

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING SEPTEMBER 19, 2005

The Howard County Board of Commissioners met Regular Session on Monday, September 19, 2006, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver, Vice President Bradley J. Bagwell, and Member John B. Harbaugh. 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 Paul Raver.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the September 6, 2005 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

The following issues were presented by Ted Cain, Highway Supervisor/Engineer, for Board information and approval:

1. **Maintenance Bond:** A Maintenance Bond for Phase II of Walnut Subdivision, Section 18, was presented and approved on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh. Phase II includes earthwork, storm systems, streets, street signs, curb & gutter, and erosion control.
2. **Letter of Understanding Unofficial Detour:** Mr. Cain presented a Letter of Understanding Unofficial Detour received from La Porte Department of Transportation. This concerns work on a new bridge over Hurricane Creek on State Road 29. The official detour will be posted, however the unofficial detour is expected to travel some Howard County roads. This Letter of Understanding would insure that the county would be reimbursed for any road damage incurred as a result of the detour. A motion was made by Mr. Bagwell to approve the Letter of Understanding Unofficial Detour. The motion was seconded by Mr. Harbaugh and carried.
3. **Notice to Bidders:** The notice is for proposals for a 2005 Single-Axle Truck Cab and Chassis, with a 2000 gallon Oil Distributor, for the Howard County Highway Department. Bids will be received no later than 8:00 a.m. on Monday October 17th, 2005, to be opened at 8:30 a.m. on October 17th. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to extend a Notice to Bidders for a proposal for a 2005 Single-Axle Truck Cab. The Bids will be received no later than 8:00 a.m., Monday, October 17, 2005, to be opened at 8:30 a.m., October 17th.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert submitted the following concerns for Commissioner information and approval:

1. **Jail Population:** Sheriff Talbert reported a record inmate population, this weekend, of 353. This requires additional food, utilities, and officer overtime. Jail Commander, Captain Harold Vincent, talked to the Board concerning the problem of housing so many inmates. The Criminal Justice Coordinating Committee has been meeting bi-monthly to discuss possible solutions. One such short term option could be to house inmates in other counties' facilities, 60 to 85 miles distant. Another option would be to modify a classroom or indoor recreation area. Captain Vincent commended his staff for their hard work and the overtime they have been working. Commissioner Bagwell, who sits on the Criminal Justice Coordinating Committee, explained to the Board that he and Sheriff Talbert observed a dormitory style pod, in a prison facility in Oshkosh, Wisconsin. That concept could be applied to an indoor recreation area. Captain Vincent explained to the Board the requirements for inmate recreational time, and time outside their living quarters.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Case 21-CP-05:** three lots in Country Haven Subdivision, located at 8898 East 100 North. Case 21-CP-05 was approved on a motion made by Mr. Harbaugh and seconded by Mr. Bagwell.
2. **Unsafe Building at Billy Bob Trailer Park:** Mr. Boise has nothing to report on this property at this time.
3. **Flood Hazard Mitigation Property Purchase:** With the Agreement to Purchase and Agreement of Covenants being previously signed, Mr. Boise is waiting for a check from the State before proceeding with the purchase of the property located at 4089 South East.
4. **Shed Removal by Inmate Trustees:** Mr. Boise is still awaiting word from the Sheriff's office concerning the destruction of the building located at 250 South.
5. **Multi-Hazard Mitigation Plan:** According to the consultant, a draft of the report will be ready by the end of September.
6. **Comprehensive Plan:** Monday, October 3, 2005, is the date set to consider adopting the Plan, and Public notice is being given (*for more information refer to Item 4, page 3 of the Commissioner Meeting Minutes dated September 2, 2005*).

At this time the Regular meeting was recessed to hold a previously scheduled Public Hearing concerning an Unsafe Building.

Mr. Glen Boise opened the Public Meeting concerning the unsafe building located at 1317 Ring Court, Indian Heights. Owner's Representative, Virginia Dunn, submitted a list of clean up and repairs that have been completed, as well as an amended schedule of repairs remaining to be completed by November 1st. Ms. Dunn reported that the tenant, on advice from her attorney, did not assist in the clean up of the property, as she previously stated she would do. She also did not return the key to the house. Commissioner Bagwell suggested Ms. Dunn have the locks changed. A plate glass window was damaged and a plexi-glass covering has been inserted to secure the opening. The owner, Matt Johnson, has sought the services of an attorney; he has adjusted the completion date to November 1, 2005. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to continue the Public Hearing at 9:00 a.m. on Monday, October 17, 2005.

The Public meeting was recessed and the Regular Meeting reconvened.

IN THE MATTER OF MAINTENANCE ISSUES:

Maintenance Supervisor, Tom Harrison, presented the following issues for Board information and approval:

1. **Roofing Project for Howard Haven and Howard County Administrative Center:** The Commissioners received project specifications from Butler Fairman & Seufert. Mr. Harrison has reviewed the specs and approves them. Attorney Larry Murrell prepared a revision of the earlier bid (*please refer to item 4, page 4 of the Regular Meeting Minutes dated April 18, 2005*), also allowing companies to bid on the projects separately or together. A motion was made by Mr. Bagwell to authorize the publication of the Notice to Bidders, to be received no later than 4:00 p.m. October 14, 2005, and opened on Monday, October 17, 2005, 9:00 a.m. The motion was seconded by Mr. Harbaugh and carried. Bid packages are available in the Auditor's Office.
2. **Board of Health heater:** While maintenance is fixing the existing heater in the Environmental Health offices, a new heater is being used. Mr. Harrison informed the Commissioners that the heat in the courthouse will be activated October 15th.

3. **Electricity around the Courthouse:** Mr. Harrison and Commissioner Raver met with the Kokomo Downtown Association concerning the installation of electrical outlets around the courthouse, for community events. The City Engineer is drawing specifications for what is needed, working with Stelco and Huston Electric to replace the current electrical boxes. Funding is being sought and participants are asked to help fund the project. Storage and maintenance of the boxes will not be done by Howard County or the City of Kokomo.
4. **Request to purchase a new tractor with scoop:** Mr. Harrison requested permission to purchase a \$14,000.00 tractor with scoop, so the Maintenance Department is able to mount a salt tank, as well as using sand, to aid in the clearing of County owned parking lots in the winter weather. Mr. Harrison does not have the money in his account and would have to ask for an additional appropriation. Because of the financial situation of the County, it was the consensus of the Board to decline the request for a new tractor. The Board directed Mr. Harrison to work with the County Highway Department in keeping the parking lots cleared.

IN THE MATTER OF PERSONNEL ISSUES:

Personnel Director, Mrs. Wanda McKillip, presented the following issues for Board information and approval:

1. **FMLA Log:** Copies of the FMLA Log were distributed to Board members. Mrs. McKillip informed the Board that next year the Log would be on a calendar year, without any roll-overs. The FMLA Log was confirmed on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh. The Board directed that, in the future, this log be maintained for inspection in the Personnel Office and not distributed at a Board meeting.
2. **Worker's Compensation Loss Report:** Mrs. McKillip submitted copies of the Loss Report from Selective Insurance, for the Board's information. The Board directed that in the future, this report be maintained in the Personnel Office for inspection by the Board, and not distributed at a Board meeting.
3. **Storage space for Personnel records:** Due to the high volume of Personnel changes and information, additional space was needed for record keeping. The Personnel Department received space from the Information Systems offices on the fourth floor of the Administration Center. This space also includes a vault, whose combination will be reset for Personnel use.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

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

1. **Ordinance No. 2005-BCC-32, Ordinance No. 2005-HCC-33:** Mr. Tribby presented Ordinance No. 2005-BCC-32, Ordinance No. 2005-HCC-33, a joint ordinance fixing fees for providing electronic data (*for more information refer to page 4, item 1, "In The Matter of Information Systems Issues" of the Regular Meeting Minutes dated September 6, 2005*). Mr. Tribby and Attorney Murrell answered questions pertaining to the contents of the Ordinance. Based on previous discussion, the base fee is \$250.00 for a DVD updated annually, after the tax has been calculated. Any extra information requested, would incur a fee of \$25.00 per hour to extract information. Media and government officials would be exempt from the base fee of \$250.00, but would need to pay the \$25.00 per hour, if any additional information is needed. Schedule A of the Ordinance lists what will be included with the DVD. It does not affect the information on the internet. Information requests will be channeled through the Information Systems Office and a Request for Electronic Data form must be completed and signed before information is released. This Ordinance does not replace other electronic data Ordinances already in place. Mr. Tribby took the opportunity to thank Attorney Larry Murrell for his hard work and guidance in this process.

A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Ordinance No. 2005-BCC-32, a joint Ordinance of the Howard County Board of Commissioners and the Howard County Council, fixing fees for providing electronic date.

2. **Ordinance No. 2005-BCC-52:** Mr. Tribby presented Ordinance No. 2005-BCC-52, an ordinance amending Ordinance BCC-1999-01, restricting commercial reproduction of electronic data (*please refer to page 4, item 1, "In The Matter of Information Systems Issues" of Regular Meeting Minutes dated September 6, 2005*). A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Ordinance No. 2005-BCC-52, an Ordinance amending Ordinance No. 1999-BCC-01.
3. **Conference Attendance:** Mr. Tribby and several of his staff would like to attend the Cisco Law Enforcement Conference. One of the goals for attending the conference is to observe a new radio data interface software. The current product being used by E-911 Dispatch is old, and costs about \$35,000.00 annually. Cisco is working on a competitive product, with support costs at about \$3,500.00 annually. If their software fits expectations, it would be a significant amount of savings. The second goal is to look for possible software for the Fire Department, as part of the Interoperability Project, negotiating price and conversion costs.
4. **Wireless Project:** Mr. Tribby is meeting with the IT Director of Kokomo Center Schools to discuss potential "hot spot" locations on school property.
5. **Johanning Civic Center:** Mr. Tribby will be meeting with the Johanning Civic Center Board to concerning placing a "hot spot" location at the center site. The site would also be useful as an alternative base, in the event of a disaster occurring in any of the County buildings.
6. **Drain Master:** Progress is being made concerning the drain calculation program.
- 7: **Homeland Security Grant 2005:** Mr. Murrell clarified to the Board that the Homeland Security portion of this grant would be needed to finish the Wireless Project. There is also the law enforcement portion. Emergency Management Director will be bringing this grant to the Commissioners for comment and approval.

IN THE MATTER OF THE EMERGENCY MEDICAL TECHNICIAN ISSUE:

Commissioner Harbaugh requested that this issue be tabled until the October 3, 2005 meeting, at 10:00 a.m. Mr. Harbaugh will work with Mr. Murrell to notify Howard Regional and St. Joseph Hospitals.

IN THE MATTER SCHEDULING OF A PUBLIC HEARING:

Mr. Jeff Lowry, representative of Jayne Ann Boltz, requests a Public Hearing for a Vacation of Easement on the north side of Lot #1, Lynn Griffin Minor Subdivision in Liberty Township. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to schedule the hearing for Monday, October 17th at 9:30 a.m.

IN THE MATTER OF WATER HEATER REPAIR FOR KINSEY YOUTH CENTER:

Assistant Director, Jeff Lipinski, presented to the Board, a need for the repair of one of the two water heaters at Kinsey Youth Center. A quote has been received from Benchmark Mechanical Inc. citing a cost of \$24,146.00 for replacement and \$13,925.00 for repair. Mr. Lipinski assured the Board that repairing the heater would be sufficient, but there are not enough funds in their accounts at this time. He asked permission to repair the heater and to ask the Council for an Additional Appropriation. There is an issue of overburdening the heater that is still operational. Mr. Lipinski feels it is imperative to do the repair as quickly as possible. A motion was made by Mr. Bagwell to authorize the request to repair the water heater at Kinsey, from Cumulative Capital Funds, in the amount of \$13,925.00. As part of the motion he also moved to declare this an Emergency Situation, because of water temperature regulations, and authorize the expenditure before the appropriation, with Mr. Lipinski and Mr. Harrison making the determination. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF HEALTH DEPARTMENT ISSUES:

Department of Health Director, Kris Conyers, presented the following issues for Commissioner information and approval:

1. **Ordinance 2005-BCC-53:** This is an Ordinance to amend Ordinance No. 2004-BCC-05, updating references to the Indiana Code, which has been changed. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Ordinance No. 2005-BCC-53, an Ordinance amending Ordinance No. 2004-BCC-05.
2. **Ordinance Numbers 2005-BCC-49, 2005-BCC-50, and 2005-BCC-51:** Mrs. Conyers presented three additional Ordinances concerning Fee Collection (49), Semi-Public Swimming Pool/Spa (50), and Onsite Sewage (51). Attorney Murrell suggested that the ordinances be heard publicly and that the Board have a chance to study them. On a motion made by Mr. Bagwell and seconded by Mr. Harbaugh it was approved to set a Public Hearing for Ordinances 2005-BCC-49, 2005-BCC-50 and 2005-BCC-51 on Monday, November 7, 2005 at 9:30 a.m., with Notice of the hearing to be published according to law.

Mr. Bob McKeene, from the Home Builders Association of Howard County, was in attendance to express his desire to improve the relationship between the community and the Department of Health. Of special concern is working with state and county codes, and coming to an understanding even before the Public Meeting. He does not believe a Public Meeting is the best forum for serious negotiations.

Director Kris Conyers responded by assuring Mr. McKeene of the Department's desire to work with, and understand opposition to, state and county codes. She assured all attending that Agenda's are sent out prior to meetings, to inform the public of what will be discussed.

IN THE MATTER OF HOWARD HAVEN APPLICATIONS:

The Howard Haven representative was needed back at the Home. The Howard Haven applications will be submitted at the October 3, 2005 meeting.

IN THE MATTER OF CLAIMS AND REPORTS:

The following issues were presented by Auditor Ann Wells, for Board information and approval:

1. **Operating Claims:** The Commissioners' Operating Claims in the amount of \$403,543.96, payable September 19, 2005, were approved as submitted on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.
2. **Commissioner Salary Claims:** Payroll claims in the amount of \$291,420.90, payable September 23 and September 30, 2005, were approved as submitted on a motion made by Mr. Harbaugh and seconded by Mr. Bagwell.
3. **Treasurer's Monthly Report:** Mrs. Wells presented the Treasurer's Monthly report for the month ending August 31, 2005. This report was accepted on a motion made by Mr. Bagwell and seconded by Mr. Harbaugh.

IN THE MATTER OF ATTORNEY ISSUES:

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

1. **Barnes & Thornburg Consultation:** Mr. Murrell submitted a claim for payment of services rendered, in the amount of \$460.50. This was for consultation services regarding excess levy appeal procedures. A motion was made by Mr. Bagwell to approve the payment of the claim in the amount of \$460.50. The motion was seconded by Mr. Harbaugh and carried.

2. **Progress of other Ordinances:** The Ordinance Regulating Peddlers and Solicitors, and the False Security Alarm Ordinance have been drafted and are circulating for comment. The Procedure for Advance Payment of Claims and Payment of Membership Dues Ordinance will be ready for adoption as soon as the approved dues list is finalized.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Bagwell presented the following issues for Board information:

1. **Inventrek:** At the last Inventrek Board meeting, of which Commissioner Bagwell is a member, strong concern was expressed regarding the recommended decrease in funds for the 2006 County Budget. It was noted that the budget was, indeed, decreased.
2. **Department of Workforce Development:** Currently, Howard County is in the North Central Indiana Region, consisting of Howard, Tipton, Miami, Cass, Fulton and Wabash counties. The state department has decided to decrease the number of regions from fifteen, to eleven, moving Howard County to a region centralized around Tippecanoe County. Local elected officials are meeting together to set up meetings with state officials. They intend to explain why this particular move is not beneficial, and encourage the state department to reconsider the move; they would like the North Central Indiana Region to return to its original six counties and then consider the addition of Grant County to the North Central Region. Commissioner Bagwell is the commissioner appointee to the Department of Workforce Development, and has contacted the state on numerous occasions through letters and phone calls.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:43 a.m. on a motion made Mr. Bagwell and seconded by Mr. Harbaugh.

HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Commissioner Minutes, September 29, 2005