

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 2, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, May 2, 2005 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Paul J. Raver, Vice President Bradley J. Bagwell, and member John B. Harbaugh. Also present were County Attorney Lawrence Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Paul J. Raver.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, April 18, 2005 were considered. On a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, the minutes were approved as submitted.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Unofficial Detour for INDOT Small Structure Replacement on State Road 26:** The State Department of Transportation will be replacing a Small Structure on State Road 26, 3.71 miles west of U.S. 31. They will have an official Detour posted for use and have asked the County Highway Department to identify an Unofficial Detour. That Unofficial Detour has been identified as a portion of South County Road 400 West, County Road 250 South, and South County Road 350 West, in accordance with IC 8-23-21. If there is any damage to the Unofficial Detour, the State will reimburse the necessary repairs or replacements. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Mr. Cain's recommendation of the Unofficial Detour as a portion of South County Road 400 West, County Road 250 South and South County Road 350 West, in accordance with IC 8-23-21.
2. **Change Order #2:** Concerning the 400 North Project, a change order was submitted in the form of a bonus for quality assurance and giving up the field office early. This bonus is in the amount of \$249.95. Mr. Cain agreed to the Change Order and submitted a letter to INDOT concerning his opinion as follows: "The county realizes we have to abide by the INDOT specifications on federal aid projects, but we feel it is ridiculous that we reward a contractor for a job he should do in the first place. We feel that the state or federal agency should pay 100% of the quality assurance adjustment." A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Change Order #2 as well as the letter to INDOT submitted by Mr. Cain.
3. **Change Order #1:** Concerning the Dixon Road Project, a change order was submitted in the amount of \$36,109.53 for an additional storm sewer, curb and gutter, and addition of a J-4 Manhole to complete work on the county legal drain that crosses Dixon Road. Mr. Cain stated that approximately eighty percent of this cost would be paid by the federal government. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried to approve Change Order #1 in the amount of \$36,109.53.
4. **Annual Operational Report for Local Roads and Streets:** Mr. Cain submitted the Annual Operational Report For Local Roads And Streets for Commissioner approval before sending to the State in June. Approval to accept the Annual Report was given on a motion made by Mr. Harbaugh, seconded by Mr. Bagwell and carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert presented the following items for Commissioner information:

1. **Check from Department of Corrections:** Sheriff Talbert submitted to the Board of Commissioners a reimbursement check in the amount of \$26,460.00 from the Department of Corrections.
2. **Jail Population:** Sheriff Talbert reported the current jail population at 248 inmates. That number includes 12 inmates from Delaware County that they are holding at \$35.00 per day.
3. **Plumbing problems at the Criminal Justice Center:** Building Supervisor, Art Fross, will be presenting plumbing repair needs at the May 16th Commissioner Meeting. The building blueprints show pipe joints that do not exist; therefore, a major leaking problem has occurred.
4. **Chrysler Police Car Sales:** Sheriff Department vehicles are operating smoothly at this time. At some point in the future, administrative vehicles will need to be replaced. At that time, Sheriff Talbert would like to consider the Chrysler four door Charger.
5. **Sheriff's Auction:** The Sheriff's Auction has been set for Saturday, June 18, 2005, at 10:00 a.m. Cartwright Ellis will submit an Auctioneering contract to the Auditor's Office.

IN THE MATTER OF PLAN COMMISSIONER ISSUES:

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

1. **Case 4-CP-05** – two (2) lots in Pointer Subdivision located at 7397 East County Road 400 South, State Road 26. A motion was made by Mr. Harbaugh, seconded by Mr. Bagwell and carried to approve Case 4-CP-05.
2. **Case 7-CP-05** – one (1) lot in Hickory Estates (combine lots 17 and 18), located at 3355 Becky Court. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve Case 7-CP-05.
3. **Ordinance 2005-BCC-16** – Change in zone classification from A-1 (Agricultural) to B-1 (Local Business) for property located at 4610 North County Road 600 East. Ordinance 2005-BCC-16 was approved on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.
4. **Unsafe Building:** Mr. Boise reported that Sheriff Talbert contacted the Mortgage company concerning the property located at 100 North 540 East. The building has been boarded up. Mr. Boise expressed his gratitude for the Sheriff's involvement in this matter.
5. **Flood Mitigation:** A check in the amount of \$45,925.20 has been issued by the Auditor's Office to Moore Title Company, for the purchase of the property located at 3258 West 205 South by Howard County. The flood insurance company representing Michael J. and Rhonda K. Randall (previous owner) has agreed to pay for the demolition and removal of the house which needs to be completed by August 2005. This counts as part of our local match portion of the program. County Attorney Murrell reminded Mr. Boise that the previous demolition job cost less than \$25,000.00 which would qualify for a quote process avoiding the necessity for the bidding procedure.
6. **Multi-Hazard Mitigation Plan:** Mr. Boise informed the Board of an organizational meeting held the previous week. In that meeting the members began the process of identifying the types of "hazards" this plan would address. They will meet with a consulting company in June.

IN THE MATTER OF MAINTENANCE ISSUES:

The following issues were presented by Grounds Supervisor Tom Harrison for Commissioner information and approval:

1. **Generator for Howard Haven:** At the request of Commissioner Bagwell, the Maintenance Department contacted Tom Tolen concerning a generator at the County Home. They currently do not have one and the large generator belonging to Emergency Management would be needed at the

Administration Center in the event of a power outage. Mr. Harrison discussed with Mr. Tolen the need to purchase a generator for use during an emergency.

2. **Administration Center HVAC Upgrade:** Mr. Harrison reported that two new boilers are needed on the fourth floor, as well as a means to heat the first floor and basement where the electrical room is located. He would like to have a system of individual room heat exchangers similar to the Courthouse system, but, because of the cost he believes it would have to be done in stages. Having no set of original blueprints to work from, it will take an amount of investigation to find where the heating and cooling systems meet in the building. He has not talked to a consultant at this time. County Attorney Murrell offered to prepare a Request For Proposal to engage the services of a consultant to assess the needs of the HVAC system. A motion was made by Mr. Bagwell to instruct the County Attorney to prepare a Request For Proposal regarding an Engineer/ Consultant for the HVAC System in the Administration Center and have it ready for the May 16th meeting. The motion was seconded by Mr. Harbaugh and carried.
3. **Department of Health:** The Environmental Division of the Department of Health has completed the design for the new office. The Maintenance Department can move ahead with the electrical wiring.
4. **Administration Center Elevators:** Mr. Harrison wanted to inform the Board, that at a future date, the replacement of elevators in the Administration Center would need to be addressed.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **Permission to close Veteran Service Office:** Veterans Service Administrator William Polsgrove Jr. presented a request to the Board to close the Veterans Service office the afternoon of Monday, June 6, 2005 to reopen the morning of Friday, June 10th. It is time for his annual training and recertification and he and his office assistant plan on attending those meetings. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, to authorize the closing of the Veterans Service Office noon on Monday, June 6, to reopen on Friday morning, June 10, 2005.
2. **Ordinance BCC-2005-19:** Mrs. McKillip presented an ordinance to the County Personnel Handbook concerning clarification of the bounds of authority given to the Sheriff's Merit Board concerning merit officers. The second paragraph of Section 1.2 of the Handbook shall be deleted in its entirety with the replacement of the following paragraph:

“The County recognizes that, so long as the requirements of state and federal laws are met, the Sheriff has the authority to set policy for the operation of his department, and the Sheriff's Merit Board has the authority to set department rules and policies as provided in IC-36-8-10-3, et seq. Consequently, unless a provision of this Handbook specifically includes merit officers (e.g., Section 4.16 providing limited health care coverage for certain merit officers), the provisions of this Employee Handbook do not apply to the operation of the Howard County Sheriff's Department or to Howard County merit officers, except with respect to state or federal employment laws (e.g., FMLA, FLSA, ADA, OSHA, Workers Comp, etc.) which are covered by this Handbook and administered by the Howard County Personnel Department to insure compliance. Further, this Handbook shall not apply to merit officers in those instances where it grants rights or benefits to County employees not required by state or federal employment law (e.g., the right to use sick days in conjunction with FMLA leave; reference Section 4.3 of Handbook).”

In Section 4.3, the next-to-last paragraph on page 34 of the Handbook shall be deleted in its entirety and the following paragraph substituted in its place:

“All leave taken by an employee under this policy shall be unpaid leave unless specifically provided in this section. If an employee has any accrued sick leave or compensatory time, the employee shall be paid for that time as a part of the employee’s FMLA leave: provided, however, such payment for accrued sick leave shall not apply to Howard County merit officers (reference Section 1.2). The employee may also elect to be paid all or part of the accrued vacation time or all or part of accrued personal time as part of the employee’s FMLA leave.”

On a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried, Ordinance BCC-2005-19 was approved.

3. **AIG Life Insurance Adjustment:** The Personnel Office has received the data base from the new life insurance company, AIG (replacing Jefferson Pilot). This new data base requires a change in deduction amounts which will generate deduction adjustments in payroll. The Personnel Office has drafted a letter to employees explaining the changes, to be included in the payroll checks.
4. **Birthday Postcards:** Mrs. McKillip presented a picture and format for county employee birthday postcards. The cost for these postcards will be no more than \$325.00 for 500, depending on colors used for printing. After a few changes a motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the design and cost of the postcards.

IN THE MATTER OF DRAINAGE PROBLEM IN TAYLOR TOWNSHIP:

Jacquelyn Hood of 3491 East 300 South was in attendance to report to the Commissioners the status of the drainage problem at the corner of 350 East and 300 South (*refer to discussion on page seven of the April 18, 2005 minutes, “In the matter of drainage problem in Taylor Township”*). Ms. Hood followed the instructions of Surveyor Grimme in having the manholes dredged to unplug the drains, resulting in standing water from her home’s front porch to Center Road and 350 East. There are men working on the problem at the present time and the waters have receded but the manholes are still full. Digging will commence once SBC has been there to mark the phone lines. She also clarified that the water is pouring in from the north, from a drain not located on her property, not the south as originally thought. She is looking forward to the new Taylor Township sewage plan being implemented.

IN THE MATTER OF CITIZEN PETITIONS CONCERNING THE PROPOSED TRANSFER STATION ON DAVIS ROAD:

Mr. Jay McKinley of 1159 West 300 North was in attendance to present to the Board of Commissioners petitions signed by 1200 citizens regarding the proposed Transfer Station located at 2605 North Davis Road. These petitions asked for the immediate reversal of the decision of the Board of Zoning Appeals. He asked that the Board take a look at the trash problem on the East side of Davis Road and for the possibility of help from the Sheriff’s Work Release Program. There is an Appeal scheduled to be heard in Circuit Court on Friday, May 6, 2005. Discussion ensued as to possible help for the trash removal.

IN THE MATTER OF PETITION TO VACATE:

Mr. David Baird submitted a Petition to Vacate an easement located in parts of Lots 106 and 107 in section three of the Moors of Chippendale, Harrison Township, Howard County, Indiana. Consents have been received from the utility companies and necessary paperwork has been submitted. A motion was made to accept the Petition to Vacate the Utility Easement and set a date for a Public Hearing for June 6, 2005, 9:30 p.m. by Mr. Bagwell. The motion was seconded by Mr. Harbaugh and carried.

IN THE MATTER OF A GRANT AGREEMENT FOR COMMUNITY CORRECTIONS:

Community Corrections Director Steve Maus submitted a previously approved grant application for Board signatures. This Howard County Community Corrections grant was approved by the Board of Commissioners at the February 7, 2005 meeting. The grant has now received state approval and is ready for Commissioner signatures.

IN THE MATTER OF THE SRI TAX SALE CONTRACT ADDENDUM:

Auditor Ann Wells presented the Contract Addendum for services relating to our Commissioners' Tax Sale. The price per parcel has been increased from \$50.00 to \$60.00. The Auditor's Office supplies the information and SRI does the preparation work and the sale. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the Contract Addendum with SRI and to authorize the President to sign.

IN THE MATTER OF DIGITAL CAMERA REQUEST FOR THE CORONER'S OFFICE:

Commissioner Bagwell submitted a written request on behalf of Dr. Steven Seele of the Howard County Coroner's Office, for the purchase of six (6) digital cameras and related items. These would be used by "office investigators for required photographing concerning death investigations per Indiana Code 36-2-14-6." Quotes were obtained from the following:

Sam's Club	\$1,253.58	Six Cameras, memory cards, bags, one docking station
Staples	\$ 997.92	Cameras only
Best Buy	\$1,146.50	Six Cameras, memory cards, bags, one docking station

Dr. Seele recommended the purchase to be made from Best Buy. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the request of \$1,200.00 from the Cumulative Capital Fund for the purchase of Cameras and related items from Best Buy for use in the Coroner's Office according to Indiana Code 36-2-14-6, and to forward the request to the Council meeting on May 17, 2005.

IN THE MATTER OF CLAIMS AND REPORTS:

Howard County Auditor Ann Wells presented the following issues for Commissioner information and approval:

1. **Commissioners' Salary Claims for salary, hourly and overtime payable May 6 and May 13, 2005** in the amount of \$291,420.90 were approved on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.
2. **County Operating claims in the amount of \$480,562.23, payable May 2, 2005** were presented to the Board for their approval. A motion was made by Mr. Bagwell, seconded by Mr. Harbaugh and carried to approve the Operating Claims payable May 2, 2005.
3. **The State Annual Report on Condition of School Funds** was presented on behalf of Treasurer Martha Lake. After perusal a motion was made by Mr. Bagwell and seconded by Mr. Harbaugh, to accept the Annual Report on Condition of School Funds. The motion carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Uniform Property Acquisition Offer:** (*see page 6, march 21st, 2005 minutes, "In the Matter of County Attorney Issues", item 6, for related discussion*) Howard Regional Eminent Domain proceedings regarding the acquisition of property located at 3609 South Reed Road (formerly occupied by Denny's Restaurant), have now progressed to the place where an offer needs to be made in statutory form. Barnes and Thornburg has prepared a document in statutory form and submitted it to Mr. Murrell's office. This form will be updated to include the correct amounts and put on Commissioner letterhead for President's signature before being sent to the owner. This offer is to purchase the property mentioned at the amount of the appraised value, and the owner has 25 days in which to respond. If the owner rejects the offer and no agreement has been reached, then the Eminent Domain action can be filed in court. A motion was made by Mr. Bagwell to approve the Uniform Property Acquisition Offer in the amount of \$569,000.00 and authorize the President to sign the offer before forwarding it to present owner Networks-USA XVIII. The motion was seconded by Mr. Harbaugh and carried.

2. **Criminal Justice Coordinating Committee:** A date has been set for the organizational meeting of the Criminal Justice Coordinating Committee, on Tuesday, May 10th, at 4:00 p.m. This is an updated edition of the former Jail Study Committee with a revised membership including representatives of all segments of the Criminal Justice system in Howard County. President Raver commented that the State Legislature has approved the new court (Superior Court IV), awaiting the Governor's signature.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Mr. Raver submitted a claim on behalf of the U.S. 31 Coalition** in the amount of \$6,000.00. This amount has been previously budgeted in the EDIT Funds.
2. **The U.S. 31 Coalition has asked for a recommendation from the Board of Commissioners'** as to their choice of by-pass options. After discussion, a motion was made by Mr. Bagwell, seconded by President Raver (who vacated the chair due to the abstention of Member Mr. Harbaugh) and carried, to recommend "Alternative G" (south starting point approximately one quarter mile north of points noted) to the U.S. 31 Coalition and the Indiana Department of Transportation. The Commissioners' directed Auditor Ann Wells to draft a letter of recommendation to the Indiana Department of Transportation.
3. **The Weights and Measures Monthly Report for the month of March 15 to April 15, 2005** was submitted and approved on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.
4. **Councilman Dwight Singer was in attendance to report** the grand re-opening of the Johanning Civic Center to take place on Friday, May 13, 2005. The Commissioners will be receiving an invitation to attend the ribbon cutting ceremony scheduled at 2:00 p.m.

There being no further business, a motion was made by Mr. Harbaugh to adjourn. The motion was seconded by Mr. Bagwell and carried and the meeting was adjourned at 10:30 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes, May 2, 2005