

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 7, 2008**

The Howard County Board of Commissioners met in Regular Session on Monday, April 7, 2008 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioners President Bradley J. Bagwell, Vice President David A. Trine and Member Paul J. Raver. Also present were 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 March 17, 2008 Regular Meeting, March 26 and April 2, 2008 Special Called Meetings, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Trine.

### **IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:**

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

1. **Quotes For New Pick-Up Truck:** Mr. Cain received three quotes for a new pick-up truck as follows:

Kokomo Auto World	\$25,837.25
Bob Swartz Ford	\$27,817.89
Brad Howell Ford	\$25,497.89

Mr. Cain recommends purchase of the pick-up truck from Brad Howell Ford, in the amount of \$25,497.89. This will replace the 1998 pick-up truck they currently have. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to accept the quote from Brad Howell Ford, in the amount of \$25,497.89 as the lowest responsive and responsible quote.

2. **Closing Of State Road 26:** Mr. Cain informed the Commissioners that the State is planning to close State Road 26 between Dixon Road and Timber Valley Drive, beginning April 14<sup>th</sup>. Mr. Cain will close Timber Valley Drive. He has appointed the detour as County Road 100 West to County Road 500 South to County Road 200 West and back to Highway 26, signing papers for the State. Any damage done to the detour will be reimbursed by the State. The State plans to keep Highway 26 closed for up to three months. The contractor hopes the project takes less than six weeks.

### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

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

1. **Detective Vehicle Purchase:** Sheriff Talbert asked Lieutenant Jerry Asher to present several requests to the Board of Commissioners. The first request is for a new Detective unmarked vehicle. The current vehicle is a 2000 Concord and has 100,000 miles on it. A 2006 Chrysler Pacifica has been chosen in the amount of \$14,100 (includes the \$2,600.00 trade-in on the Concord). This vehicle has 16,000 miles worth of warranty left on it and is big enough to haul evidence. There is money in the Cumulative Capital Fund to cover the purchase. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the purchase of a 2006 Chevrolet Pacifica in the amount of \$14,100.00 from Button Dodge.
2. **Bullet Proof Vests:** Lieutenant Asher informed the Board of a Department of Justice Grant that is available to reimburse for up to half of the costs of bullet-proof vests. The Sheriff's Department needs to purchase forty-five (45) new vests for Corrections Officers at a cost of about \$25,000.00. The Federal Grant will reimburse \$11,000.00. These will be paid for from the Misdemeanant Grant and the Sheriff's Police Equipment Fund. A motion was made by Mr. Trine to approve the Grant request for the funding of forty-five new Bullet Proof Vests. The motion was seconded by Mr. Raver and carried.

3. **Contract To Dispose Of County-Owned K-9:** Sheriff Talbert informed the Board of Commissioners that Deputy Mark Fisher has now retired his Deputy position and is working as a process server. Officer Fisher has been the dog-handler for Jorka, and Sheriff Talbert is asking that Jorka be retired. He is nine years old and has had some difficulty with on-going problems as a result of injuries sustained from an accident. Mark Fisher would like to keep Jorka and Sheriff Talbert requests that the County enter into contract with Mr. Fisher for the disposition of County property. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve the Contract for the Disposal of Retired K-9 Jorka to Officer Mark Fisher. Sheriff Talbert informed the Board that Mr. Fleming has given the Sheriff's Department \$10,000.00 toward a replacement drug K-9. Officer Mike Ogle will be returning from Iraq in ninety days and was a K-9 handler. Sheriff Talbert will hold procurement of an additional K-9 until Mr. Ogle returns.
4. **Fuel Credit Cards:** Presently the Sheriff's Department has two credit cards for fuel purchases when transports are made out of Howard County. The Shell Card could still be used but is limited to Shell stations. The BP card has too many finance and miscellaneous fees and has been cancelled. Sheriff Talbert presented the request to apply for a Wright Express Card that is a **universal** fleet card, accepted at over 90% of retail fueling locations in the United States. The Wright Express Card can also be used for service in the case of an emergency out of the County. The Department needs about twelve (12) cards that will be given to officers only when they leave for a transport. A motion was made by Mr. Trine to authorize the Sheriff's Department to obtain the required number of Wright Express Fleet Cards. The motion was seconded by Mr. Raver and carried.
5. **New Patrol Vehicle Purchase:** At the March 17<sup>th</sup> Commissioner Meeting, the Board of Commissioners directed Sheriff Talbert to proceed with the Quote process for the purchase of four new patrol vehicles, giving local vendors a chance to quote (*please refer to page one, item four of the Regular Meeting minutes dated March 17, 2008*). Sheriff Talbert has prepared the specifications and Invitation To Quote for four vehicles with a V8 engine and rear-wheel drive. He believes it's imperative to have a full-size car such as the Crown Victoria or Charger in lieu of a small vehicle such as the Chevrolet Impala. Sheriff Talbert submitted copies of a photo of a State Police Vehicle that had been involved in a very serious accident. It was a full sized vehicle and the State Policeman believes he escaped serious injury because of the size of the vehicle. At the conclusion of brief discussion, a motion was made by Mr. Raver, seconded by Mr. Trine and carried to authorize Sheriff Talbert to proceed with the Invitations to Quote as outlined, and set the return date for 4:00 p.m. on April 18, 2008, to be presented at the April 21<sup>st</sup> Commissioner meeting.
6. **Inmate Population:** The present inmate population count is three hundred twenty eight (328) after being as high as three hundred sixty eight prisoners the week before. The Department is in need of an additional nurse and applications and resumes are being accepted.
7. **Unsafe Property:** Sheriff Talbert informed Mr. Glen Boise of a possible unsafe property located at 914 West Alto Road. He offered to help with the sealing of the property.

#### **IN THE MATTER OF PLAN COMMISSION DEPARTMENT ISSUES:**

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

1. **2700 Dellwood Drive Flood Property:** The Flood Mitigation Grant Application for property located at 2700 Dellwood Drive has been approved by the State (*please refer to page two, item two, "In The Matter Of Plan Commission Issues" of the Regular Meeting minutes dated March 17, 2008*). It will now be directed to the Federal Emergency Management Agency for their approval.

*At this time the Regular Meeting was recessed to continue a previously scheduled Public Hearing concerning the Unsafe Property located at 12541 East County Road 332 South.*

Mr. Boise submitted recent photographs of the property and out building in question. Mr. Murrell reviewed the context of this hearing. The Board of Commissioners previously declared the property unsafe, and approved an Order to Demolish **all** buildings on the property. At the March 17<sup>th</sup> meeting, at the request of the owner's granddaughter, the Board of Commissioners agreed to review the safety of the property including the barn. The issue for today is whether to rescind the Order to Demolish the barn and conclude that it is a viable structure. Commissioner Bagwell opened the floor for public comment as follows:

Laura Walden, 564 South County Road 300 East, Kokomo, 46902: Ms. Walden is willing to do what needs to be done to repair the building to make it safe and secured. When asked if she could give a time line for the repairs, she felt 30 to 60 days would be sufficient.

Don Weida, 12554 East County Road 340 South: He feels the barn is unsafe and needs to be torn down. He commented that it smells like sewage and there are a lot of groundhogs. It has been neglected for the last four years and it is an eyesore and a health hazard.

Deb Gatti, 3340 South County Road 1250 East: Ms. Gatti believes the barn should be demolished and asks that the Board upholds the "unsafe" finding and proceeds with the demolition.

Mr. Boise commented on the number of animal burrows under the slab, as well as needed roof and barn door repairs. The inside structure looks okay but he does not know how much damage has been done by the animal burrows. Mr. Boise did not find evidence of a foundation.

Commissioner Trine explained to the owner's representatives that the structural integrity of the building has been jeopardized and that is not just a "cosmetic" fix.

Mr. Bagwell closed the floor to public comment.

A motion was made by Mr. Trine to uphold the findings of Ordinance No. 2008-BCCO-04 and continue with the demolition of the remaining structure. The motion was seconded by Mr. Raver and carried. Mr. Boise will contact the contractor to submit a revised quote before proceeding with the demolition.

The Public Hearing was closed at 9:26 a.m. on a motion made by Mr. Trine and seconded by Mr. Raver.

*At this time the Regular meeting was reconvened.*

2. **Possible Unsafe Property:** Mr. Trine reported a possible Unsafe Property located at 500 North County Road 850 East. Mr. Boise has sent Notice of Violation Enforcement Letters to both the owner of the trailer and the owner of the property.

#### **IN THE MATTER OF SETTING A HEARING FOR THE PETITION TO VACATE AN EASEMENT:**

Attorney Conrad Maugans submitted a Petition to Vacate an Easement on behalf of Furman A. and Betty L. Brewster. The Petition is to vacate a Railroad Street in Hemlock and he requests a hearing date be set. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to accept the Petition to Vacate an Easement and set the hearing date for 9:00 a.m. on Monday, May 5, 2008.

#### **IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

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

1. **Trane Agreement:** Mr. Fross submitted a new Pricing and Acceptance Page for the contract with Trane Corporation, approved in November, 2007. This modified contract is for the computer system of the heating and air conditioning system. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve the modification of the existing Trane Contract and authorize the President to sign on behalf of the Board of Commissioners.

2. **Siemens Contract:** At the March 17<sup>th</sup> meeting, Mr. Fross informed the Board that he would like to terminate their contract and obtain service from Downton & West. Mr. Murrell was directed to prepare a letter of termination and ask for a return of the unused portion of the pre-paid fee (*please refer to page two, item one, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated March 17, 2008*). Discussion ensued concerning continued coverage if the money is not refunded. At its conclusion, a motion was made by Mr. Trine to authorize the Attorney to draft another letter requesting information as to possible cancellation of the contract and authorize the President to sign on behalf of the Board of Commissioners.

#### **IN THE MATTER OF KINSEY YOUTH CENTER REQUESTS:**

Kinsey Youth Center Director Brent Kelley submitted the following issues for Board information and approval:

1. **New Carpeting For Administrative Offices:** Mr. Kelley submitted an invoice for payment of new carpeting in the living areas of Kinsey Youth Center, in the amount of \$6,883.42. This purchase had not been previously approved by the Board of Commissioners and was rejected by the Auditor's Office. He would like to take the purchase from the Cumulative Capital Fund.
2. **Purchase Of Two AED Defibrillators:** Mr. Kelley would like to purchase two (2) AED Defibrillators for Kinsey Youth Center, in the amount of \$3,595.91. One would be kept in the intake area and one would be kept close to the gymnasium. This purchase would also come from the Cumulative Capital Fund. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to approve payment of the claim for the purchase of carpet for Kinsey Youth Center, and to authorize the purchase of two AED Defibrillators.

#### **IN THE MATTER OF PROBATION DEPARTMENT REQUESTS:**

Chief Probation Officer Don Travis presented the following requests for Board information and approval:

1. **New Computer Purchase:** Mr. Travis submitted a request for the purchase of five new computers for the Adult Probation Department, in the amount of just over \$5,000.00. That request was approved on a motion made by Mr. Raver and seconded by Mr. Trine. Mr. Travis also requested the purchase of twelve (12) new Vista Computers, replacing all computers for the Adult Probation and Alcohol and Drug Departments. That purchase will be addressed at a later date.
2. **Additional Administrator In Juvenile Probation:** Mr. Travis is meeting with the PAC Committee concerning the need to recreate the Intake and Casework Supervisory Position for the Juvenile Probation Department that he had terminated when he became Chief Probation Officer for the Juvenile Department. A motion was made by Mr. Trine to approve the recommendation to restore the Intake and Casework Supervisory Position to the PAC Committee. The motion was seconded by Mr. Raver and carried.

#### **IN THE MATTER OF A PRINTER LEASE REQUEST FOR THE TREASURER'S OFFICE:**

Treasurer Martha Lake informed the Board of Commissioners that there may be an early July tax due date. The Treasurer's Office is responsible to send comparison bill statements out along with the tax statements requiring additional printing and folding responsibilities, as well as additional postage. She would like to rent an additional printer and folding machine from Shearer Printing for an estimated cost of \$600 - \$700 dollars. A motion was made by Mr. Raver to authorize Treasurer Martha Lake to advertise for appropriations from the Cumulative Capital Fund and the EDIT Fund for the rental of additional equipment for printing of tax statements. The motion was seconded by Mr. Trine and carried.

#### **IN THE MATTER OF EMERGENCY MEDICAL TRANSPORT BOUNDARIES:**

The EMT Boundary discussion was opened with comments from Commissioner Raver. Mr. Raver had previously contacted St. Joseph Hospital, Howard Regional Hospital, and the Burlington Fire Department concerning today's discussion. He submitted copies of maps showing the current boundary lines. He was contacted by Mr. Michael Derr from the Burlington FD that he is now working for St. Joe Hospital. Mr. Derr was invited to speak for the Burlington Fire Department and St. Joe Hospital. There have been tremendous budget cuts in Carroll County, including the decrease of ambulance services. Burlington has lost their transport vehicle and has a paramedic on call for response only. Ambulances will need to be dispatched from Howard County's hospitals, and the Board of Commissioners must take action to assign the

western portion of Ervin and Monroe Townships. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to delete the red line on the boundary map constituting the coverage area assigned to Burlington Fire Department, returning to prior modified tentative boundary coverage areas for St. Joseph Hospital and Howard Regional Hospital. The contract with Carroll County will not be renewed.

At this time, reports from both hospitals were presented. Mike Derr, representative from St. Joseph Hospital did conduct response time tests, especially now that Dixon Road is opened. Ms. Lori Melton, of Howard Regional Hospital went on record approving the decision to take the boundary covered by Burlington Fire Department back to the previously modified tentative coverage areas. Howard Regional also agrees with the East side boundary line from 600 East and 300 North. She reported that Howard Regional would like the opportunity to conduct their own study concerning response times before commenting on the western boundaries. Both hospitals reported that they had not taken the future Freeway 31 into consideration.

Howard County Dispatch Assistant Coordinator Gary Bates informed the Board that any changes to the boundary lines will require changes to the CAD system used by Dispatch and will take some time. Dispatch changes will take effect immediately. Changes will also have to be given to A T & T. Discussion ensued.

St. Joseph's representatives suggested the two hospitals conduct a study together and have the opportunity to reach an agreement to bring to the Board of Commissioners. A motion was made by Mr. Trine, seconded by Mr. Raver and carried to give both hospitals thirty (30) days to review the information and bring an agreement to the Board of Commissioners at 10:00 a.m., May 5, 2008. Until that time, the modified tentative boundary lines are in effect.

#### **IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Salary Claims:** Salary, hourly and overtime claims payable April 11 and April 18, 2008, in the amount of \$337,929.59 each, were approved on a motion made by Mr. Trine and seconded by Mr. Bagwell.
2. **Operating Claims:** Operating Claims payable April 7, 2008, in the amount of \$412,086.60, were submitted. Ms. Wells informed the Board that of the \$412,086.60, \$67,146.59 worth were paid from the County General Fund and \$113,417.95 were paid from the Jail COIT (252) Fund. Mr. Bagwell questioned several claims that included a K-9 Door opener and car washes for the Prosecutor's vehicle. After several issues were clarified, a motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the Operating Claims as submitted.
3. **Dimensions Invoices Released For Payment:** At the previous Commissioner Meeting, the Board withheld approval of the Dimensions Invoices, taking them under advisement until the contract could be reviewed. The Auditor's Office confirmed that the submitted invoices were within the contracted amount, and Auditor Wells recommended the invoices be approved. The Auditor's office has since received two additional invoices that also are within the contracted amount with Dimension, and she recommends those be prepared for payment. A motion was made by Mr. Raver to approve the release of the Dimensions invoices prepared for payment March 17, 2008 and to authorize the Auditor to prepare the additional Dimensions invoices for payment. The motion was seconded by Mr. Trine and carried.
4. **Township Appeals:** Township Appeals were conducted as follows:
  - a) Center Township: Ms. Gloria M. Helton did not attend the scheduled hearing. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to uphold the denial of the Township Trustee.
  - b) Center Township: Ms. Sonya D. Banks was denied assistance until after September 15, 2008 for failure to comply with workfare requirements. A motion was made by Mr. Raver to uphold the denial of the Township Trustee. The motion was seconded by Mr. Trine and carried.
5. **Veterans Service Report:** The Veterans Service Officer's Report for the month of February, 2008 was accepted on a motion made by Mr. Raver and seconded by Mr. Trine.

6. **Weights And Measures Report:** The Weights and Measures Report for the month of February 15, 2008 to March 15, 2008, was accepted on a motion made by Mr. Trine and seconded by Mr. Raver.
7. **Veterans Service Report:** The Veterans Service Officer's Monthly Report for the month of March 2008 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. **Two Outside Counsel Invoices:** Mr. Murrell submitted an invoice from Barnes & Thornburg in the amount of \$797.00 for services rendered for General Advice, Continental Steel Superfund Site and Delphi Bankruptcy Matters. He also submitted an invoice from Assistant County Attorney Brian Oaks for services rendered for the Angela Burton Litigation and Board of Health Litigation, in the amount of \$566.50. Both invoices were approved for payment on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Commissioner Contract Log:** Mr. Murrell submitted copies of a Contract Log that Mr. Murrell and the Auditor's Office will use to track Contracts as they are presented to the Board of Commissioners for approval.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

1. **Comments Concerning The EDIT Umbrella Group:** After attending the EDIT Umbrella Group meeting, Commissioner Trine believes that at this point, all that's being accomplished is the addition of another Economic Development Organization. He saw that the individual groups are still maintaining their individual officers, boards and salaries. He feels we need more answers before contributing further to the Umbrella Group. Commissioners Bagwell explained that that is exactly true for this year. He continued to explain why not all the individual groups could be combined. The Howard County Council approved a total of \$40,000.00 for the individual Economic Development Organizations in 2008 and \$5,000.00 for the Umbrella Group. Discussion ensued.
2. **EMA Project Bids:** The Board of Commissioners called a Special Meeting on March 26, 2008 for the purpose of receiving and opening bids for the EMA Reconstruction Project. The bids were taken under advisement for further review by Attorney Murrell and Dimensions, Inc. Attorney Murrell proposed the following findings of fact:
  - a) By letter of March 28, 2008, C & Z has requested that its bid be withdrawn.
  - b) The bid of C & Z is non-responsive to the County's specifications and requirements.
  - c) The bid price of all four bids exceeds the funds currently available to rebuild the EMA facility.

A motion was made by Mr. Trine to accept these findings and based thereon reject all bids. The motion was seconded by Mr. Raver and carried.

3. **Indiana Criminal Justice Report:** The Board of Commissioners received a report from the Indiana Criminal Justice Institute concerning the Howard County Local Coordinating Council's Community Based Drug Free Task Force. The Governor's Commission received a recommendation to deny approval of the Community Comprehensive Plan. At this point that task force has no approved funding. The County's fiscal body is denied authority to appropriate their budget. All claims are to be held pending Attorney review.
4. **American Legion Indiana Service Department:** The Board of Commissioners is in receipt of a letter from the American Legion, recognizing the work of Veterans Service Officers William A. Polsgrove and Robert Ladd. They are commended for the excellent service to the veterans of Howard and surrounding Counties in securing in excess of one million dollars of Federal funds in 2007. They were commended

for their dedicated service with a letter and Certificate of Appreciation. Mr. Ladd is continuing in Mr. Polsgrove's tradition of providing excellent service to veterans of Howard County.

5. **National Day Of Prayer:** Mr. Bagwell submitted a letter from the National Day Of Prayer Committee requesting the County provide electricity for the show mobile on the east side of the Courthouse, from noon until 1:00 p.m. on Thursday, May 1, 2008. In the event of inclement weather, they will meet at Grace United Methodist Church. The Maintenance Department is aware of the request.
6. **Haynes Apperson Festival:** EMA Director Larry Smith informed the Board of Commissioners that the Haynes Apperson Festival would be held Thursday through Saturday, July 3, 4, and 5, 2008.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:17 a.m. on a motion made by Mr. Raver and seconded by Mr. Trine.

#### HOWARD COUNTY BOARD OF COMMISSIONERS

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BRADLEY J. BAGWELL, PRESIDENT

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DAVID A. TRINE, VICE PRESIDENT

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PAUL J. RAVER, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting April 7, 2008