

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 21, 2010

The Howard County Board of Commissioners met in Regular Session on Monday, June 21, 2010 at 8:30 a.m. in Room 338 of the Administration Center. Those in attendance included President David Trine, Vice President William Thompson and Member Tyler Moore. 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 Trine. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the Executive Session held June 17, 2010 were submitted for review. The minutes were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

The minutes of the Joint Executive Session of the Board of Commissioners and the County Council held on May 28, 2010 were submitted, reviewed and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

The minutes of the June 7, 2010 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF THE APPOINTMENT OF THE ASSISTANT COUNTY ATTORNEY:

A motion was made by Mr. Thompson to appoint Mr. Alan D. Wilson to the position of Assistant County Attorney. The motion was seconded by Mr. Moore and carried. The Employment Agreement specifies a term of eighteen months, to expire December 31, 2011.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Department Engineer / Superintendent Ted Cain submitted the following issues for the Board's information and approval:

1. **School Bus Turn Around:** At the June 7th meeting a School Bus Turn Around for Northwestern School Corporation was submitted and Mr. Cain requested that he have a chance to review the request because it involved a State Road (*please refer to page one, item one, "In The Matter Of The Highway Department Issues", of the Regular Meeting minutes dated June 7, 2010*). The location of the proposed Turn Around is 12421 West County Road 100 North, owned by Gene and Ruth Thompson. County Road 1240 West dead ends onto State Road 22 and the addresses are listed as State Road 22. This drive is off of County Road 1240 and Mr. Cain approves this request. He has spoken with Northwestern School and the Highway Department has already constructed the turn around.
2. **Bridge Inspection Contract:** Mr. Cain submitted a Contract between Howard County and Butler Fairman & Seufert for ..."county-wide inspection and two-year interim re-inspection of all County bridges conducted in accordance with federal guidelines". The Federal Government has instituted new guidelines that some bridges have to be inspected annually. Because of the Minnesota Bridge collapse several years ago there are new demands on the consultant, requiring more in-depth inspection. This is the reason for the price increase, this year. Mr. Cain does his own inspection of the County's bridges, annually, but commented that it's good to have an independent inspection. He clarified that bridges twenty feet and over are considered a bridge. A bridge that's less than twenty feet is considered a culvert. At the conclusion of discussion a motion was made by Mr. Moore to approve the LPA Consulting Contract for Bridge Inspection with Butler Fairman & Seufert. The motion was seconded by Mr. Thompson and carried.

In conjunction with the contract Mr. Cain submitted a Consulting Agreement Letter to the Indiana Department of Transportation justifying the need for a consultant. A motion was made by Mr. Thompson to approve the Consulting Agreement Letter and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.

3. **Dixon Road Bridge Repair:** Mr. Cain informed the Board that today a sign crew is posting signs at the Dixon Road Bridge, restricting traffic to two lanes while repairs are being made. This project should take about three weeks.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population is three hundred twenty-two (322) with forty-five (45) being female. Forty-one (41) inmates were processed in over the weekend, and there are currently zero Department of Correction holds.
2. **Retiring Deputy:** Officer Dennis Vondersaar is retiring September 17, 2010. Officer Vondersaar is the senior road deputy and he has served Howard County for thirty-six (36) years. Officer Vondersaar has proved to be very dependable over the years, rarely calling in sick. This retirement motivates Sheriff Talbert to begin preparation on an Ordinance that will allow a retiring officer, who has served twenty years or more, and a reserve officer who has donated at least ten years of service, to keep his service pistol. The firearms contain unique markings to the Howard County Sheriff Department, and the practice of taking your firearm with you upon retirement is a practice already used by the Indiana State Police and many other law enforcement entities. The firearms will be replaced from the Firearms Fund.
3. **Returning Employee:** Donna Walker is returning from active military duty on July 12, 2010. She runs the kitchen at the Criminal Justice Center. While serving in the military, she broke her leg while on leave and that has hampered her return.
4. **Deputy On Active Duty:** Deputy Larry Sparks has been on active military duty overseas. We will be released from overseas duty but will be receiving a new assignment stateside. Sheriff Talbert may not see Mr. Sparks again before leaving office. Sheriff commented he has never had a full staff in the eight years he has been the Sheriff.
5. **Fallen Officer Blood Drive:** The Fallen Officer Blood Drive will be held at Kokomo 1st Church of the Nazarene on Tuesday, from Noon until 6:00 p.m. Two weather alert radios will be given as door prizes, and two families of fallen officers will be in attendance.
6. **Humane Society Assistance:** Sheriff Talbert expressed appreciation to the Humane Society for their assistance in the recent child mauling incident. An animal control officer took possession of the dog and delivered it to the vet. Because of this incident, Sheriff Talbert learned that the Humane Society has only one digital camera. The animal control officers do not have cameras in the field. Sheriff Talbert made the decision to purchase three digital cameras and memory cards from the Commissary Fund and donate them to the Humane Society.
7. **Sheriff Sale:** One hundred and six properties will be on the list for the August Sheriff's Sale. That amount is a new record. Lieberman is doing well with conducting the sales and there will be one minor change. At the end of the sale there is paperwork to process and finish, then post to Lieberman. Lieberman suggested that the Sheriff's Department scan the documents then e-mail them to Lieberman. Information Systems Director Terry Tribby will check the Sheriff's Department scanner / copier to see if it is compatible with the present computer network. If not, the Sheriff's Department will purchase a scanner.
8. **Unclaimed Property:** The Sheriff's Department received a form letter from the State Attorney General's office concerning unclaimed property. After November 1st, the State will begin a crackdown on unclaimed money and property that has not yet been sent to the State. Sheriff Talbert is confident that the Inmate Trust Account will be finished by that deadline.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Scott Reed submitted the following issues for the Commissioners' information and approval:

1. **Fallen Limbs At Howard Haven:** Mr. Reed reported fallen tree limbs on the roof at Howard Haven. The limbs were brittle but were able to be removed without damage to the building's roof.
2. **Government Center Elevator:** The elevator in the Government Center received an update from Amco Elevators, the company that services our elevators. After the update was completed the elevator would not work properly. Amco has returned and repaired the elevator.
3. **CCC Meeting:** The Citizens Consolidation Committee will be meeting at 5:30 p.m. on July 6th in the basement meeting room of the Administration Center. The Maintenance Department is busy with preparations for that meeting.

At this time the Regular meeting was recessed on a motion made by Mr. Thompson and seconded by Mr. Moore, in order to hold a previously continued and scheduled Public Hearing concerning the property located at 1001 East Alto Road.

On behalf of Plan Commission Director Glen Boise, Ms. Jane Trobaugh from the Plan Commission Office informed the Board of Commissioners that as of Friday afternoon at 2:45 p.m. there had been no progress concerning the demolition of the property at 1001 East Alto Road (*please refer to page three, Public Hearing, of the Regular Meeting minutes dated June 7, 2010*). There also is no excavation related equipment on the property. The Board of Commissioners discussed the fact that the delay could be weather related. At the conclusion of discussion a motion was made by Mr. Thompson to continue the Public Hearing until 4:30 p.m. July 6, 2010, and authorize Attorney Murrell to draft a letter to the owner informing him of the two week continuance. The motion was seconded by Mr. Moore and carried.

On a motion made by Mr. Moore and seconded by Mr. Thompson, the Public Hearing was closed and the Regular meeting reconvened.

IN THE MATTER OF THE LIBRARY BOARD'S REQUEST TO PURCHASE COUNTY PROPERTY:

Director of the Kokomo / Howard County Public Library Mr. Charles Joray, and Library Board Member Gail Hendrickson were in attendance to confirm the Library Board's offer to purchase the County's parking lot located on the southeast corner of East Mulberry and Market Streets (*please refer to page five, "In The Matter Of The Property Purchase Request By The Library" of the Regular Meeting minutes dated June 7, 2010*). Attorney Murrell submitted the revised offer that includes the changes suggested at the June 7th meeting, subject to the normal closing procedures. This parking lot was erroneously taxed for the parking spaces given to the Key Bank in the Mulberry / Buckeye Streets county parking lot. This issue needs to be resolved before the closing date so the Auditor and Assessor offices are working on this correction. The Library Board accepts the changes. Commissioner Moore extended appreciation to the Library Board for working with the Board of Commissioners on this issue. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to accept the Library Board's offer to purchase the County's parking lot on the southeast corner of Mulberry Street and Market Street, in the amount of \$50,000.00. Mr. Joray thanked the Board of Commissioners for their cooperation. Mr. Murrell and Mr. Brian Oaks will begin the title work.

On behalf of the Board of Commissioners, Mr. Murrell extended sympathy to the Library Board and the family of member William Sahn. He had served on many Boards throughout his years as a Howard County citizen.

IN THE MATTER OF THE INFORMATION SYSTEMS DEPARTMENT ISSUES:

Information Systems Director Terry Tribby submitted the following issues for the Board's information and approval:

1. **Comcast Contracts:** At the June 7th meeting the Board of Commissioners approved a contract with Comcast for service at the Courthouse and Howard Haven (*please refer to page four, item three, "In The Matter Of Information Systems Department Issues", of the Regular Meeting minutes dated June 7, 2010*). Mr. Tribby submitted the signed copies of the contract for the Commissioners' review. Mr. Tribby also informed the Board that Comcast is going digital and Terry has the needed boxes for the County Department televisions.

2. **Employment Anniversary:** Mr. Tribby informed the Board that he recently observed his ten year employment anniversary with Howard County. “How time flies when you’re having fun”. He appreciates being able to work for the County; it has been a joy and a pleasure.

He will be involved in the Muscular Dystrophy fundraiser, and be jailed this Wednesday. He will be asking people to help him “raise bail” and appreciates all the help he can get.

Mr. Murrell commented that he can track Howard County’s technology as BT (before Terry) and AT (after Terry). Mr. Tribby has brought Howard County from the “dark ages”, and has done a remarkable job.

President Trine commented that he receives e-mails and calls requesting help with IT departments. He always forwards them to Mr. Tribby for his expertise. He does all this work with only three full-time employees. Mr. Tribby gave appreciation to his “team” for all the work they accomplish. Mr. Tribby is here for the “long haul”.

IN THE MATTER OF HEALTH DEPARTMENT ISSUES:

Health Department Coordinator Kent Weaver submitted the following issues for the Board’s information and approval:

1. **Office Equipment Quotes:** At the previous Commissioner Meeting, the Board rejected all the office furniture proposals and authorized Mr. Weaver to prepare another Request For Proposals and submit it to the same vendors, no later than June 14, 2010 (*please refer to page five, “In The Matter Of Proposals For Health Department Office Furniture”, of the Regular Meeting minutes dated June 7, 2010*). Mr. Weaver submitted the following proposals:

Beckley Office Equipment	\$36,772.00
Shearer Business Products	\$30,054.00
Cardinal Office Equipment	\$27,850.00

The H1N1Grant committee specifies that the items purchased with the grant money must be in use by July 30, 2010. Because Beckley was the only vendor that could guarantee receipt of the equipment in a timely manner, and even though it is the highest quote, Mr. Weaver would recommend the purchase from Beckley Office Equipment as the lowest and **MOST RESPONSIVE** quote. At the conclusion of ensuing discussion a motion was made by Mr. Thompson to approve the quote from Beckley Office Equipment, in the amount of \$36,772.00, as the lowest and most responsive quote, subject to Mr. Murrell’s review, and authorize the President to sign any documents on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.

2. **Amend Fee Ordinance:** Currently the Health Department uses a 317 funding source to pay for the vaccine used to give free vaccinations to children who are under-insured. There is some concern that this funding source may no longer be available. The State of Indiana has asked County Health Departments to sign a Delegation of Authority with a federally qualified health center or rural health center so the needed vaccine for Howard County can be purchased through a nationally entitled Vaccine For Children Fund (established by law): the Health Department has chosen New Castle Pediatrics. Mr. Weaver submitted an amended Schedule A for Ordinance No. 2009-BCCO-03, Section III-H, Immunizations, from \$15.00 to \$14.00. This amendment does not apply to Adult Immunizations or TB testing. Attorney Murrell needs to prepare an amended Ordinance to reflect the change in the fee schedule, and requests that the Board re-visit this Ordinance at the July 6th Commissioner meeting. A motion was made by Mr. Thompson to amend Schedule A of Fee Collection Ordinance No. 2009-BCCO-03, reflecting the change in the Administration Fee for Vaccines for Children to \$14.00, and name the amendment as Ordinance No. 2010-BCCO-19. The motion was seconded by Mr. Moore and carried. Mr. Murrell will submit the new Ordinance at the July 6th meeting for the Board’s signature.

IN THE MATTER OF A COOLING UNIT FOR THE SERVER ROOM AT KINSEY YOUTH CENTER:

At the June 7th meeting the Board of Commissioners directed Kinsey Youth Center Director Brent Kelley and Chief Probation Officer Don Travis to obtain two more quotes for a cooling unit for the server room, and submit them at the June

21st meeting (please refer to page four, item four, “In The Matter Of Information Systems Department Issues”, of the Regular Meeting dated June 7, 2010). Mr. Kelley now submits quotes as follows:

Benchmark Mechanical	\$4,950.00
KMB Refrigeration	\$8,044.57
Brand Heating & Air Conditioning	\$2,889.00

Brand Heating & Air Conditioning is the lowest quote and in reviewing the specifications it is also responsive to the quote. Mr. Kelley and Mr. Travis recommend using Brand Heating & Air Conditioning as the lowest and most responsive quote. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the purchase of a cooling unit from Brand Heating & Air Conditioning in the amount of \$2,889.00. This purchase will be paid from the Commissioners’ Equipment line item in the Cumulative Capital Fund. Mr. Moore thanked Mr. Kelley and Mr. Travis for taking the time to secure the other quotes as requested.

IN THE MATTER OF THE EMA EMERGENCY PLAN UPDATE:

Mr. Larry Smith, Director of the Emergency Management Agency, submitted an update to the Emergency Operation Plan for the Board’s approval and signature. This plan is updated annually and the State now requires that the County Board of Commissioners approve and adopt the plan, as well. Mr. Murrell has reviewed the plan, submitted a summary of the Plan to the Board members, and adds his recommendation to the plan. A motion was made by Mr. Moore to approve the updated Emergency Operation Plan. The motion was seconded by Mr. Thompson and carried.

Mr. Smith also took this opportunity to inform the Board that the EMA Department works closely with the Sheriff’s Department, Police Department, the news media, and events coordinators in Howard County concerning Severe Weather Alert notifications. There was a large event in the City of Kokomo whose directors WERE notified of severe weather conditions about one hour before the thunderstorm came through Friday evening. The participants of the event were not notified until about ten minutes before the storm came through the area. Mr. Smith is concerned that if the events are not closed down until severe weather is completely through the area, people will be seriously hurt. Currently the EMA notifies event coordinators and other media of the severe weather moving into the area, but do not have the authority to close the event. That decision is left to the event coordinator.

IN THE MATTER OF ORDINANCE NO. 2010-BCCO-20:

Mr. Jeb Conrad, director of the Greater Kokomo Economic Development Alliance, submitted Ordinance No. 2010-BCCO-20. This Ordinance designates Howard County as a recovery Zone under section 1400U-1 of the Internal Revenue Code for the purpose of issuing Recovery Zone Economic Development Bonds or Recovery Zone Facility Bonds. The definition of a Recovery Zone covers the following three scenarios:

- 1) any area designated by a county or large municipality as having significant poverty, unemployment, rate of home foreclosures, or general distress
- 2) any area designated by a county or large municipality as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense base Closure and Realignment Act of 1990
- 3) any area for which a designation as an empowerment zone or renewal community is in effect

The Board of Commissioners designates Howard County as Recovery Zone for reason number (1). Mr. Conrad adds the support of the Greater Kokomo Economic Alliance. This will be a tool to provide access to Federal funding through the State of Indiana, available until 12-31-2010. These bonds are available to any business in the County and 9.64 million dollars have been allotted for Howard County. These are not County backed bonds. The businesses to which the bonds are awarded are to pay back the bond money.

At the conclusion of ensuing discussion, a motion was made by Mr. Thompson to approve Ordinance No. 2010-BCCO-20. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following claims and reports for the Commissioners' information and approval:

1. **Salary Claims:** The Commissioners' Salary, Hourly and Overtime claims payable June 25 and July 2, 2010, in the amount of \$346,484.04 each, were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$232,080.50, were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
3. **Treasurer's Report:** The Treasurer's Report for the month ending May 31, 2010, was submitted. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to accept the Treasurer's Monthly Report.
4. **Weights & Measures:** The Weights & Measures Report for the month of May 16 – June 15, 2010 was submitted and accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell submitted the following issues for the Board's information and approval:

1. **Oak's Invoice:** Mr. Murrell submitted an invoice for office expense for January through June, 2010, in the amount of \$1,000.00. The invoice was approved for payment on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Wilson Invoice:** Mr. Murrell submitted an invoice from Alan D. Wilson, Attorney, for services rendered at the Indiana Court of Appeals for Orza Salone v William Menges, #34A05-1001-MI-00045: the case was dismissed. This will be paid from the Insurance Deductible line item in the Commissioner's account. The invoice was approved for payment, in the amount of \$216.00, on a motion made by Mr. Thompson and seconded by Mr. Moore.
3. **Former Jail Facility:** On May 28, 2010, Mr. Murrell received an offer from Cedarbridge Treatment Centers, LLC, concerning the former Jail facility located on 623 S. Berkley Road. Cedarbridge Treatment Centers is the successor to Correctional Management. This offer was informally rejected and Mr. Murrell recommended the rejection be reflected in the minutes. A motion was made by Mr. Moore to reject the offer for the former jail facility made by Cedarbridge Treatment Centers LLC. The motion was seconded by Mr. Thompson and carried.

Mr. Murrell has been advised by the Auditor's Office that Cedarbridge is delinquent in their lease payments for April, May and June of 2010. They are also delinquent in payment of the Wastewater billing owed to the City of Kokomo, in the amount of \$328.25. The property was abandoned several weeks ago and has not been mown. Mr. Murrell recommends to the Board that they authorize him to send a letter to Mr. Ron Hunter, CEO of Cedarbridge, and inform him of the delinquencies. This will give Cedarbridge the chance to remedy the failures before the Board of Commissioners take action allowed by the lease agreement. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to authorize Mr. Murrell to send a certified letter to Mr. Ron Hunter, CEO of Cedarbridge, as recommended.

Mr. Murrell will also contact Mr. Hunter concerning mowing the premises.

At this time the Regular Meeting was recessed on a motion made by Mr. Thompson and seconded by Mr. Moore, in order to recognize the work of Attorney Brian Oaks as Assistant County Attorney for Howard County the past fourteen years.

President Trine recognized the work of Attorney Brian Oaks and his fourteen years of service to Howard County as the Assistant County Attorney, from January 1, 1996 to June 30, 2010. Mr. Oaks was presented with an award for service. He will still be asked to serve as outside council.

County Attorney Larry Murrell commended Mr. Oaks for his service, saying that he has "...enjoyed that association." Mr. Oaks has been dependable and willing to assist when needed. Mr. Oak's assigned duties included work with the Board of Health, Plan Commission Office, and dog cases. He's been an excellent Assistant County Attorney as well as a good friend.

At the conclusion of a time of refreshments and visitation, the Regular Meeting was reconvened on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Thompson:

Mr. Thompson expressed concern over the recent storms that left flooded roads and fields. He asked that all in attendance be careful while maneuvering through the flooded conditions.

Commission Trine:

Mr. Trine submitted for signatures a Certificate of Recognition for Mr. Rick Ogg, who recently resigned from the Convention and Visitors Board.

Mr. Trine reminded the Board of the Fallen Officer Blood Drive, tomorrow, at the First Church of the Nazarene from Noon until 6:00 p.m.

Submission of Indiana Department of Environmental Management Notices to the Board of Commissioners as follows:

Notice of Decision, Approval effective immediately, for the Chrysler Group Kokomo Casting Plant concerning permit renewal for a stationary aluminum die cast plant. The notice was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Notice of Change of Ownership for Thomas D. Byers, Jr., confined Feeding Operation, Nursery pigs and finish hogs. The notice was accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Notice of Listing of deficiencies remaining for the Completion of Post-Closure Greentown Landfill was submitted and accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

Mr. Trine received a notice of a Wage Determination Hearing for construction work to be done on the campus of Indiana University – Kokomo. The Hearing is scheduled for Wednesday, June 30, 2010, and Mr. Thompson will attend the meeting.

The Veterans Service Office Monthly report for the month of May, 2010, was submitted and accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

The Soil & Water Agenda for the June 15th meeting and the minutes of the May 18, 2010 meeting were submitted and accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

Surplus County Office property is usually disposed of through the annual Sheriff Auction. The Sheriff's Department did not hold an auction last year but there is interest in having one this year. The County maintains a rotation of local auctioneers. Mr. Trine will review this issue with Sheriff Talbert.

The Board is working on organizing the 2nd Annual Stuff-The-Bus event for school supplies.

The Commissioners are needed at Tuesday night's County Council meeting to submit the request for funding for the County's share of the grant to purchase radios for the Volunteer Fire Departments (*please refer to pages six and seven, "In The Matter Of The Request For County Matching Funds For Radios For Volunteer Fire Departments", of the Regular Meeting minutes dated June 7, 2010*).

There being no further business to come before the Board at this time, the meeting was adjourned at 10:35 a.m. on a motion made by Mr. Thompson and seconded by Mr. Moore.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioners Meeting June 21, 2010