

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 15, 2004

The Howard County Board of Commissioners met in Regular Session on Monday, November 15th, 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 Monday, November 1st, 2004 were approved on a motion made by Mr. Bagwell. Mr. Raver seconded the motion and it carried.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Materials and Supplies for Year 2005:** Bids for the Highway Department’s 2005 operating materials and supplies were received and opened by Mr. Cain at the scheduled time advertised of 8:30 a.m. It is common to accept all bids due to the fact that the Highway Department makes purchases from different suppliers. The operating bids were received as follows:

Item #1	Precast and Prestressed Beams – None
Item #2	Various Grades of Asphalt, Emulsion, and Tar – Mohr Construction Company, Inc., a Division of E & B Paving, Inc. Asphalt Materials, Inc.
Item #3	Bituminous Coated Aggregate, Asphaltic Concrete Binder and Top – Mohr Construction Company, Inc., a Division of E & B Paving, Inc.
Item #4	Stone – IMI/Irving Materials, Inc. Hansen Aggregates Martin-Marietta Aggregates
Item #5	Equipment Rental – Baker & Schultz

Mr. Bagwell made a motion to take the County Highway operating bids for the year-2005 under advisement until the next regular meeting on December 6th, 2004 to allow Mr. Cain and County Attorney Larry Murrell to review them. Mr. Raver seconded the motion, which carried.

2. **Purchase New Truck:** Mr. Cain entertained quotes from three different sources to accommodate the purchase of a new single axel cab and chassis truck, each truck costing under \$75,000.00, as follows:

Speedway	Lafayette	\$64,069.64
Wiers International	Logansport	\$49,411.00
Wabash Ford	Indianapolis	\$49,495.00

Mr. Cain recommended the lowest price quote from Wiers International in the amount of \$49,411.00 to be paid out of the Highway Department Budget appropriation for the 2004-year.

In accordance with Statute IC 5-22-8-3, a motion was made by Mr. Bagwell to authorize proceeding with the purchase of the single axel cab and chassis truck from Wiers International in Logansport at a cost of \$49,411.00; this being the lowest most responsible and responsive quote. Mr. Raver seconded the motion, and it carried.

3. **Purchase Tractor:** Mr. Cain is in the process of obtaining price quotes for a tractor. He would like to make the purchase by the end of the 2004-year.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population Report:** On this date the inmate population at the Criminal Justice Center has decreased to 298.
2. **Cell Phone Contract Renewal:** *(See April 21, 2003 minutes, “In the Matter of Sheriff Department Issues”, page 3, Item 9, for related discussion)* Recently the contract with Centennial Wireless was up for renewal. Thirteen cell phones were covered by the previous contract at a cost of \$900.00 per month, which was paid out of the Commissary Fund. A new contract has been negotiated for a term of two years, providing fifteen cell phones at a cost of \$550.00 per month with improved service coverage. The contract divides the phones into four groups with 1500 shared minutes for each group.

The nurse on call will utilize one of the additional phones; the other phone will be placed with the jail administrator who is on call during the weekends.

Mr. Bagwell made a motion to approve the contract with Centennial Wireless for fifteen cell phones for a term of two years as outlined by the Sheriff, and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

3. **Purchase Photocopy Machines:** *(See page 2, November 1st, 2004 minutes, “In the Matter of Sheriff Department Issues”, Item 2, for related discussion)* At the previous meeting Sheriff’s Department Personnel Administrator Ree Moon submitted three quotes to purchase three photocopy machines. Due to questions regarding responsiveness and responsibility the Commissioners took the issue under advisement for further review. Ms. Moon re-sent specifications to the same companies. Today, looking at the newest quotes, the commissioners examined responsiveness to the written specifications. A few questions were discussed, such as whether networking would be included for each copy machine; inclusion of special features not in the specifications; response time for servicing the equipment; and the amount of trade-in price for the old equipment.

Attorney Murrell advised that, according to statute, it is the Commissioners’ responsibility to award the contract to the lowest responsible and responsive bidder or reject all bids. In order to be fair to all vendors Attorney Murrell suggested to again re-issue invitations for quotes. Mr. Bagwell made a motion to reject all three quotes and requested the Sheriff to resubmit specifications for the purchase of the copy machines. Mr. Raver seconded the motion, and it carried. Attorney Murrell will look at the specifications before distribution to vendors.

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. There were no **subdivision plats** submitted for approval at this time.
2. **Unsafe Buildings:** Mr. Boise continues to monitor the status of unsafe buildings however there was no new information to report at this time.
3. **Flood Mitigation Issues:**
 - a. **Buy-Out Contracts:** Attorney Murrell is in the process of reviewing the contracts. He asked Mr. Boise if the county has received the funding to buy out two homes. Those funds are being held in Indianapolis under a reimbursement type provision. The cost to buy out the homes is \$114,000.00 and \$125,000.00 for a total of \$239,000.00. Mr. Boise said the county is responsible to pay for 25% of the funding. \$200,000.00 was appropriated by the County in 2004 for the buy out process; however some of the money has been depleted. The appropriation for year 2005 is \$180,000.00. Mr. Bagwell suggested buying one house and applying the reimbursement from the state toward purchasing the second house. Mr. Boise advised he would contact the state to find out if there is a way to expedite this process rather than delay the purchase of one home. Attorney Murrell stated that after closing, the sellers have ninety days to vacate. According to Federal regulations, the homeowners are not allowed to salvage anything from the homes such as windows, improvements, or fixtures that are attached to the real estate. Attorney Murrell advised review of the contracts would be completed in approximately one week. The Commissioners took no official action on this issue today.
 - b. **Multi-Natural Hazard Mitigation Update:** Four responses were received for the Request for Services for preparation of a Multi-Natural Hazard Mitigation Plan. The Plan Commission Staff, together with a representative for the Kokomo Development Department reviewed the proposals submitted from the following consultants:

* Christopher B. Burke Engineering, Ltd.	Indianapolis, IN
* Bonar Group	Indianapolis, IN
Gove Associates, Inc.	Indianapolis, IN
Phoenix Disaster Services with	San Antonio, TX
Metro Planning from Eugene, OR	

* Mr. Boise recommended scheduling interviews with the two consultants indicated with a “star”.

Mr. Bagwell made a motion to authorize Mr. Boise to schedule interviews with consultants Christopher B. Burke Engineering, Ltd. and Bonar Group for preparation of the Multi-Natural Hazard Mitigation Plan. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Maintenance and Grounds Superintendent Thomas Harrison was unable to attend this meeting due to illness.

THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **Healthcare Renewal for 2005:** Mr. Doug Heath from Miles and Finch Insurance reported that the Howard County Insurance Committee met on November 10th, 2004 to review the Anthem insurance

renewal and marketing information, which included quotes from a variety of other insurance carriers. Anthem came in with a 3.7% annual increase for 2005, due to a decrease in the number of claims in 2004 compared to 2003. The Insurance Committee unanimously recommended the Anthem BC/BS insurance renewal proposal. Mr. Heath presented the Health Insurance Renewal Proposal and Benefit Rate Sheets for 2005. The “grandfathered” employees would pay 15% and the county would pay 85% of the premium for medical and prescription; the newer employees (hired after January 1, 2003) would pay 30% and the county would pay 70%. For dental and vision the rates would be 20%/80% and 40%/60%.

Mr. Raver stated that 84 of the 439 full-time employees choose not to participate in the County medical/RX plan. However 37 of those employees use the dental and vision coverage. By not having the medical insurance those employees are saving the county a significant amount of money. Mr. Raver questioned why they should be charged more for their dental and vision contributions. Mrs. McKillip explained the concept is to keep the rates at 80/20 and 60/40 as much as possible; the dental and vision rates increased only about \$1.00 per section for 2005. Mr. Bagwell advised this is not a policy change; it is an administrative change only. Auditor Martha Lake said the claims seemed to have stabilized and a reserve balance is being established.

Mr. Raver made a motion to authorize medical, prescription, dental, and vision renewal with Anthem BC/BS at the rates presented for the 2005 calendar year. Mr. Bagwell seconded the motion, which carried.

Mrs. McKillip advised the information packets would be distributed to the county employees on Friday, November 19th. Open enrollment meetings will be held on **December 2nd and 3rd, 2004**. Attorney Murrell commended Miles and Finch Agency, in particular Mr. Doug Heath, for the excellent job of researching information so the county could make the determination regarding renewal of the healthcare plan. He commented, “The result is that the county employees are going to be well served.”

- 2. **Commissioner appointments for 2005** will be presented at the next regular meeting on December 6th, 2004.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

- 1. **E-911 Dispatch Center:** *(See pages 3-4, September 7th, 2004 minutes, “In the Matter of Information Systems Director Issues”, Item 1, for related discussion)* Installation will begin this week on the new Digital Voice Logging System at the E-911 Dispatch Center.
- 2. **Kinsey Youth Center:** A new server and networking will be put into place this week to enable communication with educational systems. The online program will allow juveniles to continue education during their stay.
- 3. **Interoperability Communications Upgrade Wireless Project:** *(See page 3, October 18th, 2004 minutes, “In the Matter of Information Systems Director Issues”, Item 2, for related discussion)* Mr. Tribby reported that the ICU Wireless Project is progressing ahead of schedule. As of Friday, November 12th, the backbone system is up and running and the mobile command center has been completed. Now that the setup and configuration has been completed, testing will be conducted. Mr. Tribby anticipates starting Phase 2 of the ICU Project sometime in December 2004. Mr. Tribby commented, “The new system gives a whole new level of backup that the county has never experienced before.”
- 4. **GIS Project Proposal:** *(See page 4, November 1st, 2004 minutes, “In the Matter of Information System Director Issues, “item 1, for related discussion)* Attorney Murrell, Mr. Tribby, and Mrs. Shepherd (Mapping/Property Records Coordinator & Draftsman) reviewed the contracts from The Schneider Corporation regarding converting from AutoCAD to ESRI Software. A few changes were recommended and agreed to by The Schneider Corporation. Mr. Tribby advised that the contracts were in order and ready for Commissioner approval.

Mr. Bagwell made a motion to approve the contracts for GIS services with The Schneider Corporation and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF E-911 DISPATCH ISSUES:

(See pages 6-7, November 1st, 2004 minutes, “In the Matter of E-911 Dispatch Issues”, Item 1, for related discussion)

Assistant E-911 Director Steve Kline submitted the following price quotes to replace the receiving antenna on the Howard County 800 MHz EDACS system and the amplifier and receiver multicoupler:

Mobile Radio of Kokomo, Inc.	Receiving antenna and equipment	\$ 2,590.00
	Amplifier and equipment	<u>\$ 4,315.00</u>
	Total	\$ 6,905.00
Integrity Communications & Electronics	Receiving antenna, amplifier, and equipment	\$ 7,278.00

Mr. Kline advised there is enough money appropriated in the E-911 equipment line item to pay for the project. He estimated that the project would be completed in 4-6 weeks. Mr. Bagwell suggested keeping the old amplifier in place to be used as a back up in case of an emergency.

Mr. Bagwell made a motion to approve the proposal from Mobile Radio of Kokomo, Inc. to replace the receiving antenna, amplifier, and equipment at a total price of \$6,905.00. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF SET DATE FOR PETITION TO VACATE PUBLIC WAY:

Michael A. and Sandra S. Fike submitted a petition to vacate a public way adjacent to Windwood Park Subdivision, Section 3, Lot 37, in Clay Township, more commonly known as 400 Jeff Drive. The public way is fifty feet in width by 171.61 feet in length.

A motion was made by Mr. Bagwell to accept the petition and set the date for the public hearing on **December 20, 2004 at 9:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center.** Mr. Raver seconded the motion, which carried.

IN THE MATTER OF HOWARD COUNTY MUSEUM:

(See page 5, May 17th, 2004 minutes, "In the Matter of Seiberling Museum Issue", for related discussion)

Museum Director Kelly Thompson presented a funding request to pay for the electric utility that services the Howard County Museum and associated buildings.

The museum expended the \$17,000.00 that was allocated for utilities at the beginning of the 2004-year. In May 2004, an additional appropriation of \$13,000.00 was requested and approved out of the Economic Development Income Tax Fund to assist with the cost of utilities through the end of the year. Ms. Thompson reported that the average utility bills cost \$3,400.00 per month and the museum needs an additional \$6,800.00 to carry through to the end of the year.

Ms. Thompson does not anticipate this issue to become a problem next year because \$37,000.00 has been appropriated in the Budget for 2005 to pay for utilities.

Mr. Bagwell made a motion to recommend to the County Council the appropriation of \$6,800.00 from the Economic Development Income Tax Fund to the Howard County Historical Society for utilities. Mr. Raver seconded the motion, which carried.

IN THE MATTER OF DEPARTMENT OF HEALTH ISSUES:

Executive Director Kris Conyers presented the following issues for Commissioner information and approval:

1. **Cell Phones:** The Department of Health recently acquired five cell phones and one blackberry (portable wireless communication device) as part of the Bioterrorism endeavors from the State Department of Health. Mrs. Conyers advised she would be submitting a phone contract from Verizon Wireless Communications for Commissioners' approval.
2. **Donation Issue:** Recently the Kokomo Kiwanis provided a check in the amount of \$150.00 to purchase a Television/VCR to show videos and health information during the immunization clinics. Because the Health Department does not have a donation policy in place, Mrs. Conyers returned the money to the Kiwanis with a thank you. The Kiwanis were advised they could purchase the television and donate it to the Health Department. Ms. Conyers requested approval for the television to become part of the Department of Health inventory.

Auditor Martha Lake has spoken to the State Board of Accounts regarding acquisition of donations. Ms. Lake advised that a record of acceptance is required in order to include tangible items on the inventory/Insurance list. A fund would need to be set-aside for any donation monies. Attorney Murrell advised that Department Heads and Elected Officials should not accept donations of any kind without prior approval from the Commissioners.

Mr. Bagwell made a motion to accept the donation of a Television/VCR to the Health Department from the Kiwanis for the purposes as stated. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF POOR RELIEF APPEAL FOR HARRISON TOWNSHIP:

A Poor Relief Hearing was conducted on November 12th, 2004 for Harrison Township on behalf of **Tina Riley**. Commissioner Raver, Acting Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Harrison Township Trustee on October 24th, 2004.

Mr. Raver made a motion to uphold the denial of the Harrison Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Poor Relief applicable to the case. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF HAZARDOUS INTERSECTION - 300 N AND DAVIS ROAD:

Ms. Donita Walters, a Miami County resident, travels on Davis Road to work at the American Red Cross in Howard County. Approximately one month ago Ms. Walters was a first responder on the scene of a serious automobile accident at 300 North and Davis Road that took the life of a Kokomo teenager. Another accident occurred on November 9th, 2004, that involved a teenager. Fortunately this teenager's life was spared due to use of a seatbelt and airbag deployment. Ms. Walters believed that carelessness might have contributed to the accidents. She wished to raise awareness of the hazards and was in hope that a study of the intersection would be initiated.

Sheriff Talbert stated there have been a number of accidents at the intersection resulting from driver inattention. He said the intersection is off-set and not designed at the usual 90-degree angle. The Sheriff advised he would present the issue at the next meeting of the Howard County Traffic Commission.

IN THE MATTER OF MAP PUBLICATION PROPOSAL:

Mr. James Spurgeon, President of Suncoast Publishing and Walnut Creek Publishing, started a map publishing business in 1986. Samples of a county map published by his company were distributed to the Commissioners. Mr. Spurgeon presented a proposal to detail a map at no cost to the County. Printed advertising would pay for the cost of publication. The Board of Commissioners would receive a final proof to review and approve before publication. The final publication is anticipated in Spring 2005 and the maps would be distributed to the Commissioners, County Offices, and various locations throughout the community. A PDF File will be given to the Commissioners at no charge for the web site.

Attorney Murrell questioned the introduction letter that is to be provided by the Commissioners. Mr. Spurgeon explained the purpose of the letter is to introduce his company name and clarify that the maps are official. Attorney Murrell recommended that a simple agreement should be drafted with the independent contractor to indemnify the county against any claims that might arise out of this project. Mr. Spurgeon agreed with this recommendation and said he would provide a contract. Mr. Bagwell informed Mr. Spurgeon that the Chamber of Commerce also prints a map. Mr. Spurgeon replied that cities of similar size often have more than one map of their community.

Mr. Raver made a motion to proceed with publication of the county map by Walnut Creek Publishing at no cost to the County and for Mr. Spurgeon to work together with the County Attorney to draft the appropriate contract. 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 November 15th, 2004 in the amount of \$54,790.51** 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 November 19th, and November 26th (payable November 24th), and December 3rd, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. **The Additional Appropriations to be considered at the Council meeting on November 30th, 2004** were presented for Commissioner information.
4. **Insurance Premium Payment:** Mr. Bagwell made a motion to authorize \$110,000.00 out of the Insurance Reserve Fund, held by Anthem, to be used to pay part of the December 2004 health insurance premium (*instead of appropriating additional money from the County General Fund*) and to request concurrence from the Council at their next meeting. Mr. Raver seconded the motion, which carried.
5. **Tile Flooring Project Update:** (*See page 4, October 4th, 2004 minutes, "In the Matter of Maintenance Department Issues", Item 5, for related discussion*) At the October 2004 meeting the Commissioners authorized Maintenance and Grounds Superintendent Tom Harrison to obtain quotes to replace some of the carpet in the Vital Records Office with tile floor covering. Due to a personal health emergency Mr. Harrison was unable to obtain the quotes in time to be advertised. Mr. Raver suggested asking the Council for verbal authorization in order to get the project started. To accommodate an additional employee the Health Department proposes to rearrange some areas in conjunction with the flooring project. The area also needs to be painted. Mr. Raver has talked to Work Crew Leader Mike Chapman from the Sheriff's Department about painting the outside wall before the new floor is installed.
6. **Scheduled Meeting Dates for 2005:** Mr. Bagwell made a motion, seconded by Mr. Raver, to approve the scheduled meeting dates for the Howard County Board of Commissioners for the year 2005. The motion carried.
7. **CCD Request Form:** During Budget hearings for 2005 several County General Fund capital item requests were deleted with the suggestion that if the item was still needed at the end of the year, a new request would need to be filed for Commissioner consideration to be paid from the Cumulative Capital Development Fund. A draft letter has been written by Commissioner Raver to County Department Heads and Elected Officials asking for their requests. The County Auditor presented a draft of a new form to accommodate the process. By consensus, the Commissioners agreed to combine the letter with the form, attach a list of capital requests still pending and distribute the information to Department

Heads and Elected Officials, with a return date of December 15th, 2004. Information regarding the 2005 requests should be available at the December 20th meeting.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Agreement for Contract Services:** Howard Superior Court III Judge Doug Tate supervises the Victim Impact Panel, which requires security services to be provided by a law enforcement officer. An Agreement for Contract Services was drafted to authorize Howard County to contract the services of James Nielson, a Kokomo Police Officer, to provide security for six Victim Panel sessions per year beginning November 2, 2004. The sessions are held every other month from approximately 6-8:30 p.m. Officer Nielson will be paid \$50.00 per session out of the Drug and Alcohol Fund. Judge Tate signed the agreement and requested execution of the President’s signature.

Mr. Bagwell made a motion to approve the Agreement for Contract Services as described by the County Attorney and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

2. **Office of Chief Public Defender:** Chief Public Defender William Menges was elected to serve as Judge of Howard Superior Court I commencing on January 1, 2005. Attorney Murrell provided the Commissioners with a copy of the State Statute that pertains to establishing a County Public Defender Board. The Legislature established this statue for counties who want to adopt an ordinance and establish an official Public Defender Board consisting of three members. Attorney Murrell advised there is no record on file that the Commissioners have ever adopted an ordinance in Howard County to establish such a Board.

In past years, the Judges issued judicial orders, which established the current procedure for selection of a Public Defender. The current order provides for a five-member committee, appointed by the Judges, to nominate and appoint a Public Defender. The Judges have met and discussed changing the current procedure. The Judges, by consensus, decided to follow the guidelines of the statute and request the Commissioners to consider adoption of the ordinance to establish a County Public Defender Board. More notably, once the ordinance is in place Howard County could apply and qualify for reimbursement of Public Defender money from the State.

There is not enough time to get the ordinance in place for the Judges to appoint a Public Defender by January 1, 2005. Therefore the Judges decided to modify their present procedure to provide the three-member Public Defender Board. In the role of the County Executive, the Commissioners shall appoint one member and the Judges will appoint the other two members. *“The (appointed) members must be persons who have demonstrated an interest in high quality legal representation for indigent persons. It may not be a City, Town, or County employee, a law enforcement officer, a judge, or a court employee”, and “The members appointed by the judges may not be from the same political party.”* The Board’s responsibility will be to supervise the Office of the Public Defender. A separate statue will grant authority for the Board to appoint a Chief Public Defender.

The Commissioners decided to table this issue for further consideration and set a date for a Special Meeting. Mr. Bagwell made a motion to schedule a **Special Meeting on Thursday, November 18th, 2004 at 3:30 p.m. in Hearing Room No. 338 of the Howard County Administration Center** for the purpose of considering the appointment of a member to serve on the Public Defender Board. Mr. Raver seconded the motion, and it carried.

3. **Congratulations On Elections:** Attorney Murrell congratulated Mr. Raver and Mr. Bagwell on their re-election to the Board of Commissioners and Ms. Martha Lake to the Office of the County Treasurer.

IN THE MATTER OF COMMISSIONER ISSUES:

1. The **Veteran Service Office Report for the month of October 2004** was accepted on a motion made by Mr. Raver. Mr. Bagwell seconded the motion, which carried.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, which carried. The meeting closed at 11:05 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

JOHN B. HARBAUGH, PRESIDENT

PAUL J. RAVEN, VICE PRESIDENT

BRADLEY J. BAGWELL, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Commissioner Minutes, November 15th, 2004