

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING NOVEMBER 5, 2007

The Howard County Board of Commissioners met in Regular Session on Monday, November 5, 2007, 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 and Member David A. Trine. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

*As a matter of proper procedure to carry out the business of the County,
due to the absence of Vice President Bagwell,
President Raver vacated the chair to second the motions.*

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

*At this time, President Raver announced the passing of
Veterans Service Officer William A. Polsgrove on October 23, 2007.
A moment of silence was observed out of respect and appreciation for Mr. Polsgrove*

IN THE MATTER OF THE APPROVAL OF MINUTES:

The minutes of the October 15, 2007 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Trine and seconded by Mr. Raver.

IN THE MATTER OF THE OPENING OF HIGHWAY GRADER BIDS:

Highway Supervisor / Engineer Ted Cain was present for the opening of the bids for the purchase of a new or used grader for the Highway Department. The following bids were opened:

Brandeis, Low Profile	\$154,000.00	\$140,500.00	with trade-in
Stand Up	\$155,000.00	\$141,400.00	with trade-in
Used	\$176,000.00	\$162,400.00	with trade-in
Trade-In Value	\$ 14,000.00		
Holt Equipment Co.	\$150,600.00	136,600.00	with trade-in
Trade-In Value	\$ 14,000.00		

Mr. Cain explained that the used grader bid is higher than new equipment because the new equipment was bid using a municipal discount, which is not available on used equipment. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to take the bids under advisement for Mr. Cain's review.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Talbert presented the following issues for Commissioners' information and approval:

1. **Jail Population:** The current inmate population is three hundred twenty-six (326) with forty-four (44) being females
2. **New Van Purchase Request:** Two of the three Sheriff Department Transport vans have over 140,000 miles on them. Sheriff Talbert would like to replace one of the high mileage vans with a new van from Conkle Pontiac. Conkle Pontiac has a van in stock that would fit their needs and specifications, including the exact measurements needed for the Mavron unit in the 2004 GMC van being replaced. The price of the new van is \$26,000.00, \$21,090.73 for the government bid. With a trade-in value of \$8,000.00 for the 2004 van, the total price would be \$13,090.73. Sheriff Talbert will use Misdemeanant funds. The Mavron unit in the 2004 van will be transferred to the new van. Attorney Larry Murrell assured the Board that the government bid assistance of \$5,000.00 from the original purchase price, makes the purchase price under \$25,000.00 making this a "small purchase", not requiring the bid process. A motion

was made by Mr. Trine to approve the purchase of a new van from Conkle Pontiac with Misdemeanant funds. The motion was seconded by Mr. Raver and carried.

IN THE MATTER PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise submitted the following issues for Board information and approval:

1. **Set Hearing Date For Public Hearing / Order To Demolish:** Mr. Boise informed the Board of the need to set a hearing date for the unsafe property located at 12541 East County Road 332 South in West Liberty. Mr. Boise has not had any response to a letter to the owner informing her that she had until November 5, 2007 to contact the Plan Commission Office regarding demolition of the property (*please refer to page two, item one, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated October 15, 2007*). As the Building Enforcement Authority, Mr. Boise will send a certified letter to the owner informing her of the Public Hearing Date with at least thirty (30) days to respond informing her of required action. Mr. Boise would like to have the process completed by December 30, 2007. A motion was made by Mr. Trine, seconded by Mr. Raver, and carried to authorize Mr. Boise to move forward with the Order To Demolish, and set the Hearing Date for 9:00 a.m. on December 17, 2007, with all actions to be completed by December 30, 2007.
2. **Proposed Zoning Ordinance:** The Public Hearing date for the Proposed Zoning Ordinance will be December 17, 2007. The Plan Commission will host an Open House on Wednesday, November 28, 2007 from 3:00 - 6:00 p.m., in Room 101 of the Government Center, for discussions pertaining to the proposed Ordinance. The Plan Commission has also distributed post cards to property owners that would be affected by the proposed ordinance. A copy of the Proposed Ordinance is available on the County's website and has already received 840 hits.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Art Fross submitted the following issues for Board information and approval:

1. **Coroner Office Move:** The Coroner's office move to the Government Center has been completed.
2. **Election Booths:** The election booths have been moved for Tuesday's election.
3. **Clerk's Office Storage Space Issue:** Some of the discussion pertaining to additional storage space for the Clerk's records has been the possibility of the use of a portion of Emergency Management's storage space in the basement of the Government Center. Emergency Management Director Larry Smith has agreed to give a portion of their storage space on the west side of the basement, for storage of the Clerk's Office Records. A motion was made by Mr. Trine to approve the area designated in the basement of the Government Center, formerly EMA storage space, for the storage of the Clerk Offices' records. The motion was seconded by Mr. Raver and carried.
4. **A T & T Courthouse Upgrade Centrex Contract:** Mr. Murrell expects to have a completed Centrex Contract ready for Board approval for the November 19th Board of Commissioner Meeting. The Community Corrections contract with A T & T will also be under the County's contract umbrella.
5. **Kokomo Downtown Association 2008 Festival Dates:** President Raver submitted a letter he received from John Wiles of the Kokomo Downtown Association, thanking the Board of Commissioners for their permission to use the Courthouse for their New Year's Eve pyrotechnic display for 2007. Included was a listing of 2008 Festival dates and that list was submitted to Mr. Fross for his information and records. Mr. Fross will make copies to issue to the Courts for their scheduling information. Mr. Fross will check with Mr. Wiles concerning the need for street closings for festival set-up.
6. **Vendor Request:** Commissioner Bagwell received a request from a vendor to operate a Coffee Cart in the Courthouse. The present policy prohibits solicitation in the Courthouse and other Government Buildings without approval of the Board of Commissioners. After ensuing discussion, a motion was made by Mr. Trine, seconded by Mr. Raver and carried to deny the request for a vending cart in any county government building.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

Personnel Director Wanda McKillip submitted the following issues for Commissioners' information and approval:

1. **2008 Commissioner Appointments:** Ms. McKillip submitted copies of Commissioner Appointments listing, calling attention to appointments that will expire December 31, 2007. Also submitted at this time is a letter from Community Corrections Director Steve Maus pertaining to the resignation of Ms. Elaine Gooch from the Community Corrections Advisory Board. Mr. Maus informed the Board that Ms. Gooch was appointed as a lay member. There is no specific requirement to replace that position; it would be at the discretion of the Board of Commissioners whether to replace with another appointment. Commissioner appointments will be made the last meeting in December. Mr. Raver expressed appreciation to Ms. McKillip for the listings and the three-ring binder to house them.
2. **Anthem Health Care Renewal:** Mr. Doug Heath from Miles and Finch addressed the Board of Commissioners concerning the Insurance Committee meeting held October 30, 2007, and reviewed the information from Anthem as it pertains to the current trend and the 2008 projection. The Committee recommended there be no change in the plan design, and to hold premiums at the current levels. The Insurance Committee continued to recommend that employees hired as of January 1, 2003, who are currently paying 30% of their insurance coverage, be able to pay at the lower 15% rate. This would be an increase of \$125,000.00 to the County. After ensuing discussion, a motion was made by Mr. Trine, seconded by Mr. Raver and carried to set the insurance premiums for 2008 at the same rate as 2007. The Insurance Committee also addressed coverage for full time students aged 19 - 24 and the qualification of carrying full-time credit hours. That issue, as well as the insurance rates for employees hired in the year 2003, will be discussed at the November 19th Commissioner Meeting, allowing Ms. McKillip time to prepare the Open Enrollment packets in a timely manner.
3. **Appointment Of Assistant Howard County Veteran's Service Officer:** President Raver signed an appointment letter naming Pam Cheek as Assistant Howard County Veteran's Service Officer effective October 24, 2007. On a motion made by Mr. Trine and seconded by Mr. Raver, Mr. Raver's signature was approved and confirmed. Ms. McKillip will prepare a job description for the Board of Commissioners to include in a mailing to various Veterans' Organizations, asking for recommendations. Resumes will be received by the Personnel Department until December 1, 2007. Mr. Murrell will review the statute to confirm the veteran requirement, and prepare a letter from the Board of Commissioners to be included in the mailing to Veterans' Organizations.

IN THE MATTER OF THE INFORMATION SYSTEMS DEPARTMENT:

Information Systems Director Terry Tribby submitted the following issues for Board information and approval:

1. **Enhanced Service Agreement With Verizon:** Mr. Tribby submitted a Verizon Wireless Agreement for the Enhanced Service Equipment for cell phone reception in the Administration Center. The equipment has been received and the Information Systems Department will do the installation. Mr. Tribby will ask Verizon Wireless to come inspect the installation which will be completed by November 17, 2007. Verizon Wireless is paying 100% of the cost of this agreement. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve the Wireless Contract as modified, and authorize the President to sign on behalf of the Board of Commissioners.
2. **Community Corrections Contract With CSI:** Mr. Tribby clarified that at the conclusion of one year, this agreement renews automatically for a one year term. Mr. Maus does not need to bring this agreement back to the Board every year. Upon Mr. Murrell's review, several changes were suggested including the cancellation clause of ninety (90) days on or before the expiration of the agreement to just ninety (90) days cancellation notice (anytime). A motion was made by Mr. Trine to approve the contract with CSI - Computer Systems Inc. for Community Corrections as modified by Mr. Murrell. The motion was seconded by Mr. Raver and carried.
3. **Election Day Results:** Mr. Tribby reminded the Board that all Election results will be posted on the County's Website.

Mr. Tribby took this opportunity to thank his Howard County "family" for their cards, flowers and sincere concerns for Mr. Tribby upon the passing of his mother. "It was overwhelming."

IN THE MATTER OF THE COMMUNITY CORRECTIONS ANNUAL REPORT:

Community Corrections Director Steve Maus submitted the Community Corrections Annual Report at the October 15th Commissioner Meeting for their review and approval (*please refer to page five, item two, "In The Matter Of Community Corrections Department Issues" of the Regular Meeting minutes dated October 15, 2007*). The report has been reviewed and is approved on a motion made by Mr. Trine and seconded by Mr. Raver.

IN THE MATTER OF THE NEW LONDON CONSERVANCY DISTRICT RATE STUDY:

Russiaville Town Council President Mark Faulk and Mr. Jeff Lipinski, of the Russiaville Town Council, introduced Mr. Steve Carter, of H. J. Umbaugh & Associates, to review the recently completed rate study for the New London Conservancy District. Mr. Carter distributed copies of the financial information schedules and rate study to the Board Members, and reviewed the statistics with those present. A portion of the Conservancy's indebtedness comes from a loan from Howard County in the original amount of \$35,000.00; the present amount is \$32,667.00. The summary of the study is that "current rates are not sufficient". An increase of 17.2% is needed to maintain the status quo and provide the needed operating expense. The current rates are based on the number of persons residing at the connection site. Mr. Faulk and Mr. Lipinski have many questions, at this point. They believe that refinancing the bonds would be essential in controlling costs. The conservancy is currently in full compliance with IDEM. There are two immediate issues that need to be addressed; the rate issue and the merger with the Town of Russiaville. There are several complicated issues with a merger and Attorney Murrell feels the County needs some outside expertise. A motion was made by Mr. Trine to authorize Mr. Murrell, Russiaville Attorney Corbin King, Steve Carter and Mr. Jeremy Ullum from Barnes & Thornburg to address the rates and the merger, and assign the County the financial responsibility for merger expenses. The motion was seconded by Mr. Raver and carried.

IN THE MATTER OF HOWARD HAVEN RESIDENT DISMISSAL:

Howard Haven Resident Vickie Appleby was in attendance to give her response to a Notice of dismissal received from Howard Haven Superintendent Kelly Spidell. President Raver asked that Ms. Spidell explain the events that led to the dismissal and the actions taken. Ms. Spidell explained that Ms. Appleby was guilty of non-compliance with the Home's rules regarding resident drug and alcohol use. Ms. Appleby was asked, several times, to turn over all her medications so the proper ones could be administered by the nurse who is responsible for setting up residents' medications. Ms. Appleby did not fully comply with that request. Commissioner Trine and Superintendent Spidell met with Ms. Appleby who admitted she still had medications in a safe in her room. Commissioner Trine then confiscated the medicines found in a lock box in the resident's room. Because she had not complied with the regulations of the Home and for liability purposes, Ms. Appleby was issued a Notice of Dismissal on October 23, 2007 and given thirty (30) days to find new arrangements. Ms. Spidell has tried to help her find a new place to reside but has not yet been successful. She is currently in contact with a mission in Lafayette.

Ms. Appleby responded by distributing copies of a prepared statement to the Board of Commissioners. Mr. Murrell reminded Ms. Appleby that this is a public meeting and any discussion is a matter of public record. She admitted that she did not comply with the regulations but that Superintendent Spidell knew of the medications in her room. She also admitted that several of the medications in the safe did not belong to her. She listed several complaints against the home and Mr. Raver asked that she speak specifically to the current situation.

Mr. Trine spoke to the liability of the County and the Home for medications kept in a resident's room without supervision. He also spoke to the poor medical condition of Ms. Appleby on the day the medications were confiscated and that it was a matter of concern.

At the completion of discussion, Mr. Raver stated that he believes regulations were broken and that a medical condition exists that is beyond the capabilities of Howard Haven. A motion was made by Mr. Trine to confirm the Superintendent's action asking for the removal of Ms. Appleby based on the violation of the drug regulation. The motion was seconded by Mr. Raver and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following claims and reports for Commissioners' information and approval:

1. **Commissioners' Salary Claims:** The salary, hourly and overtime claims payable November 9 and 16, 2007, in the amount of \$313,019.77 each is approved on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Commissioners' Operating Claims:** The operating claims payable November 5, 2007, in the amount of \$515,428.80, were approved on a motion made by Mr. Trine and seconded by Mr. Raver.
3. **Land Surveying Invoice:** Ms. Wells submitted an invoice from Minor's Land Surveying, in the amount of \$750.00 for professional services regarding the location survey of the proposed Emergency Management Agency building site. This invoice may be covered by the insurance policy and should be forwarded to the Insurance Company. Because the Emergency Management Agency is overseeing this process, Ms. Wells was directed to send the invoice to the Emergency Management Agency office to be forwarded to Miles & Finch.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Keefe Contract:** Mr. Murrell reminded Sheriff Talbert that the Agreement with Keefe Commissary needs to be signed by the Board of Commissioners. There are several issues with the contract, concerning indemnity, that need to be addressed (*please refer to page one, item one, "In The Matter Of Sheriff Department Issues" of the Regular Meeting minutes dated October 15, 2007*).
2. **Rebanding Amendment:** An amendment for the Sprint/Nextel Rebanding Agreement was previously signed by President Raver and needs to be confirmed. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to confirm the signature of Mr. Raver on the Sprint/Nextel Rebanding Agreement Amendment.
3. **EMA Soils Test:** Dimensions, the company that is doing the design work for the Emergency Management Building reconstruction needed to have a Soils Test done. Commissioner Bagwell signed an agreement with Alt & Whitsik Engineering for that testing, in an amount not to exceed \$2,200.00. Mr. Bagwell's signature was confirmed on a motion made by Mr. Trine and seconded by Mr. Raver.
4. **Crowe Chizek And Co. LLC Invoice:** Mr. Murrell submitted an invoice from Crowe Chizek, in the amount of \$2,129.28 for professional services from August 15, 2006 to September 14, 2007 on the C.O.I.T. and L.O.I.T. Tax. The invoice was approved on a motion made by Mr. Trine and seconded by Mr. Raver.
5. **Barnes & Thornburg Invoice:** The Barnes & Thornburg invoice, in the amount of \$11,361.78, was approved for payment on a motion made by Mr. Trine and seconded by Mr. Raver. This invoice is for services rendered in general financial advice and Delphi Bankruptcy Matters.
6. **Invoice From Martin & Humphrey:** The invoice from Martin & Humphrey, in the amount of \$503.00, is for services rendered to the Howard County Election Board. This invoice is approved for payment on a motion made by Mr. Trine and seconded by Mr. Raver.
7. **Z-Tron Invoice:** Mr. Murrell submitted an invoice from Integrity Communications for Z-Tron in the amount of \$47,000.00 for equipment pertaining to the Sprint/Nextel Rebanding project. Upon approval the invoice will be sent to Sprint/Nextel for payment. A motion was made by Mr. Trine to approve the invoice to be forwarded to Sprint/Nextel for payment. The motion was seconded by Mr. Raver and carried.
8. **Malpractice Policy:** A liability insurance policy has been purchased from Landmark American Insurance Company to cover Drs. Zent and Maus, and supplemental coverage to Howard County Nurses

and volunteers. The cost of the policy is \$20,000.00 per year, to be paid from the liability insurance fund. This policy was approved for payment on a motion made by Mr. Trine and seconded by Mr. Raver.

9. **Reassessment Web Hosting Contract:** County Assessor Jamie Shepherd presented a contract with Schneider for the GIS web hosting. The cost of the contract has not changed from 2007. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve the Contract for Web Hosting from Schneider Corporation.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Weights & Measures Report:** The Weights and Measures Report for the month of Sept. 15, 2007 to October 15, 2007, was accepted on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Historical Society Flyer Distribution:** Mr. Raver received a request from Executive Director of the County Museum, Kelly Karickhoff, to distribute a flyer concerning their Christmas event, through the County's payroll. The flyer was approved for distribution through the payroll on a motion made by Mr. Trine and seconded by Mr. Raver.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 11:12 a.m. on a motion made by Mr. Trine and seconded by Mr. Raver.

HOWARD COUNTY BOARD OF COMMISSIONERS:

PAUL J. RAVER, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

DAVID A. TRINE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting November 5, 2007