

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 21, 2008

The Howard County Board of Commissioners met in Regular Session on Monday, April 21, 2008 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner Vice President David A. Trine and Member Paul J. Raver. Also present were County Attorney Larry Murrell and Auditor Ann Wells.

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

Due to the absence of President Brad Bagwell, Vice President Dave Trine, as a matter of proper procedure, vacated the chair to second any and all motions.

IN THE MATTER OF THE APPROVAL OF MINUTES:

The minutes of the April 7, 2008 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Trine. Submitted into record were minutes from the April 10 and April 17, 2008 Administrative meetings. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the April 10 and April 17, 2008 Administrative Meeting minutes.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Howard County Highway Superintendent / Engineer Ted Cain submitted the following issues for Board information and approval:

1. **Agreement For School Bus Turn Around:** Mr. Cain submitted a request for a school bus turnaround for the Northwestern School District on the property of Phil and Mandy McLane, located at 6390 West County Road 500 North. The school will furnish the stone and the Highway Department will haul the stone. Mr. Cain recommends approval. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the School Bus Turnaround for Northwestern Schools.
2. **Request To Vacate An Alley In The Town Of Center:** Mr. Cain was made aware of a request for a removal of a house and improvements made to an alley in the town of Center. Mr. Roy L. Taylor of 119 Mt. Zion Road, Henryville, Indiana and Mr. Hank Taylor of 3113 South 337 East, Kokomo, Indiana, were invited to the podium to submit their request to the Board of Commissioners. There is an alley, in Center, that they would like to have improved to provide an access to adjoining property they have plans to build on. Currently, according to the Taylors, there is a house that is encroaching on 4.1 feet of the right-of-way and they are asking that the house be moved. In 2006, they spoke against a Petition to Vacate the Right-of-way. The Right-of-Way was never vacated but an adjoining neighbor built their house 4.1 feet into the right-of-way, as well as 3 extra feet for an AC unit pad. At the time the house was built, they went to the Plan Commission with their complaints and were told a survey needed to be done.

Plan Commission Director Glen Boise agreed that the survey showed a possible error but by the time he was able to inspect the situation, the house was finished. As far as the alley being able to be used, the alley is not to be considered a primary access. There should be other locations to provide the primary access.

Both Roy Taylor and Hank Taylor remarked that the alley is also needed as an access to the soon to be developed property.

Mr. Ted Cain reminded the Commissioners that the alley was not created to be an access to that property. They would need to improve a normal dedicated road for needed access to the property. It is not the County's responsibility to maintain an alley or right-of-way; it is a twelve foot alley and is dedicated as a utility easement. It should never be used as a thoroughfare and Mr. Cain does not give his approval for this project. Occasionally, in these town situations, the easement will be used as a drive to a garage, but never as a thoroughfare, and that is what the intent of this request is. There is a 60 foot dedicated right-of-way at the back of their property that can be improved and used as an access to the back lots.

Mr. Taylor did agree that the road improvement needs to be done and they agreed to do that. They still believe they need the alley in question. They have taken this issue to court and the court decision referred back to the Plan Commission and their responsibility to enforce their ordinances and permits.

Mr. Cain responded that there are two different issues that need response. The first issue is the house that is encroaching into the right-of-way. The second issue is the need to improve the 60 foot right-of-way and not using the utility easement as a thoroughfare.

At the conclusion of discussion, Attorney Murrell recommended that Mr. Taylors' attorney meet with Attorney Brian Oaks concerning the encroachment into the utility easement. Mr. Murrell will also meet with Mr. Oaks and Mr. Mark McCann to try to expedite this issue.

3. **Painting Of Road Lines:** Mr. Trine has received complaints pertaining to the repainting of lines on Alto Road, near West Middleton. Mr. Cain will review the situation. Mr. Cain reminded the Board that the painting job is contracted outside of the Highway Department. That company is scheduled to be on site in two to three weeks and Mr. Cain will contact them to see if they can come any sooner.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population is three hundred twenty-two (322).
2. **Patrol Vehicle Quote Return:** Sheriff Talbert distributed Invitations to Quote to four vendors. Thereafter, Coroner Brad Bray expressed an interest in the Pick-up truck that was to be turned in for trade-in, as a second Coroner's vehicle, so Sheriff Talbert asked the vendors to provide a second quote without the Pick-up trade-in as follows:

Kokomo Auto World	with Pick-up	\$79,305.00
	w/o Pick-up	\$84,305.00
Brad Howell Ford	with Pick-up	\$79,377.60
	w/o Pick-up	\$84,877.60
Bloomington Ford	with Pick-up	\$82,301.00
	w/o Pick-up	\$86,301.00
Button Dodge	with Pick-up	\$79,590.00
	w/o Pick-up	\$83,590.00

The quote from Button Dodge does not contain the correct paint color as required by law so Sheriff Talbert concluded the quote to be non-responsive, even though it is the lowest bid without the Pick-up. He recommends the purchase be awarded to Kokomo Auto World. As pertaining to the Pick-up truck being given to the Coroner's Office, the Board, by consensus, wishes the Coroner to request the use of the Pick-up truck at the next Commissioner Meeting. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the purchase of the patrol vehicles from Kokomo Auto World and deferred a decision on whether to trade in the pickup until after hearing from the Coroner on May 5th.

3. **Communications Contract With Securus:** A T & T will no longer provide pay phone service to the Criminal Justice Center. Sheriff Talbert has been in communication with Securus Technologies Inc. and has a proposed contract with them for phone service. The rates are set by law and Securus services thirty-seven jails in Indiana. The contract is for three years and Mr. Murrell has reviewed the contract, inserting three minor changes. He also prepared an addendum stating that Securus agrees with the inserted changes. The contract allows for 24 hour service with four hour response time (Kinsey is not included in the contract). Mr. Murrell recommends approval of the contract. Sheriff Talbert did affirm that Securus would allow a pay telephone in the Criminal Justice Center lobby. A motion was made by Mr. Raver to approve the agreement with Securus Technologies Inc. for pay phone service at the Criminal Justice

Center and authorize the Vice President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Trine and carried.

4. **Commissary Network Agreement With Keefe:** Mr. Murrell has reviewed this Commissary Network Agreement for purchases of all supplies from Keefe, and made necessary changes. The agreement is for three years and can be terminated by either party on a 90-day notice. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the three-year Commissary Network Agreement with Keefe and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **2-CO-08:** Six lots in Stone Ridge Subdivision located at 7739 East County Road 100 South is approved on a motion made by Mr. Raver and seconded by Mr. Trine.
2. **Unsafe Building Located At 12541 East County Road 332 South:** Mr. Boise reported that the contractor has been notified but had other activities previously scheduled so has not been to the property located at 12541 East County Road 332 South to complete the excavation of the remaining structure (*please refer to pages two and three, "In The Matter Of Plan Commission Department Issues" of the Regular Meeting minutes dated April 7, 2008*). Mr. Boise informed the Board that the owner has hired an attorney to represent their request to find the remaining out building as viable and not demolish it. Attorney Dan Harrigan appeared on behalf of Mrs. Scott. He distributed photographs of the building in question for the Commissioners' perusal. The owner and her son, Charles Walden, believe the building is viable and they are asking for thirty days to clean and repair the building, making the lot more sellable. Discussion ensued and questions were asked concerning the amount of time this property has been an unsafe property. Attorney Murrell reminded the Board that any further action concerning the property would require another hearing for the adjacent property owners. Mr. Harrigan would suggest a thirty day extension and a public hearing at the conclusion of the thirty days. A point of discussion is the reimbursement to the taxpayers for the costs of demolition. Also in question is the list of repairs and time line for the owner to accomplish the repairs that had been requested by Commissioner Trine at a previous meeting. Mr. Walden replied that he didn't know about that request and was under the impression that the building would be demolished no matter what repairs would be made. ****(Please refer to page seven of these minutes)***. At the conclusion of discussion, it was the consensus of the Board to take no further action concerning this property. The prior order stands (*please refer to page three of the Regular Meeting minutes dated April 7, 2008*).
3. **Flood Mitigation Grant:** There has been no further word concerning the approval of the grant (*please refer to page two, item one, "In The Matter Of Plan Commission Department Issues", of the Regular Meeting minutes dated April 7, 2008*).
4. **Abandoned Property On Alto Road:** Mr. Boise has not had an opportunity to take a second look at the abandoned property located at 914 West Also Road. The property needs to be secured and he will meet with Mr. Fross and Mr. Leffert for the possibility of the Inmate Work Crew's help.
5. **Unsafe Property In West Middleton:** There are about eight vehicles and eight boats on trailers around the property, as well as construction materials. The Sheriff's Department will investigate the property for possible licensing violations.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Administration Center HVAC Equipment Defect:** There is a manufacturing defect on the newly installed cooling tower and it will need to be replaced. Installation will be the first or second Saturday of May. Main Street will need to be closed for the crane to install the new unit and remove the two old units. This process will take about \$125,000.00 and Mr. Fross has those funds in his line item of the

Cumulative Capital. Because of recent problems at the Administration Center, Mr. Trine asked that the building be secured during the exchange. Mr. Fross informed Mr. Trine that the building will be secured. He also informed the Board that additional cameras were being installed in the front and back stairwells of the Administration Center to help keep the building secure.

2. **Articles Found In Heat Exchanger At Kinsey Youth Center:** Mr. Fross presented a bucket to the Board of Commissioners that was filled with interesting items removed from one of the heat exchangers. Siemens was called in last week to repair a problem with the heating system. When they took one of the heat exchangers apart, this debris was found. They also found that a valve was installed backwards. There are forty-four heat exchangers and the Kinsey Youth Center and eighty-eight at the Criminal Justice Center. Siemens was able to rectify the problem. The company that installed the units is no longer being used.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

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

1. **P.A.C. Recommendations For The Probation Department:** The following PAC Committee recommendation was submitted as follows:
 - 1) Transfer \$5,200.00 from the Chief Probation Officer's salary line item to Chief Probation Officer, Howard County Courts Salary line item. Salary would increase to \$70,268.00. Don Travis is now the Chief Probation Officer of both courts and the new job title request is Chief Probation Officer, Howard County Courts.
 - 2) Transfer \$5,000.00 from the Chief Probation Officer's salary line item to a Juvenile Probation Officer - Casework Supervisor position. This will be a change in a current position not a newly created position (see job description attached). He is requesting this transfer to be left open until the position can be posted and filled.

A motion was made by Mr. Raver, seconded by Mr. Trine and carried to forward a favorable recommendation from the Board of Commissioners to the County Council, concerning the PAC recommendations.

2. **Completion Of Internship:** Ms. McKillip introduced Ms. Stephanie Matthews, an intern from Indiana / Purdue University at Kokomo. Ms. Matthews completes her one hundred twenty hours of interning this Wednesday and addressed the Board, thanking them for this opportunity. She feels the internship program is a great experience and she commended Ms. McKillip for her helpfulness and guidance. The Board thanked Ms. Matthews for her patience and work for the County. Mr. Trine commended Ms. McKillip and the Personnel Office for the amount of work that comes from that office and the care they give to all of the 600 county employees.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT:

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

1. **2008 / A Challenging Year:** This year has been a challenging year, so far, with all the physical issues that the department has had to deal with. Mr. Tribby appreciates everyone's patience as the department of four employees supports the 600 employee users.
2. **State Emergency Planning:** The State's Supreme Court sent a Disaster Planning consultant that met with Mr. Tribby, last week. The Supreme Court is mandating each county's Judiciary system to develop a Disaster Plan. Circuit Court Judge Lynn Murray is the chair person of this state level committee and Howard County has been selected to develop this Master Plan that other counties can follow to develop their own Disaster Plan.

IN THE MATTER OF HOWARD HAVEN ISSUES:

Howard Haven Superintendent Kelly Spidell submitted the following issues for the Commissioners' information and approval:

1. **Howard Haven Open House:** The Friends of Howard Haven would like to host an Open House from 2:00 pm to 4:30 pm on Wednesday, June 18, 2008. This Open House is for resident families and the community.
2. **Donations Listing:** Ms. Spidell submitted donation listings for February 13 through April 14, 2008.
3. **Preparations For Rummage Sale:** There are donations not being used that are piling up and Ms. Spidell would like to sell these items in a sale. Mr. Murrell stated that the correct procedure would be to create an inventory list of marketable items and submit the list to the Board of Commissioners. If the Board then declares that the total value is less than \$5,000.00, Howard Haven can proceed with the rummage sale with all proceeds being given to Howard County, earmarked for Howard Haven. The Howard County Recycling Center can dispose of unused electronic items. Mr. Fross suggested that the Inmate Work Crew could help with hauling away the unused items.

Mr. Trine took this opportunity to commend the Inmate Work Crew for the wonderful job they did cleaning up the East side of Davis between the Coca Cola plant and Smith Road. Sheriff Talbert also commended the Inmate Work Crew and stated that with all the work to be done in the summer months, it would be an excellent Community Service activity.

IN THE MATTER OF THE WEIGHTS AND MEASURES REPORT:

Mr. Trine submitted the Weights And Measures Monthly Report for the month of March 15 to April 15, 2008, which was accepted on a motion made by Mr. Raver and seconded by Mr. Trine.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Community Corrections GPS Equipment Agreement:** Mr. Murrell submitted an Agreement with STOP for GPS tracking equipment. These one-piece units are less expensive and have to be ordered, but the County is not charged until the unit is activated. He has reviewed the contract, making a few changes, and recommends that this one year agreement be approved. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the one year agreement with STOP for GPS tracking equipment and authorize the Vice President to sign on behalf of the Board of Commissioners.
2. **Keller And Heckman Invoice:** This April 10th invoice, in the amount of \$1,580.00, for professional services rendered for the Rebanding project is approved to be forwarded to Sprint / Nextel on a motion made by Mr. Raver and seconded by Mr. Trine.
3. **Extension Of Rebanding Contract:** An Extension to the original Rebanding Contract has been submitted, extending the project deadline to July 15, 2008. This extension needed to be signed and returned by April 15, 2008 so it was signed by President Bagwell. Mr. Murrell asks that the signature be confirmed by the Board. A motion was made by Mr. Raver to confirm the signature of President Bagwell on the Extension document. The motion was seconded by Mr. Trine and carried.
4. **Integrity Business Communications Invoice:** Mr. Murrell submitted a periodic statement for services rendered in the rebanding project. The total project cost for Integrity's services is \$346,000.00. With this invoice of \$161,000.00, the current expenses paid equal \$287,000.00, 83% of the contracted amount. The completion date is to be July 15, 2008. This statement needs to be approved by the Board of Commissioners and the Incumbent Acknowledgement form signed before submission to Sprint / Nextel for payment. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the periodic statement from Integrity Business Communications and authorize the Vice President to sign on behalf of the Board of Commissioners.

Mr. Trine noted that Mr. Bagwell has been overseeing this project and is doing an outstanding job, assuring that the Police and Fire fighters have been taken care of first. Sheriff Talbert commented that the process in Howard County is progressing much more smoothly than other areas of the country. Mr. Raver commented that Tony Johnson at Integrity has been a major part of the project. Mr. Murrell also received word from Project Manager Steve Miller, in Colorado, stating "...I do appreciate the expeditious way that all the Howard County participants react to the assortment of tasks at hand." About 1500 radios have been involved in this process.

5. **A T & T Conference Call:** Mr. Murrell is working on setting up a conference call with A T & T concerning the Centrex Contract.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioner Salary Claims:** Salary, hourly, and overtime claims payable April 25 and May 2, 2008, in the amount of \$337,929.59 each, were approved on a motion made by Mr. Raver and seconded by Mr. Trine.
2. **Operating Claims:** Operating claims payable April 21, 2008, in the amount of \$319,681.63, were submitted. Ms. Wells called attention to the fact that \$151,222.30 of that amount is County General and \$50,551.58 comes from the Jail C.O.I.T. (252). The Operating Claims were approved as advertised on a motion made by Mr. Raver and seconded by Mr. Trine.
3. **Treasurer's Monthly Report:** The Treasurer's Monthly Report for the month ending March 31, 2008, was submitted and approved on a motion made by Mr. Raver and seconded by Mr. Trine.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Wind Farm Meeting:** Mr. Trine will be attending a Wind Farm meeting in Fishers next week.
2. **Turn Around Breakfast:** The Board of Commissioners have been invited to the 17th Annual Turn Around Breakfast, sponsored by the Community Based Drug Free Program, on Thursday, May 8, 2008.
3. **Break In Of the Howard County Recycling District Office:** Mr. Raver reported that there was a break in at the Recycling District Office sometime after dark, last Thursday evening. Mr. Raver gave details of the break in and assured the Board that the burglar was caught and stolen equipment was returned.
4. ****March 17th Minutes Concerning The Property Located At 12541 East County Road 332 South:** It was noted for the record the following item from the March 17th Regular Commissioner Meeting minutes:

"A motion was made by Mr. Raver, seconded by Mr. Trine and carried to continue this Public Hearing to 9:00 a.m. on Monday, April 7, 2008 and direct Ms. Walden to submit a detailed plan of action and time line for the barn."

This was not complied with by the April 7th meeting (*please refer to page three, item two of these minutes*).

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:31 a.m. on a motion made by Mr. Raver and seconded by Mr. Trine.

HOWARD COUNTY COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

DAVID A. TRINE, VICE PRESIDENT

PAUL J. RAVEN, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting April 21, 2008