

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 18, 2005

The Howard County Board of Commissioners met in Regular Session on Tuesday, January 18th, 2005 (following the Martin Luther King Jr. Holiday on Monday, January 17th) 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.

(The recording system experienced technical problems which caused the tape recording to malfunction.)

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, January 3rd, 2005 having been previously reviewed, were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Agreement for School Bus Turn Around:** Eastern Howard School Corporation Transportation Director, Brad Schrock, submitted a written request that the Howard County Board of Commissioners approve a facility for a school bus turn around on property owned by Ruby Martin located at 8312 East 500 North. Mr. Cain reviewed the request, which met with his approval.

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

2. **Petition to Create Funding for Road Systems:** Mr. Cain presented a request on behalf of E & B Paving, Inc. asking the Commissioners to support a petition to the Indiana Legislature to take positive action during the 2005 General Assembly *"to create the necessary long term dedicated stable funding source for the maintenance and expansion of local, county and state road state road systems in Indiana"*. Mr. Cain reviewed the document and stated that he has no problem with supporting the petition.

Mr. Bagwell made a motion to table the request in order for the County Attorney to review and make a recommendation to the Board regarding the petition from Build Indiana concerning highway funding. Seconded by Mr. Harbaugh, the motion carried.

3. **Bridge 61 Update:** *(See page 2, January 3rd, 2005 minutes, "In the Matter of Highway Issues", Item 3, for related discussion)* Weather conditions, flooding and funding issues caused a delay in opening Bridge 61 to traffic. Because a portion of the bridge was submerged in floodwater the structure must be thoroughly inspected before concrete is poured. The State has approved the temporary sealing compound, which would provide a barrier from road salt. The county would be responsible to pay for the compound at a cost of about \$1,300 and construct railing and concrete barriers. This could easily add an additional cost of \$5,000 to \$6,000 to the project. Contingent on the weather, Mr. Cain anticipates the bridge to be open sometime in February 2005.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Service Contract Renewals:**
 - a. **Waste Management Service Agreement:** The 2005 service contract renewal for trash removal from the Criminal Justice Center indicated a rate increase of \$14.07 per month. Sheriff

Maintenance Employee Art Fross held a previous conversation with a Waste Management representative who stated that a price increase was not anticipated in 2005. Therefore Waste Management adjusted the renewal contract for 2005 to the same annual rate as in 2004.

Mr. Bagwell made a motion to approve the Waste Management Service Agreement for one (1) year from January 1st to December 31st, 2005 with no rate increase from the previous year and authorize the President to sign on behalf of the Board. Mr. Harbaugh seconded the motion, which carried.

- b. **MacAllister Engine Power Generator Service Agreement:** Mr. Bagwell made a motion to approve renewal of the MacAllister Engine Power Generator Service Agreement for one (1) year from January 1st to December 31st, 2005 in the amount of \$1,332.00 and authorize the President to sign on behalf of the Board. Mr. Harbaugh seconded the motion, and it carried.
2. **Local Systems Assessment:** The final draft of the local systems assessment report from the National Institute of Corrections ("NIC") was distributed to the Commissioners for study. Mr. Billy Wasson, Consultant of NIC, made several helpful recommendations, some of which have already been implemented at the Sheriff's Department. Mr. Wasson does not recommend an expansion of the jail at this time. Once the new public defender has been appointed, the Sheriff plans to meet with all parties involved in the Criminal Justice System to discuss ideas to further reduce the jail population.

By consensus, the Commissioners decided to review the Local Systems Assessment and discuss the issue at the next meeting scheduled for February 7th, 2005.

3. **Purchase Vehicles:** (See page 2, December 20th, 2005 minutes, "In the Matter of Sheriff Department Issues", Item 4, for related discussion) Sheriff Talbert submitted quotes for the purchase of four (4) Crown Victoria patrol cars, two marked (Sheriff two tone paint scheme) and two unmarked cars. Sheriff Talbert recommended accepting the lowest quote in the amount of \$73,089.00 from Kokomo Auto World.

<u>Dealership</u>	<u>Location</u>	<u>Price - Includes Trade-in Discount</u>
Bloomington Ford	Bloomington	\$ 78,414.00
Kokomo Auto World	Kokomo	\$ 73,089.00
Grahm Ford	Converse	\$ 77,346.00
Brad Howell Ford	Greentown	\$ 76,480.60

All of the quotes exceed \$75,000.00 before the trade-in discounts were applied. Attorney Murrell stated that the purchasing statute requires only that the purchasing agent expect the purchase to be less than \$75,000.00. After Attorney Murrell reviewed the quotes he stated everything was in order.

Mr. Bagwell made a motion, seconded by Mr. Harbaugh, to approve request for \$73,089.00 to purchase vehicles from Kokomo Auto Word, upon approval of the County Council.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Flood Mitigation Update:**
 - a. **Multi-Natural Hazard Planning Contract:** Mr. Boise presented a Multi-Hazard Mitigation Planning Professional Services Proposal from Christopher B. Burke Engineering LTD. Assistant County Attorney Brian Oaks reviewed the contract and a few minor changes were agreed upon by the consultant.

Mr. Bagwell made a motion to approve the Multi-Hazard Mitigation Planning Professional Services Proposal with Christopher B. Burke Engineering LTD, and authorize the President to sign on behalf of the Board. Seconded by Mr. Harbaugh, the motion carried.

- b. **Flood Plain Management:** Photographs were taken of the flooding that occurred during the week of February 10-14, 2005 and the Department of Natural Resources has been contacted. Steps have been taken to request the Governor to include Howard County in the Presidential declaration of emergency. Mr. Boise said this could possibly help the county receive some funding for flood damages.

IN THE MATTER OF VACATION OF PUBLIC WAY – 400 JEFF DRIVE:

See pages 3-4, December 20th, 2004 minutes, “In The Matter of Vacation of Public Way – 400 Jeff Drive” for related discussion)

A petition was submitted from Michael A. and Sandra S. Fike, residing at 400 Jeff Drive, to vacate a public way adjacent to Windwood Park Subdivision. Mr. and Mrs. Fike were present with their legal counsel, Attorney David T. Baird. Attorney J. Conrad Maugans was present to represent remonstrators, Don J. and Marilyn L. Wagoner, property owners of the adjoining forty-four acres to the north.

At the previous meeting the Commissioners requested Plan Commission Director Glen Boise to research if the public way is platted on a section line and whether or not the vacation would hinder the growth or orderly development of that particular area.

Mr. Boise confirmed that the street is located on the section line and shown on the Thoroughfare Plan as an arterial thoroughfare as a 100 foot right-of-way, which was dedicated and built for Windwood Park Development. At the time of the development it was anticipated that the right-of-way would eventually be continued and built to State Road 22 to the north. Because a concern has been raised about restricting access to undeveloped property, Mr. Boise recommended that the public way should not be vacated.

Mr. and Mrs. Fike challenged that there are other access points to serve the undeveloped area. There was discussion whether a driveway and old farm house were located in the right-of-way of the proposed street. Mr. Boise cautioned that vacating the public way could affect the driveway access to the farm house. Mr. Boise researched the exact location of the farm house and driveway and reported that the farm house and driveway are not located in the right-of-way. Following a tautological discussion the public hearing was closed by consensus.

Mr. Bagwell made a motion to deny the request to vacate the public way and find that it would affect the growth and orderly development of the undeveloped land. Seconded by Mr. Harbaugh, the motion carried.

IN THE MATTER OF COUNTY DISPATCH – M/A-COM CONTRACT SERVICE RENEWAL:

(See page 3, October 21st, 2002 minutes, “In the Matter of County Dispatch – MA-COM Contract” for related discussion)

Communications Director Stephen Kline presented the following issue:

The Commissioners approved the EDACS FX Agreement on October 21, 2002. A Service Contract is included in the EDACS FX Agreement with M/A-COM Private Radio Systems, Inc. for a term of three years. The service fees reoccur on an annual basis. A three-year extension to the EDACS FX Agreement was considered at a cost of \$40,500.00 to be paid in annual installments of \$13,500.00 times three. The term of the extension shall start on January 1st, 2005 and expires on December 31st, 2007.

The Commissioner President was authorized to sign the EDACS FX Agreement on behalf of the Board at the October 21st, 2002 meeting; therefore Mr. Raver executed his signature on the extension to the EDACS FX Agreement on behalf of the Board.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

(See page 4, December 5th, 2004 minutes, “In the Matter of Commissioners Issues”, Item 4 and 5, for related discussion)

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

1. **Howard Haven Sewer Connection Update:** Weather conditions delayed completion of the sewer connection project. The contractor is waiting on the electric company to drill under the asphalt.
2. **Tile Flooring Project Update:** An order has been placed for the vinyl tile floor covering for the Vital Records and Environmental Offices in the Howard County Government Center.
3. **Additional Telephone Lines in Courthouse:** A representative from SBC Communications inspected the telephone lines at the Courthouse on January 13th, 2005 and found that there are no ports available to install extra telephones. Equipment to accommodate an additional sixteen telephone lines would cost \$500.00 to \$700.00. There is no money appropriated in the Maintenance Department Budget for 2005 to pay for the new phone equipment, however Mr. Harrison has submitted a request to the Council for additional appropriations out of the Cumulative Capital Development Fund.
4. **Damaged Handrails:** The County assumes responsibility for snow removal for specified walkways in the downtown area but recently a city employee driving snow removal equipment damaged some hand rails on Courthouse property. The Courthouse security cameras recorded the incident. Mr. Harrison estimated that it would cost \$1,700.00 to repair the rails. City Street Commissioner Joe Ewing was contacted. The County will submit a claim to the City's insurance provider to pay for the repairs.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **Life Insurance Update:** (*See page 4, December 20th, 2005 minutes, "In the Matter of Personnel Administrator Issues", Item 2 for related discussion*) Jefferson Pilot Voluntary Life Insurance has agreed to keep the same rates for county employees and has reduced the increase for spouse coverage. The final rates would be distributed with employee paychecks on Friday, January 14th, 2005.
2. **Ordinance No. 2005-BCC-05, An Ordinance of the Howard County Board of Commissioners Adopting a Revised County Personnel Policies Handbook** was considered. The Ordinance addresses the issue of employee earning and use of compensatory time.

Mr. Bagwell made a motion to approve Ordinance No. 2005-BCC-05 as written. Seconded by Mr. Harbaugh, the motion carried.

3. **PAC Recommendations:** The Personnel Administration Committee made several recommendations regarding requests for salary changes in various county departments:

a. ***Sheriff's Department:***

Increase salary for eight Clerical II positions. The increase would be \$55.00 per position. Line Item 1114.01 Salary would change from \$26,189 to \$26,244 for each position.

Increase salary for Clerical I position. The increase would be \$1,000. Line Item 1114.00 Salary would change from \$30,230 to \$31,230.

The PAC reviewed these requests at budget time last year and made the same recommendation. By changing all of the Clerical II salaries to \$26,244 would bring the salaries consistent with all other clerical positions in the county.

Mr. Bagwell made a motion to request funding from the Council for the salary increases, retroactive to January 1st, 2005, to the Council. Mr. Harbaugh seconded the motion, and it carried.

- b. ***Superior Court I:*** Request to change Part-time position to a Full-time position. The job title would be Bailiff and the salary would be \$37,367.

The PAC does not recommend changing the Part-time position to a Full-time position. However, the PAC recommends increasing the Part-time salary from \$2,500 to \$7,500. These additional funds would allow additional staff for the court while transitioning to a new judge. The PAC anticipates having more information about the process of a fourth court and would like to review this issue in July 2005.

Mr. Harbaugh made a motion to approve the salary increase only, subject to Council approval. Mr. Bagwell seconded the motion, and it carried.

c. ***Superior Court III:***

Request to change Part-time position to a Full-time position. The job title would be Clerk/Criminal and the salary would be \$31,367.

Request to change job title positions from Department 33, 1114 Clerk/Criminal (3) to Clerk/Criminal (2) and 1118 Clerk/Civil (2) to Clerk/Civil (3). This change would address the statute for the use of Probation User Fees.

The PAC recommends changing the Part-time position to a Full-time position. Due to the increase in work load and changes to the law pertaining to and small claims filings being increased. If a fourth court is established it would not affect the workload in Superior Court III.

Mr. Bagwell made a motion to approve funding for the Full-time position and the increase in salaries, subject to Council approval. Mr. Harbaugh seconded the motion, and it carried.

d. ***Information Systems Department:*** Request to change Part-time position to a Full-time position. The job title would be Network Technician and the salary would be \$32,000.

The PAC did not recommend changing the Part-time position to a Full-time position at this time and would like to review the request again in June 2005.

Mr. Bagwell made a motion to deviate from the PAC recommendation and approve the changes as requested, subject to Council approval. Mr. Harbaugh abstained from voting. Mr. Raver vacated the chair to second the motion, and it carried.

IN THE MATTER OF HEALTH DEPARTMENT ISSUES:

Public Health Nurse Karen Long, RN, BSN, presented the plan and costs for the Flu Vaccine order for the upcoming flu season 2005-2006. An order of 600 doses is proposed for county employees and their immediate family that reside in their homes.

Mr. Bagwell made a motion to authorize the order of 500 doses of flu vaccine for the 2005-2006 flu season to be used for County employees and family members who are eligible. Mr. Harbaugh seconded the motion, which carried.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

Information Systems Director Terry Tribby reported on current and proposed projects. He submitted a Major Information Systems Projects – 2005 for Commissioner information.

The meeting minutes of the Board of County Commissioners and the County Council are posted on the County website at co.howard.in.us. Work continues on the wireless communications network.

10:40 a.m.

**Mr. Bagwell made a motion to call a recess hold a Board of Finance Meeting.
Mr. Raver vacated the chair to second the motion, and it carried.**

The Howard County Board of Commissioners meeting re-convened at 10:50 a.m.

IN THE MATTER OF POOR RELIEF APPEAL FOR CENTER TOWNSHIP:

A Poor Relief Hearing was conducted on January 15th, 2005 for Center Township on behalf of **Wendy Roberts**. Commissioner Harbaugh, Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on January 6th, 2005.

Mr. Harbaugh made a motion to uphold the denial of the Center Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Poor Relief applicable to the case. Mr. Bagwell 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. **Operating claims payable on January 18th, 2005 in the amount of \$40,993.81** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.
2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for January 21st, and January 28th, 2005** were considered. Mr. Bagwell made a motion to approve payment. Mr. Harbaugh seconded the motion, and it carried.
3. The **Howard County Treasurers Report for the month of December 2004** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Right to Life Annual Memorial Service:** Howard County Right to Life submitted a request to use the County Courthouse sidewalk, steps, and outdoor electric outlet on the east side. The memorial service will be held on January 23rd, 2005 from 1:30 to 3:00 p.m. A motion was made by Mr. Harbaugh to approve the request from Howard County Right to Life and authorize them to use the sidewalks, steps, and electric outlet on the east side of the Courthouse. The motion was seconded by Mr. Bagwell and carried.
2. **Office Closure Policy:** A recent ice storm prompted the Commissioners to restate the procedure regarding office closures during inclement weather. It is the long-standing custom and practice of this County, as supported by state statutes and the Indiana Trial Rules, that county offices are not to be closed without the prior approval of the Board of Commissioners. Otherwise, the county fails to serve our public with uniform business hours. One office holder closed her county office on two occasions without prior approval of the Board of Commissioners.

The Commissioners, by consensus, authorized distribution of a letter requesting office holders and department heads to abide by this procedure. Furthermore, if approval is not obtained, the Commissioners reserve the right to disapprove employee payroll claims for the period of any unauthorized absences.

3. **Commissioners Quit Claim Deed:** The Commissioners signed a Quit Claim Deed conveying property that had been acquired from a Commissioner Tax Sale. The property, located at 527 E. Walnut Street (34-04-31-151-006.790-002) was conveyed to Michael C. West for a sum of \$190.00.
4. **Additional Appropriation Request:** The Commissioners' request for additional appropriation of \$2,000.00 out of the Cumulative Capital Development Fund will be presented at the Council meeting on Tuesday, January 25th, 2005.
5. The Commissioners received a letter notifying that **Mr. Jerry Williams, P.E., is no longer with Gove and Associates**. Mr. Raver said he would check into the issue for further information.

IN THE MATTER OF CHANGING COUNTY ATTORNEY POSTION TO FULL-TIME STATUS:

Auditor Ann Wells presented the request to change the position of the County Attorney from part-time to full-time, effective March 1st, 2004. In 2001 Attorney Murrell began working two days per week in his office located in the Howard County Administration Center. As the years evolved, the responsibilities of the County Attorney became more involved due to the increasing number of grants, contracts, and various litigation matters. Transfers within the Part-Time Attorney line items of the General Fund would cover the increase in salary from \$63,800.00 to \$84,000.00 and no additional money would need to be appropriated. Auditor Ann Wells presented the following transfer requests:

001 HOWARD COUNTY GENERAL FUND:

FROM:		TRANSFERS:		TO:		AMOUNT:
						REQUESTED:
023	HOWARD COUNTY BOARD OF COMMISSIONERS:					
1113.01	Attorney Council	1113.00	County Attorney/Coordinator	\$	16,122.00	
1113.02	Attorney Drainage Board	1113.00	County Attorney/Coordinator	\$	5,374.00	
1114.00	Assistant County Attorney	1113.00	County Attorney/Coordinator	\$	5,000.00	
3120.00	Contract Services	1113.00	County Attorney/Coordinator	\$	7,500.00	
3121.00	Office Allowance	1113.00	County Attorney/Coordinator	\$	5,000.00	
						(Total \$38,996.00)

Mr. Bagwell made a motion to approve the transfer requests as listed above subject to Council approval. Seconded by Mr. Harbaugh, the motion carried.

****** The Commissioners excused Mr. Raver so he could attend a Wage Hearing meeting. ******

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

Attorney Larry Murrell notified the Board that he would be in office on Thursday, January 20th, 2005.

There being no further business, Mr. Harbaugh made a motion to adjourn. Due to Mr. Raver's absence, Mr. Bagwell vacated the chair to second the motion, which carried. The meeting closed at 11:05 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes, January 18th, 2005