

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 15, 2006

The Howard County Board of Commissioners met in Regular Session on Monday, May 15, 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 Bradley J. Bagwell, Vice President Paul J. Raver 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 Bagwell.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the May 1, 2006 meeting, having been previously submitted and reviewed were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Highway Engineer/Supervisor, informed the Board that the paving project had been progressing but has been interrupted due to the heavy rains. They will resume when the weather is more conducive. He hopes to begin the chip and seal project in June.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population in the Criminal Justice Center is 286. Sheriff Talbert believes that the new Superior Court IV has helped.
2. **Vehicle Bids:** Bids for five new Sheriff's vehicles were opened at the May 1st Commissioner meeting (*please refer to page one, item three of the Regular Meeting minutes dated May 1, 2006*). One bid, Terry's Ford Lincoln-Mercury, was received after the deadline and was disqualified for consideration. After review of the remaining bids, a motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried as follows: "This Board having previously advertised for bids for the purchase of five police vehicles for the Howard County Sheriff's Department; and the bids received having been reviewed by the Sheriff and the County Attorney, the Board hereby finds and determines:

Resolved, this Board finds that the bid of Terry's Ford Lincoln-Mercury was not timely filed since it was not officially received by the Auditor until 1:00 p.m. on May 1, 2006; and is therefore disqualified for consideration.

Be it further resolved, this Board further finds that the net bid of Eriks Chevrolet in the amount of \$44,250.00 is the lowest remaining bid; however, it is not responsive to the specifications in the following respects:

- (a) does not provide for V-8 engines
- (b) rear wheel drive

and should therefore be, and hereby is, rejected from consideration.

Be it finally resolved, that this Board finds the net bid of Bloomington Ford in the amount of \$102,939.00 is the lowest remaining responsive and responsible bid and should be, and is hereby, accepted by this Board".

3. **Vehicle Purchase for Dive Team:** Sheriff Talbert and Detective Greg Hargrove presented the need for a new vehicle for the Dive Team. The present vehicle is an old converted diesel ambulance and has major repair issues. Sheriff Talbert was able to locate a used 1997 Chevrolet Crown Step van with 12,000 miles on it. The van would meet the storage and clothes change needs of the Dive Team and was available for \$11,500.00 to the Sheriff's Department. Sheriff Talbert used Commissary money to purchase the van, since it was available on a first come first served basis. He asked the Commissioners for authorization to

reimburse the Commissary Fund from his Vehicle line item. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to authorize Sheriff Talbert to spend \$11,500.00 from the Vehicle line item to reimburse the Commissary Fund.

4. **Storage Barn At Criminal Justice Center:** The Sheriff would like to build a Pole Barn behind the Criminal Justice Center to house the SWAT and Dive Team vehicles. The Kokomo Career Center is interested in constructing the barn from a kit provided by the Sheriff's Department. Mr. Talbert would like to underwrite the project from the Misdemeanor Fund or Commissary Fund. It was the consensus of the Board to continue with the project. Plan Commission Director Boise reminded Sheriff Talbert to make sure the building kit purchased, complies with State specifications.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **Flood Hazard Mitigation:** The driveway project on the property located at 3258 West 250 South (former Randall property) is almost complete. Mr. Boise is awaiting the planting of the grass and will verify the progress of the project.
2. **Department of Homeland Security Grant:** Mr. Boise received information from the Department of Homeland Security, Mitigation Section, concerning preparations for a grant application meant to address the need of properties that experience repeated flooding. They are trying to set the grant up in such a way that requires minimal or no local match. The deadline date is June 30, 2006. It was the consensus of the Board to proceed with the grant preparation.
3. **Multi Hazard Mitigation Plan:** The final process of the Plan is still moving forward.
4. **Demolition Bids:** The following bids for the demolition of property located at 3904 South 350 West (Myers property) were submitted as follows:

a)	Stephens Bulldozing	\$16,041.00
b)	Overmyer Farms	\$39,500.00
c)	Tressler Contracting	\$25,800.00
d)	Feightner Excavating	\$35,870.00
e)	Affordable Demolition	\$23,330.00 (<i>received at 8:35 a.m.</i>)
f)	Rice Tree Company	\$23,000.00

A motion was made by Mr. Raver to take the bids under advisement and remand them to Mr. Boise and Mr. Murrell for review. The motion was seconded by Mr. Harbaugh and carried.

5. **Settlement Agreement:** A Settlement Agreement has been reached concerning the City and County's Plan Commission Interlocal Agreement. The Agreement was signed by President Bagwell and Mayor McKillip on May 10, 2006. Mr. Bagwell's signature needs to be ratified. If ratified, it will go to the Council for its approval, then back to the Board of Commissioners. Mr. Bagwell's signature was ratified on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
6. **Special Exception:** Bowyer Brothers is expanding its sand and gravel pit located at 380 South 300 West in Center. In compliance with the ordinance, they are to post a rehabilitation bond with surety but have asked that they be allowed to post a Certificate of Deposit or a Letter of Credit. Discussion ensued concerning the merits of a Certificate of Deposit over a Letter of Credit, after which the Board, on motion by Mr. Harbaugh and a second by Mr. Raver, directed Attorney Murrell to rewrite the proposed agreement to provide for a Certificate of Deposit only.

IN THE MATTER OF MAINTENANCE ISSUES:

Buildings and Grounds Superintendent Art Fross presented the following issues for Commissioner information and approval:

1. **Elevator Repair:** Mr. Fross submitted a proposal from AMCO Elevators for an elevator repair in the prisoner hold elevator, in the amount of \$1,325.00. He has money in his budget to cover the repair. Because the amount is below \$10,000.00, the Board reminded Mr. Fross that he can proceed without Board approval.
2. **Welcome New Employee:** Richard Stout was introduced to the Board of Commissioners as the new employee for the Maintenance Department, working in the Administration Center. He was welcomed by the Board.
3. **HVAC Project Specifications:** Mr. Fross has received specifications from Vintage Archonics for the HVAC Project in the Administration Center. At the conclusion of review by the Maintenance Department, the specifications will be ready for the June 5th meeting.
4. **Storage Barn on Mulberry Street:** The storage barn has been built and the alarm has been installed (*please refer to page two, item two, "Maintenance Storage Building on Mulberry And Buckeye Streets", of the Regular meeting minutes dated February 20, 2006*). They are in the process of connecting electricity to the building.
5. **Part Time Floor Maintenance:** Upon Mr. Bagwell's direction, Mr. Fross hired a part time employee to maintain the floors of the county buildings. He is working out very well.
6. **Police Training:** The Sheriff's Department contacted Mr. Fross concerning Police Training work in the Administration Center's back stairwell. There is some discrepancy as to whether the training will take place during working hours or after hours. Sheriff Talbert will talk to Tim Martin to clarify the request.
7. **Salt Storage:** Thirty Eight skids of salt have been delivered and are being stored at the Pole Barn. Four skids have been taken to the Criminal Justice Center, and the Kinsey Center has been notified.
8. **New Phone Line in Superior Court III:** Judge Tate asked for a phone line for a fax hook-up in his office at the Courthouse. All the phone lines to the Courthouse are in use and that request would require an additional trunk of lines. The Maintenance Department is in contact with A T & T concerning the cost for additional lines.
9. **Pay Phone Contract:** Ms. Wells submitted a contract with A T & T for the pay phones located at the Courthouse and the lobby of the Criminal Justice Center. The contracts were remanded to Attorney Larry Murrell for his review.

***At this time, the Regular Meeting was recessed to hold a previously scheduled
Public Hearing concerning a Vacation of Easement***

Mr. Dan Fawcett submitted an Ordinance vacating a Utility Easement located in Lakeside Subdivision, lots eight and nine, in Howard Township. All proper documents have been furnished and utilities and interested parties have been notified. The easement serves no purpose and there are no utilities located there. After questions were asked by the Board, the Hearing was opened for public comment. There being no public comment the Hearing was closed on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

A motion was made by Mr. Raver to approve Ordinance 2006-BCC-16, vacating the easement located on lots eight and nine in Lakeside Subdivision. The motion was seconded by Mr. Harbaugh and carried.

The Regular Meeting is now reconvened.

IN THE MATTER OF INFORMATION SYSTEMS:

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

1. **Dropped Calls in Basement of Government Center:** Mr. Tribby was informed by Larry Smith of Emergency Management that the basement room that is used as a meeting room during emergencies, is not able to receive consistent cell phone service. Mr. Tribby stated that technology is available to alleviate the problem for an estimated cost of \$16,000.00, and can be installed by his department. The second floor of the Administration Center is also experiencing that problem, as well as a lack of communication system in the basement, where employees are directed to go in case of an emergency. Mr. Tribby will continue to look into this situation and present a pricing package.
2. **Highway Department on Internet:** The Information Systems Department has run cable and is in the process of connecting the Highway Department to the wireless network. There is a tower at the Criminal Justice Center making for easy access to a signal. The work should be finished in a couple of weeks.
3. **E-Mail Difficulties:** As Howard County is more accessible on the Internet and experiencing more hits on the Website, it makes us more vulnerable to viruses. Mr. Tribby has decided to go with a less popular web server program to help reduce the problem.

IN THE MATTER OF THE E-911 DEPARTMENT:

E-911 Director, Tony Ramsey, informed the Board that the new E-911 leased equipment has been installed and is now ready to use. A T & T will be billing the first quarterly installment in June. They have e-mailed an amortization schedule, and an Additional Appropriation request will be ready for the June 5th meeting.

IN THE MATTER OF DEPARTMENT OF HEALTH ISSUES:

Health Department Director Kristine Conyers presented the following issues for Board information and approval:

1. **Fee Ordinance:** At the April 17th Commissioner Meeting, the Board of Commissioners tabled the Fee Ordinance to give time to the Health Department to look into the State requirement for fees charged for checks returned for non-sufficient funds (*please refer to page four, during the Public Hearing of the Regular meeting dated April 17, 2006*). It was found that Indiana Code 35-43-5-5 states, "...pays the payee or holder the amount due, together with protest fees and any service fee or charge, which **may not exceed the greater of twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but not more than two hundred fifty dollars (\$250)) of the amount due....**". The Health Department had originally asked for \$50.00 in the Fee Ordinance. The Fee Ordinance will be changed to read as follows, "The fee for checks returned for non-sufficient funds is the greater of \$27.50 or 5%, not to exceed \$250.00." A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve Ordinance No. 2006-BCC-17, Fee Collection Ordinance, as amended. A revised copy of the Ordinance will be submitted.
2. **Septic Ordinance:** After attending a meeting of the Homebuilders Association, Mr. Raver would like to see the Septic Ordinance submitted at a Public Hearing before approving it. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to take the current edition of the Howard County On-Site Sewage Ordinance under advisement and set a Public Hearing date for Monday, June 19, at 9:30 a.m. The Auditor is directed to publish notice of such hearing.

IN THE MATTER OF STAPLES BUSINESS ADVANTAGE:

Mr. Gary Roraus and Mr. Brian Tanella were in attendance to inform the Board of Commissioners of a purchasing Co-op called the National Joint Powers Alliance. The National Joint Powers Alliance is member-owned cooperative that creates business and service relationships between buyers and suppliers. Mr. Roraus and Mr. Tanella explained how the Co-op works and the advantages of purchasing supplies through them. There is no contract to sign and the coop would allow individual departments to order on their own. Their pricing is different than the retail catalogues that are currently being used by the County. A department who is part of the Co-op can go to the Staples store and purchase the store product for the NJPA price, by using special cards. There is a \$25.00 minimum limit for free delivery, but no minimum limit for the Co-op price. There is a website and catalogues available. Mr. Tribby, Ms. Wells, and Mr. Fross will look into the Co-op.

IN THE MATTER OF DOCUMENT MANAGEMENT:

Mr. Neil Arsenault and Mr. Jeff Rupert, from IKON Office Solutions and Software Solutions, presented a program whereby they offer customized solutions to help keep costs to a minimum for software and equipment. They are the primary vendor for all the school systems in Howard County as well as Howard Regional Health System. IKON has serviced other county agencies by doing a study on the particular Department's job and how to help them in a cost effective way. IKON would like to offer this service to Howard County. The Board directed Mr. Tribby to investigate this opportunity, on behalf of the County.

IN THE MATTER OF CITIZEN CONCERN FOR CRIMINAL JUSTICE POLICIES:

Citizen Maureen McCarthy expressed concerns having to do with Sheriff Department policies of inmate care. She cited alleged instances of religious bias and disinterest in proper procedures, as well as physical and verbal abuse of inmates. Because of the serious and litigious nature of the allegations, the Board asked for first hand knowledge and proof of the allegations being made. Concern was expressed for proper grievance procedures. Sheriff Talbert explained that there are some differences between a long-term State facility and a County jail. When jailers are sent to training, it is a State prescribed training curricula that is used. There is no input on the local level. Attorney Murrell tried to give clarification to the structure of County government. He informed Ms. McCarthy that the County Sheriff is responsible for the operation of the county jail. The Board of Commissioners, under statutory law, does not have direct authority over the direction of the jail. The voters have authority over the elected Sheriff. The Board of Commissioners, as the Executive body, has keen interest in every department of the County and tries to work closely with the Sheriff on issues that concern the jail, but it is the responsibility of the Sheriff and his appointed staff to handle the issues and concerns of their department. Further discussion ensued concerning the current grievance procedure.

IN THE MATTER OF VETERANS SERVICE ISSUES:

Veteran's Service Officer William Polsgrove submitted the following issues for Commissioner information and approval:

1. **Annual Training Seminar:** A request was submitted to close the Veterans Service Office June 26 - June 29, 2006, allowing Mr. Polsgrove and his assistant to attend the Annual IDVA County Service Officer Training Conference. A motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to approve the request to close the Veterans Service Office from Monday, June 26 through Thursday, June 29, 2006, to attend the annual Training Conference.
2. **Monthly Report:** The monthly Veterans Service Report for the month of April was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

IN THE MATTER OF VEHICLE TRADE FOR THE COMMUNITY CORRECTIONS OFFICE:

James Jackson, Community Corrections Officer, submitted a proposal to purchase a 2005 Ford 500 Limited Sedan at an amount of \$23,900.00 minus the trade-in value of \$10,500.00, for a total of \$10,379.00. The funds are already available and approved by the Advisory Board. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the new vehicle purchase as noted.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioner Salary Claims:** Salary and Hourly claims payable May 19 and 26, and June 2, 2006, in the amount of \$296,420.05 were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
2. **Operating Claims:** Operating Claims payable May 15, 2006 in the amount of \$961,383.87 were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh. A claim was also submitted to be paid today and advertised on the next docket. Indiana-American Water Company delivered a cut-off notice for the Administration Center citing an overdue amount. All bills received have been paid but the April payment had not been posted after it had been received. Not wishing to be shut off, the Auditor's

Office prepared May's billing to be paid today. Special approval was given to pay the water bill, in the amount of \$207.14, on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

3. **Annual Report On Condition Of School Funds:** This is an annual report to the State Superintendent of Public Instruction dealing with the School Trust Fund. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to accept the Annual Report on Condition of School Funds.
4. **Public Hearing for the Cumulative Bridge Fund:** Ms. Wells wants to set a Public Hearing for the Cumulative Bridge Fund. Mr. Murrell is still reviewing the statute and needs a copy of the resolution that discontinued the Fund. He will have more information for the June 5th meeting.
5. **Ad Valorem Trending Reassessment Contract:** This contract was reviewed several months ago by Mr. Murrell, who suggested changes. He has not seen the amended contract and would like to review it before Board approval. Copies of the Adjustment and Solution contracts were given to Mr. Murrell for his review.
6. **Travel Policy:** Ms. Wells informed the Board that an Office Holder asked that the Travel Policy be revisited.

IN THE MATTER OF BARNES & THORNBURG INVOICE:

Attorney Larry Murrell submitted an invoice from Barnes & Thornburg for services pertaining to Delphi Bankruptcy Matters, in the amount of \$5,640.22. On a motion made by Mr. Harbaugh and seconded by Mr. Raver, the invoice from Barnes & Thornburg was approved for payment.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:05 a.m. on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVEN, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Commissioner Meeting Minutes May 15, 2006