radio station (*please refer to page six, item three under "In The Matter Of Kokomo Downtown Association", of the October 3, 2005 Regular Meeting Minutes*).
7. **Administrative Center HVAC System Study:** Vintage Engineering Company, from Fort Wayne, has been contracted to do the HVAC study. Mr. Murrell and Mr. Raver have spoken with Vintage representative, John Becker, concerning proceeding with the project. Vintage is subcontracting with another company, to check the airflow, a special project that needs to be outsourced.
8. **Four corner Trees around the Courthouse:** The tree on the northeast corner of the Courthouse is overtaking the flagpole. The Maintenance Department will address the issue of removing the trees next spring.

**IN THE MATTER OF E-911 CONTRACT WITH SBC:**

E-911 Director, Steve Kline presented the contract for the E-911 database, equipment, and network. The current contract expires March, 2006, but there is a special incentive package available to those who sign a new contract by December 31, 2005. Mr. Kline introduced Craig Bennett, SBC Solutions Consultant, to explain the incentive package. Planet Equipment provides equipment to SBC for Public Safety packages. They are offering a discount to SBC for all equipment ordered by December 31, 2005. SBC would like to pass that discount along to the county and ask that they consider signing the 2006 contract before the end of the year. Over the span of the 10-year contract it will be a savings of one quarterly payment (\$39,987.00). The name on the agreement will be changed to A T & T, and a clause will be added prohibiting Howard County from adding any software to the E-911 network without first contacting SBC. Once the contract is signed there will be no price change, and network upgrades will be included. A motion was made by Mr. Bagwell to take the contract under advisement until the December 19<sup>th</sup> meeting. The motion was seconded by Mr. Raver and carried.

*At this time the Regular Meeting was recessed in order to hold a previously scheduled Public Hearing to Vacate an Easement.*

Attorney David Baird, on behalf of Brian A. Miller, presented a request to Vacate an Easement located at 3389 East 306 South, Taylor Township. All necessary paperwork has been received and adjacent landowners notified; Mr. Baird is not aware of any objections to the Petition. Mr. Raver then opened the meeting for public comment. The following voiced objection to the Petition.

1. Roy Taylor spoke on behalf of his mother, Edna Taylor, who owns the adjoining lot to the east and a field to the south; Mr. Taylor owns the lot that adjoins the empty field. Closing the alley would cut off the access to the fields and devalue lot #33, to create another access.
2. Henry Taylor stated that there is a sixty foot right-of-way on Mrs. Taylor's lot 32. The house sits on this lot and if the sixty foot right-of-way would have to be used, it would be only three feet from the back of the house. They would need to move the house.

After discussion between property owners and the Board, it was suggested that Mr. Baird contact Taylor Regional Sewer District about the grinder pump that now sits in the alley. After further discussion, Mr. Bagwell made a motion to take the Petition under advisement and continue the Public Hearing at 9:30 a.m. on December 19, 2005.

*The Public Hearing is closed until December 19, 2005, at 9:30 a.m.  
The Regular Meeting is now reconvened.*

**IN THE MATTER OF PERSONNEL ISSUES:**

Personnel Director, Wanda McKillip, submitted the following issues for Commissioner information and approval:

1. **2006 Anthem Renewal:** Mrs. McKillip introduced Mr. Doug Heath to present the renewal package to the Board. Howard County has been paying \$361,600 per month for insurance coverage. Anthem makes the projection that claims will increase, and needs to raise the rates 5%. The Insurance Committee conceded to the following changes:
  - a. Change from current funding arrangement to traditional funding method; Administration costs paid monthly; claims paid weekly.
  - b. Implement the 5% rate increase.
  - c. Modify current plan to cover Physical and Occupational therapy "in full" not subject to co-pay per visit (very little impact on overall claims).

Mrs. McKillip informed the Board that a decision has to be made at today's meeting so that Open Enrollment can be accomplished in a timely manner. After much discussion concerning the financial situation of the County and the additional administrative work for the Auditor and Personnel offices, a motion was **reluctantly** made by Mr. Bagwell to accept the Insurance

Committee's report and rate increase as submitted. The motion was seconded by Mr. Raver and carried.

2. **Superior IV Job Descriptions:** The Personnel Office has posted the job descriptions for Superior Court IV and is accepting applications. Mrs. McKillip looks forward to working with Judge Hopkins.

#### **IN THE MATTER OF WORK STATIONS FOR SUPERIOR COURT IV:**

Information Systems Director, Terry Tribby, has met with Judge Hopkins concerning technology needs for Superior Court IV. Earlier in the year, \$14,800 was budgeted for five work stations for the new court, installation and training. Mr. Tribby would like authorization to order the new equipment. A motion was made by Mr. Bagwell to authorize Mr. Tribby to proceed with ordering work stations for Superior Court IV. The motion was seconded by Mr. Raver and carried.

#### **IN THE MATTER OF SETTING A PUBLIC HEARING DATE:**

Mr. Rex Allen Beckom submitted a request for a Public Hearing Date on a Petition to Vacate an Alley (*please refer to page seven, "In The Matter Of Setting A Public Hearing For Vacation Of Easement" of the Regular Meeting Minutes dated November 7, 2005*). The Petition was properly submitted and on a motion made by Mr. Bagwell and seconded by Mr. Raver, a hearing date of December 19, 2005, 9:45 a.m. was set.

#### **IN THE MATTER OF EMT HOSPITAL RESPONSE:**

Attorney Larry Murrell reported that there is nothing further to report on this issue since the Tolling Agreement was signed by the Board of Commissioners (*please refer to page eight, item four, of the Regular Meeting Minutes dated November 7, 2005*).

#### **IN THE MATTER OF EMERGENCY MANAGEMENT ISSUES:**

Emergency Management Director, Larry Smith, presented the following issues for Commissioner information and approval:

1. **Resolution No. 2005-BCC-32:** The Indiana Department of Homeland Security has divided the State into districts for Emergency Management to match the Department of Health districts. Howard County now falls under District Six along with Blackford, Delaware, Fayette, Grant, Henry, Jay, Madison, Randolph, Rush, Tipton, Union and Wayne counties. Resolution No. 2005-BCC-29, a resolution adopting the National Incident Management System (NIMS) as the Incident Management System for Howard County, was adopted at the November 7, 2005 meeting (*please refer to page seven, item two under "In The Matter Of Emergency Management Issues", of the Regular Meeting Minutes dated November 7, 2005*). The Department of Homeland Security has suggested that the counties in the districts go to other counties for Emergency Aid, before going to the State, and to pass a resolution stating the fact. Mr. Murrell has prepared a resolution to that effect. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve Resolution No. 2005-BCC-32, a Mutual Inter-local Aid Agreement. Mr. Murrell advised Mr. Smith that since this constitutes an Inter-local agreement it needs to have Council approval. Mr. Smith will present it at the November Council meeting.
2. Mr. Smith brought to the Board's attention, the problem of accidental fires being started by homeowners burning trash during high winds. Discussion ensued concerning a Burn Ordinance and the existing state code.

#### **IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Commissioners' Salary Claims:** Salary Claims were submitted in the amount of \$291,420.90, payable November 25 and December 2, 2005. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the Salary Claims.
2. **Commissioner Operating Claims:** Operating Claims were submitted in the amount of \$1,283,030.08, payable November 21, 2005. The Operating Claims were approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
3. **Treasurer's Report:** The Treasurer's Report for October 2005 was accepted on a motion made by Mr. Bagwell and seconded by Mr. Raver.
4. **Humane Society Contract:** The Contract for Animal Control and Shelter Services for 2006 was presented with the contract compensation amount of \$158,467.00. The Board agreed by consensus, to take the contract under advisement and refer it to Mr. Murrell for his review. Mr. Murrell will bring the contract to the December 5<sup>th</sup> Commissioner Meeting.
5. **Request to close Second Floor Offices:** Mrs. Wells requested to close the second floor offices from 11:00 a.m. to 1:00 p.m. on Wednesday, December 7<sup>th</sup>, for their annual Christmas dinner. A motion was made by Mr. Bagwell to close the second floor offices, (Auditor, Treasurer, Personnel and Attorney) from 11:00 a.m. to 1:00 p.m. on Wednesday, December 7, 2005, for their Annual Christmas dinner.
6. **Komputrol Agreement:** Mrs. Wells presented an agreement with Komputrol for the GASB Inventory Software for the year 2006. A motion was made by Mr. Bagwell, seconded by Mr. Raver and carried to approve the Komputrol Agreement for 2006 and authorize Auditor Ann Wells to sign.
7. **George Hopkins's Resignation:** Upon the assignment of the judgeship for Superior Court IV, Mr. George Hopkins has tendered his resignation as a trustee of the Kokomo Howard County Public Library, member and president of Howard County Redevelopment Authority, and member and secretary of the Howard County Jail and Juvenile Detention Center Building Corporation, all effective December 31, 2005. The resignations were accepted on a motion made by Mr. Bagwell and seconded by Mr. Raver, to be effective December 31, 2005.

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

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

1. **Collection Contract:** Mr. Murrell submitted a contract between the Clerk's Office and McCann / Peele Law Firm, regarding the collection of fees including but not limited to delinquent fines, fees and costs and NSF/bad checks. The contract was approved on a motion made by Mr. Bagwell and seconded by Mr. Raver.
2. **Pending Ordinances:** Mr. Murrell informed the Board of the progress concerning pending ordinances. Mr. Murrell is working with Major Rogers on the False Security Alarm Ordinance and will be ready to submit it at the December 5<sup>th</sup> meeting.
3. **Longshore Vacation Hearing Denial:** The Petition to Vacate an Easement for Robert and Deborah Longshore was denied by the Commissioners at the October 17<sup>th</sup> meeting (*please refer to page three, Public Meeting regarding the Vacation of Easement Located on Lot 17 of Brookshire Estates, of the Regular Meeting Minutes dated October 17, 2005*). The denial has been appealed. Mr. Murrell will be representing Howard County and the Board of Commissioners and Mr. Brian Oaks will be representing the Plan Commission.

**IN THE MATTER OF COMMISSIONER ISSUES:**

The Commissioners submitted the following issues:

1. **Weights and Measures Report:** The Weights and Measurers Report for the period of October 15 to November 15, 2005 was accepted on a motion made by Mr. Bagwell and seconded by Mr. Raver.
2. **Department of Health Ordinances:** Mr. Raver reminded the Board that the Pool, Fees and Septic Ordinances will be revisited at a Public Hearing in the December 5<sup>th</sup> meeting.
3. **Remodeling at the Health Department:** New flooring has been installed in the Environmental, Vital Records, and Head Nurse Offices. Room dividers and furniture have been installed. Electrical changes and additions have been completed; the project is progressing.
4. **Government Center Meeting Room:** A suggested draft has been presented concerning guidelines for the use of the first floor meeting room in the Government Center. Mr. Murrell will put the draft in Resolution form and present it at the December 5<sup>th</sup> meeting.
5. **Commissioner Reappointments:** The Board discussed Commissioner Reappointment contacts to be made.
6. **Executive Session:** An Executive Session to discuss personnel evaluations is needed. On a motion made by Mr. Bagwell and seconded by Mr. Raver the Executive Session, pursuant to IC 5-14-1.5-6.1 (b) (9), is scheduled for 8:00 a.m. on Monday, November 28, 2005, in Room 220D.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:30 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Raver.

**HOWARD COUNTY 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 Meeting Minutes November 21, 2005