

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 19, 2004**

The Howard County Board of Commissioners met in Regular Session on Monday, April 19, 2004, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President John B. Harbaugh, Vice President Paul J. Raver, and Member Bradley J. Bagwell. Also present were County Attorney Lawrence Murrell, Personnel Administrator Wanda McKillip, and Auditor Martha Lake.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President John B. Harbaugh.

The minutes from the regular meeting held on April 5<sup>th</sup>, 2004 and the Executive Session held on April 8<sup>th</sup> were reviewed. Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to approve both sets of minutes as presented.

### **IN THE MATTER OF HIGHWAY ISSUES:**

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

1. **Bridge Repair Work:** Mr. Cain detailed current bridge repair work and explained that during repair work on the second bridge of the season, it was discovered that the deck was not in as good of condition as expected. Mr. Cain stated there is enough money already appropriated to pay the extra cost to remove and replace the deck.
2. **Repair to Culvert:** The headwalls of the culvert located at 1100 East and State Road 26 are a concern. They set perilously close to the pavement and prohibit farm equipment from using the road. Installation of a new metal culvert is proposed to be completed by harvest time in the Fall.
3. Mr. Cain gave a brief overview of the **paving projects** for 2004. He said the next phase of the Dixon Road Project for the section between 250 South and Greentree Lane will be let in July 2004.

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

Sheriff Marshall Talbert presented the following issues for Commissioner information:

1. **New Prisoner Transport Van Update:** The 2004 three-quarter ton cargo van for transporting prisoners has been received from Charles Conkle Motor Co. The van will be taken to Warsaw this week for the installation of the Mavron transport module.
2. **Abandoned Vehicles at 3904 South 350 West:** *(See page 3, April 5<sup>th</sup>, 2004 minutes, "In the Matter of Plan Commission Issues and Properties for Approval", Item 10, for related discussion).* Sheriff Deputies tagged the abandoned vehicles on the property. On April 16<sup>th</sup>, various wrecker companies began taking the vehicles, valued less than \$100.00 each, to scrap yards for processing. Only motorized vehicles can be removed; some mobile homes and trailers remain on the property. Sheriff Talbert received information from a citizen that the property has been deeded to Solidarity Federal Credit Union.
3. Sheriff Talbert thanked Mr. Ted Cain for the quick response of **repairing potholes** in the parking lot at the Criminal Justice Center.
4. **Howard County Auction for 2004:** Mr. Raver made a motion to contract with Auctioneer Cartwright Ellis to conduct the Sheriff's sale of surplus County property and that the Sheriff or his representative contact Mr. Ellis to schedule the sale date. Mr. Bagwell seconded the motion, and it carried.

### **IN THE MATTER OF PLAN COMMISSION ISSUES AND PROPERTIES FOR APPROVAL:**

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

1. **Unsafe Buildings Update:** Mr. Boise is in the process of investigating two new complaints regarding unsafe buildings. In addition, Mr. Bagwell notified Mr. Boise there is an unsafe building located at the southwest corner of at 300 North 700 East.

#### ***Status of Two Existing Unsafe Properties:***

3904 South 350 West – Martin E. and Freida Meyers - *(See above "In the Matter of Sheriff Department Issues", Item 2, for related discussion)* The abandoned vehicles are in the process of being removed from the property.

2255 South 350 West - Gregory J. and Sonya G. Ward - The issues regarding this property are being addressed. The Department of Health recently received an application to re-use the existing septic system.

2. **Flood Mitigation Issues:** Ms. Jan Crider, Flood Mitigation Assistance Coordinator at the State Emergency Management Agency (S.E.M.A.) notified Mr. Boise about a funding opportunity for the purchase of flooded homes from the Indiana Housing Finance Authority. There is \$500,000 available with a 25% local match. A letter of intent to apply for consideration of funding must be submitted by

Friday, April 23<sup>rd</sup>, 2004. Mr. Boise requested permission to follow up on this information and file the letter of intent with the provision that the project would not take any more of the County's money.

Mr. Bagwell made a motion to authorize Mr. Boise to proceed with the process of applying for the funding as discussed. Mr. Raver seconded the motion, and it carried.

#### **IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

Maintenance and Grounds Superintendent Thomas Harrison was out of town on vacation and was unable to attend the meeting. On behalf of Mr. Harrison, Mr. Raver presented the following issues for Commissioner information and approval:

1. **Courthouse:**
  - a. The work to install the sump pump in the pit of the elevator shaft has been completed. (*See page 3, April 5th, 2004, minutes, "In the matter of Maintenance Department Issues", Item 1 for related discussion*)
  - b. The work to lower the ceiling, install additional lighting, heating, and cooling in the Superior II Courtroom is progressing.
2. **Howard County Government Center:** Installation of the correct signage on the exterior of the building has been completed.
3. **Howard Haven:** The concrete work to widen the sidewalks and install cement slabs has been started.

#### **IN THE MATTER OF PERSONNEL ADMINISTRATION ISSUES:**

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

1. **Howard County Veterans Service Office:**
  - a. Alan Polsgrove, Howard County Veterans Service Officer was present to request approval to **close the Veterans Office from 8:00 a.m. on Monday, June 7<sup>th</sup> through Thursday, June 10<sup>th</sup> 2004.** The Office will reopen at 8:00 a.m. on Friday, June 11<sup>th</sup>, 2004. Mr. Polsgrove and Administrative Assistant Pam Cheek plan to attend the annual Indiana Department of Veterans Affairs (IDVA) Annual Certification Conference in Indianapolis, Indiana.  
  
Mr. Raver made a motion to approve the closing of the Howard County Veterans Service Office from June 7<sup>th</sup> through June 10<sup>th</sup>, 2004, as requested. Mr. Bagwell seconded the motion, which carried.
  - b. Copies of the **American Legion Service and Legislative Update**, dated March 31, 2004, were provided to the Commissioners. The combined efforts of several county service officers working with the American Legion recovered more than a million dollars for veterans in calendar year 2003.
2. **PAC Recommendations:**
  - a. **E-911 Communications Salary Changes:** (*See page 4, April 5<sup>th</sup>, 2004 minutes, "In the Matter of Personnel Administrator Issues", Item 2, for related discussion*) After additional consideration regarding changes to the Communications Director and Assistant Communications Director salary changes, the PAC recommends not increasing the salaries at this time, but to review each position again this year at budget time. The PAC recognizes the responsibilities of each position but due to budget restraints the Committee cannot recommend additional increases at this time. The PAC recommends any additional increases to be submitted with the 2005 Budget requests.  
  
Mr. Raver made a motion to accept the PAC report including the recommendations to not increase the salaries at this time. Mr. Bagwell seconded the motion, which carried.
  - b. **County Nurses' Salary Changes:** Due to the current county wage, it is becoming more difficult to find and keep qualified nurses to fill open positions in county government. The PAC recommends reviewing all county nurses' salaries at budget time.
  - c. **Transfer of Employee:** The County Recorder requested approval to transfer one full time employee to the Auditor's Office. Modern technology has eliminated much of the workload causing the Recorder's Office to become overstaffed. Due to the workload in the Auditor's Office, the Auditor previously submitted a request to the Council for additional part-time funds, which was tabled in March 2004. The PAC recommended approval of transferring the employee based on information that the Recorder's Office was overstaffed and the job responsibility in the Auditor's Office is similar to the job being performed in the Recorder's Office.

Mr. Raver made a motion to accept the PAC recommendations regarding the Recorder's Office transfer of personnel to the Auditor's Office and forward the request to the Council for consideration. Mr. Bagwell seconded the motion, and it carried.

3. **Life Insurance Classification Change:** *(See page 3, March 15, 2004 minutes, “In the Matter of Personnel Administrator Issues”, Item 2, for related discussion)* The following amendments have been made and approved March 1, 2004, regarding the classes of county employees insured with Jefferson Pilot Insurance:
  - a. Class 1 includes all full-time Sheriff’s Merit Deputies and Major; and full –time employees of the Convention and Visitor’s Bureau. (Employer pays for \$15,000 coverage per employee)
  - b. Class 2 remains the same, which includes all other full time employees excluding elected officials, appointed officials, etc. (Employer pays for \$10,000 coverage per employee)
  - c. Class 3 was created to allow proper documentation and payment processing for Elected Officials, Appointees, and Attorneys who are exempt from time keeping records. (Employer pays for \$10,000 coverage per employee)
5. The PAC is scheduled to meet on **Wednesday, April 21, 2004** to review proposed changes to the County Employees Handbook.
6. **Internship Program:** *(See page3, September 15, 2003 minutes, “In the Matter of Personnel Administrator Issues”, Item 3, for related discussion)* Two interns will begin working part-time in the Personnel Department on a no-pay/no-benefits basis. One intern is a college graduate seeking experience with on-the-job-training and the other intern is a student earning school credits through the Indiana University Intern Program. The first intern is scheduled to work eight hours per week starting April 20<sup>th</sup>, and the other intern will begin working in May, 2004. Due to confidential records contained within the Personnel Office, the interns will be required to sign a confidentiality agreement.

#### **IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:**

Information Systems Director Terry Tribby presented the following issue for Commissioner information and approval:

1. **Property Record Internet Access:** *(See page 4, April 5<sup>th</sup>, 2004 minutes, “In the Matter of Information Systems Director Issues”, Item 1, for related discussion)* At the previous meeting, Mr. Tribby recommended the services of NX Communications, Inc. to post Howard County tax and assessment information on the internet. Shortly after the Commissioners granted approval to hire the firm, it was discovered that NX Communications failed to reveal a Chapter 11 Bankruptcy they filed on March 31<sup>st</sup>. Mr. Tribby was initially unaware of the bankruptcy filing; he admittedly did not request financial statements during negotiations with NX because the initial investment for the project was well below the amount required for a formal bidding procedure. Mr. Tribby learned about the company’s background and past performance from other counties. He commented, for a technology company NX has a significant number of employees.

NX President Scott Linn and Executive Vice President Benjamin Bullard were in attendance to present a formal apology to the Commissioners for not disclosing the company’s financial shortfall. Mr. Linn explained that the shortfall was a result of overruns to renovate the NX headquarters as a part of Marion’s downtown revitalization effort. The initial investment of approximately \$800,000 resulted in costing the company \$2,300,000. NX applied for a funding program with the U.S. Small Business Administration. However, the funding guidelines changed and NX discovered they did not qualify for the anticipated funding. At that time NX decided to file bankruptcy in order to protect the company, employees, and customers. Mr. Bullard said NX did not lose any clients resulting from the bankruptcy. Mr. Linn commented that the bankruptcy resulted from a failed real estate venture and had nothing to do with their technological business. He felt that the NX contract would not put the county in a financial risk.

County Assessor Ann Harrigan was present to express continued support of the NX program. Mr. Tribby commented that the project would be extremely beneficial for the county and bring needed service to the taxpayers.

From a legal standpoint, County Attorney Larry Murrell advised that there is nothing wrong with doing business with a company that is undergoing reorganization as long as everything else is in order. According to the agreement with Howard County, NX will be paid \$5,000 only after the tax data is posted on the internet and the software is working properly. The \$1,200 monthly service fee will be billed in arrears for work that has already been completed. In addition, NX has agreed to provide source codes for the software in the event that NX ceases operations.

Mr. Bagwell made a motion to reaffirm the contract between NX Communications, Inc. and Howard County to provide the services to post Howard County tax and assessment information on the internet. Seconded by Mr. Raver, the motion carried.

#### **IN THE MATTER OF SMALL BUSINESS DEVELOPMENT CENTER ISSUES:**

Ms. Mary Giangjordano introduced herself as the new Regional Director of the Indiana Small Business Development Center (SBDC). The SBDC recently moved from the basement of the Howard County Administration Center to the new Kokomo Technology Center at 700 E. Firmin Street. At the Commissioners request, Ms.

Giangiordano agreed to take care of removing the SBDC logo from the sign located on the lawn of the Administration Center.

Ms. Giangiordano presented an overview of the activities for calendar year 2003 compared to 2002; the 2004 Plan; and SBDC Funding information. She thanked the Commissioners for the contributions in the years 2003 and 2004. The North Central Indiana SBDC receives \$2 for each \$1match. Ms. Geangiordano stated she would like to reduce the significant time spent soliciting funds each year. One goal is to change the annual fund solicitation to a budgeted line item. She explained that this would enable SBDC to focus on providing services to its clients. However, Mr. Raver informed Ms. Giangiordano that the County's annual budgeting procedure is to compose the budget during June, with the completion date by September, which accommodates the following calendar year. The budget request would need to be approved annually by the County Council; therefore there could not be a guaranteed annual commitment.

**IN THE MATTER OF SALVATION ARMY COORDINATED ASSISTANCE MINISTRIES (CAM) – Neighborhood Family Day:**

CAM Director Ruth Lawson requested the use of the County parking lot on the corner of Mulberry and Market Streets for a Neighborhood Family Day event from **11:00 a.m. to 2:00 p.m. on Saturday, May 15<sup>th</sup>, 2003**. The community is invited to a fun filled event with music, games, food, and give-away items. A certificate of liability insurance in the amount of \$1,000,000 will be provided to the Commissioners and the sponsors are responsible for cleaning up the parking lot afterward. The Commissioner recommended that Ms. Lawson should check on whether there are any restrictions or permits required by the city government regarding noise, clean-up, etc.

Mr. Bagwell made a motion to allow the use of the County parking lot from 11:00 a.m. to 2:00 p.m. on Saturday, May 15<sup>th</sup>, 2003, for Neighborhood Family Day, subject to a certificate of liability insurance. Mr. Raver seconded the motion, and it carried.

**IN THE MATTER OF POOR RELIEF APPEALS FOR CENTER TOWNSHIP:**

A Poor Relief Hearing was conducted on April 16<sup>th</sup>, 2004 for Center Township on behalf of **Sandra Maddox**. Commissioner Harbaugh, Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on April 15<sup>th</sup>, 2004. Mr. Raver 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 Martha Lake presented the following reports for Commissioner information and approval:

1. **Operating claims payable on April 19<sup>th</sup>, 2004 in the amount of \$142,120.79** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for April 23<sup>rd</sup>, and April 30<sup>th</sup>, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. The **Howard County Treasurer's Report for the month of March 2004** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver, and it carried.
4. **Appropriation Requests to the Council:** The following appropriation requests for the Cumulative Capital Development Fund is scheduled to be presented at the County Council meeting on April 27<sup>th</sup>, 2004:

**150 HOWARD COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND:**

**000 HOWARD COUNTY INDIVIDUAL DEPARTMENT REQUESTS:**

4305	Jail Repair	\$ 15,000.00
4320.01	Building Repair – Haven Home	\$ 32,000.00
<b>Total CCD Fund</b>		<b>\$ 47,000.00</b>

The request in Line Item 4305 is designated for the installation of double bunking in Unit 6 at the Criminal Justice Center. (*See page 6, April 5<sup>th</sup>, 2004 minutes, "In the Matter of Additional Sheriff Department Issues" for related discussion*)

The appropriation of \$32,000.00 in Line Item 4320.01 will fund the project to connect the Howard Haven sewer lines into the City's sanitary sewer system. (*See page 8, April 5<sup>th</sup>, 2004 minutes, "In the Matter of Commissioner Issues", Item 2, for related discussion*)

5. **Property Tax Bills:** The property tax bills were sent out early this year. Auditor Lake praised the organization and efficiency of the employees of the Auditor's and Treasurer's Offices.

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

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

1. **Contract for Nursing Services:** Registered Nurse David Lawson from Howard Community Mental Health goes to Howard Haven every week to set up the prescription medications that are administered to the residents. A Contract for Nursing Services was prepared specifying the type of service provided by Mr. Lawson and/or his licensed substitute for a fee of \$50.00 per week. The contract requires Mr. Lawson to maintain professional liability insurance at his expense (attached at Exhibit A).

Mr. Bagwell made a motion to approve the Contract for Nursing Services between the Co-Managers of Howard Haven and David Lawson, and authorize the President to sign on behalf of the Commissioners. Seconded by Mr. Raver, the motion carried.

2. **Indian Heights Street Lighting Project:** *(See page 5, April 5<sup>th</sup>, 2004 minutes, "In the Matter of Street Lights in Indian Heights Subdivision" for related discussion)* At the May 3<sup>rd</sup>, 2004 meeting, Attorney Murrell plans to present the report outlining the process and recommendations regarding the Indian Heights Street Lighting Project. The Barrett Law, authorizing street light projects in counties, takes effect on July 1, 2004. In the meantime, Attorney Murrell suggested completing some of the preliminary work.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

Mr. Raver reported that one male resident at Howard Haven fell ill on a holiday weekend (Good Friday through to Easter). The Co-Managers worked overtime to process the required paperwork to transfer the man to the Veteran's Hospital in Marion. The Co-Managers might need to request additional money from the Council for overtime pay.

#### **IN THE MATTER OF JAIL WORK RELEASE FEASIBILITY STUDY:**

Superior Court III Judge Doug Tate, together with Community Corrections Director Steve Maus presented the following issue for Commissioner information:

Recently, Sheriff Marshall Talbert, Commissioner John Harbaugh, and Community Corrections Director Steve Maus toured the Adams County Work Release Center. Mr. Maus distributed copies of a feasibility study completed by Moake Park, an architectural firm. Mr. Maus suggested that a building could be designed to accommodate both the work release program and the community corrections offices. He suggested he could research whether there is any funding available from the State for the project.

The Commissioners felt that the Jail Study Committee needs to be included in the feasibility study. Mr. Bagwell questioned whether it is feasible to build a work release facility independent of a jail expansion. Judge Tate agreed that about 80% of the jail population are pre-trial detainees and are not qualified for work release. Based on the fact that only 20% of the jail population would be eligible for work release, Mr. Bagwell was not certain if a work release center would significantly help reduce the jail population. Judge Tate commented that any alternative solution to sentencing would be a positive concept.

Judge Tate clarified that they were not asking for approval of the project; they were only seeking input from the Commissioners. Mr. Bagwell suggested presenting the concept to both the Jail Study Committee and Community Corrections Advisory Board. The Commissioners agreed that the work release program is a good concept but were skeptical whether the program could be justified on its own. The Commissioners felt that the work release center project and potential jail expansion plans should be a combined effort. Judge Tate agreed to meet with the Jail Study Committee together with Mr. Maus before moving forward with the project. A meeting of **the Jail Study Committee was set for Friday, April 23<sup>rd</sup>, 2004, 2:30 p.m., in Room 220D of the Administration Center.**

There being no further business before the Board at this time, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion and it carried. The meeting closed at 10:30 a.m.

#### **THE HOWARD COUNTY BOARD OF COMMISSIONERS**

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JOHN B. HARBAUGH, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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BRADLEY J. BAGWELL, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Commissioner Minutes, April 19<sup>th</sup>, 2004