

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING FEBRUARY 2, 2009**

The Howard County Board of Commissioners met in Regular Session on Monday, February 2, 2009 at 4:00 p.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President Dave Trine, Vice President William Thompson and Member Tyler Moore. 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 Trine. The meeting began with the Pledge of Allegiance.

At this time, President Trine called for a moment of silence in honor of the passing of Commissioner Thompson's father, Jack Thompson.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the January 20, 2009 meeting were previously submitted and reviewed. There were two changes to the minutes as follows:

1. Page one, item one, "In The Matter Of Highway Issues": "It costs about \$9.80 per ton for the salt in Port of Indiana and about \$11.00 per ton in Cincinnati.", is changed to read, "It costs about \$9.80 **per pick up ton** for the salt in Port of Indiana and about **\$11.00 per pick up ton** in Cincinnati.
2. Page two, item two, "In The Matter Of Plan Commission Issues": "Encumbrance forms for the local match fund have been misplaced. Mr. Boise has petitioned the City Controller and the County Auditor to initiate the proper paperwork needed to re-appropriate the funds for the year 2009", is changed to read, "**The local match fund was not encumbered because the contract with the consultant had not been signed.**"

A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the minutes of the January 29, 2009 as amended.

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

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

1. **Snow Removal:** Mr. Cain reported that the Highway Department worked many hours to remove snow during the weekend's blowing and drifting conditions. He knows of at least three counties that pulled their men off the roads because motorists were getting stuck. Mr. Cain did not pull his men, but kept them on the roads through the night to remove snow and assist motorists.
2. **Boulevard Project:** Mr. Cain has been working on the Boulevard Project and will be seeking additional Federal funds for the right-of way portion of the project.
3. **Ohio Street Bridge:** Mr. Cain will be submitting Change Order #4, in the amount of about \$4,000.00, for facing materials for this completed bridge project.
3. **Bridge #64:** This bridge project located at LaFountain Street has begun with minor design work from Butler Fairman & Seufert, and Mr. Cain hopes to begin construction in 2010.
4. **Morgan Street Extension:** The Dixon Road project had to be completed before the Morgan Street Extension could begin. Then came the 31 Freeway project, and Mr. Cain had to work on county roads leading up to the interchanges, to meet Federal standards. He has asked Butler Fairman & Seufert to begin some preliminary work with the expectation of additional funds from the proposed Stimulus Package. If the Stimulus package is approved, there will be local match funds available to be used for the Dixon Road and Boulevard projects, freeing up funds to begin the Morgan Street Extension Project.
5. **Commissioner Comments:** Mr. Thompson rode with Highway Department Employees over the weekend and he expressed appreciation for the fine work that they do in keeping the roads usable in this

weather. Mr. Thompson met with Congressman Donnelly and his staff last Friday. There will be incentive funds available and the government is looking for projects that are ready to begin. Mr. Thompson will pass along that information, as well as contact information, to Mr. Cain.

Mr. Moore was contacted by a representative from IMI, Mr. Rick Miller, concerning the availability of salt. Mr. Cain assured Mr. Moore that he is aware and has reviewed the information.

Mr. Trine informed Mr. Cain that this weekend, Mr. Trine traveled to counties north, south and west of Howard County. Our county's roads were in better condition than any of the surrounding counties and gave a "hats off" to the Highway Department. He also appreciates how they work well with the Sheriff's Department.

Mr. Cain expressed appreciation to his department and that the "hats off" really goes to them.

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

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

1. **Jail Population:** The current inmate population is two hundred ninety-four (294) inmates which is below the building's capacity of three hundred twenty-four (324).
2. **Intercom Repair:** The intercom system has been repaired and the circuit board is working correctly.
3. **Sheriff's Vehicle Fleet:** Sheriff Talbert reported that the vehicle fleet is in good shape. He believes that only four or five vehicles will need to be replaced this year. There had been some discussion concerning making the Sheriff Vehicle line item in the Cumulative Capital Fund a larger fund to include all County vehicle needs. Sheriff Talbert asked for clarification concerning the need to appropriate that fund for 2009. Commissioner Trine assured the Sheriff that the Board will look into that issue.
4. **Safe-Dose Contract:** The nursing staff at the Criminal Justice Center has decided that it would help save expenses to contract with Safe-Dose for a portion of the pharmaceutical services for the Criminal Justice Center. Mr. Murrell has reviewed the contract and proposed the same changes as were made on the Safe-Dose contract for Kinsey Youth Center. The Sheriff's Department has exclusively used the services of a local pharmacy, but with the Council's budget decrease request, this would be a way to see some savings. Kinsey Youth Center has been using this service for a year and is satisfied. The Sheriff's Department will continue to use the local pharmacy for some services. Mr. Murrell proposes a yearly contract with a thirty-day notice option to terminate. A motion was made by Mr. Moore to approve the contract with Safe-Dose subject to Mr. Murrell's modifications, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
5. **Sheriff's Inmate Work Crew:** At the January 20, 2009 meeting Mr. Trine reported discussions with Mayor Goodnight and Sheriff Talbert concerning the concept of creating more Inmate Work Crews to do the seasonal work for the City's Parks and Recreation department (*please refer to page eight, item six, "In The Matter Of Commissioner Issues", of the Regular meeting dated January 20, 2009*). Mr. Randy Morris from the Mayor's Office was in attendance and reported that the City will review that issue as services are needed.

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

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

1. **Case 10-CP-08:** One lot in Orbaugh Estates Subdivision, located at 3537 South County Road 800 East, was approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Flood Mitigation:** There is no new information to offer concerning the status of the Flood Mitigation Grant contract through the Attorney General's Office. A local property owner asked if it would help to contact the State. Mr. Boise may exercise that option at a later date. Commissioner Thompson offered to have one of the Commissioners or Mr. Murrell call the Attorney General's office. Mr. Boise reminded

them that everything has been approved for the contract grant. We are just awaiting the proper signatures.

3. **US 31 Corridors Plans:** Mr. Murrell has finished review of the contract with American Structure Point (land use planning along the Corridor) and Mr. Boise will send it on to INDOT. Commissioner Thompson is now the County's appointee to the US 31 Coalition. Former Commissioner Brad Bagwell also continues to serve on the Coalition. Mr. Thompson commented that money from the proposed Federal Incentive Bill does not affect the funds allocated to the US 31 Freeway Project.

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

Buildings & Grounds Superintendent Scott Reed submitted the following issues for the Commissioners' information and approval:

1. **Thank You:** Mr. Reed thanked the Board of Commissioners for the appointment to Superintendent. He will do his best.
2. **Snow Removal:** Like the Highway Department, the Maintenance Department is putting a lot of hours into snow removal for the Buildings' sidewalks and parking lots.
3. **Meeting With Commissioner Thompson:** Mr. Reed thanked Commissioner Thompson for meeting with the Maintenance Department Employees, earlier in the afternoon. It was appreciated by the employees.
4. **Thank You To Mr. Fross:** Commissioner Thompson informed the Board that he thanked Mr. Fross in this afternoon's meeting, for his service to Howard County as Superintendent and reiterated the sentiment to this body.

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

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

1. **FMLA Leave Update:** Ms. McKillip has completed her review of the FMLA Update for 2009. She submitted copies of the information mandated to be posted in each building. She also submitted copies of changes that need to be made to the Employee Handbook. The Family Medical Leave Act was approved in 1993 during the Clinton Administration. This is the first update in the last fifteen years. Ms. McKillip was informed by one of the publication companies she works with, that President Obama is looking into the possibility of making changes to the FMLA Act during his administration. In 2008 the National Defense Authorization Act for FY 2008 was approved. This creates two new events to the FMLA act: Military Caregiver Leave a/k/a the Covered Service Member Leave, and the Qualifying Exigency Leave (National Guard and Reserve (families of members). Whenever there is a change to the Employee Handbook, it must be done in the form of an Ordinance. That Ordinance has been prepared. This Ordinance has not been previously reviewed by Attorney Murrell or by the Board of Commissioners. There is also another possible change concerning clarifying sick leave when leaving employment. Mr. Thompson asked if the Personnel Office tracks military employees and family members. At this time, they do not. It was the consensus of the Board to table this Ordinance for review by the County Attorney and the Board of Commissioners. It will be added to the Agenda for the February 16<sup>th</sup> meeting.
2. **Employee Life Option Memo To Department Heads:** Ms. McKillip submitted copies of a memo to Department Heads concerning the annual enrollment for the Employee Life Option through Boston Mutual Life Insurance Company. Open Enrollment will be the week of February 23rd. Commissioner Thompson asked that Boston Mutual provide the paper for the memos. The memo to the Department Heads can be e-mailed as well as a hard copy distributed through the mail boxes in the Auditor's Office. The Commissioners approved the memo by consensus.
3. **Request To Replace Chair:** The Personnel Department has a chair that needs to be replaced since it can no longer be repaired. There are no extra chairs available from the fourth floor storage in the Administration Center. Ms. McKillip submitted copies of a chair available for purchase from Smith

Office Equipment in the amount of \$159.00, and asked for approval to purchase the chair from Cumulative Capital Funds. At the conclusion of ensuing discussion, it was the consensus of the Board of Commissioners to give the Personnel Office an unused chair from one of the offices on the second floor of the Administration Center.

#### **IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:**

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

1. **Internet Challenges:** Mr. Tribby informed the Board of Commissioners of issues that apply to maintaining the Internet and using it efficiently. Mr. Tribby's department is now using a Barracuda web filter. They are still maintaining the Norton Anti Virus on the individual work stations. At the conclusion of explanation, President Trine asked that Mr. Tribby meet with Commissioner Moore to inform him of the details of what is needed to further maintain the County's web site.
2. **GIS Server Replacement:** At the January 20<sup>th</sup> meeting Mr. Tribby informed the Board of Commissioners concerning the replacement of the GIS Server using possible grant funds from the office of Homeland Security's Statewide Seamless Map Project (*please refer to pages two and three, item two, "In The Matter Of Information Systems Department" of the Regular Meeting minutes dated January 20, 2009*). Mr. Tribby and Mr. Larry Smith from the Emergency Management Agency will meet with the State's contact to discuss this issue.

#### **IN THE MATTER OF THE KITTY RUN WATERSHED PROJECT:**

First Deputy Surveyor Greg Lake submitted a request for \$150,000.00 from the EDIT Fund as the County's match money for the first phase of the Kitty Run Watershed Reconstruction Project at the January 20, 2009 meeting (*please refer to page four, "In The Matter Of The Kitty Run Watershed Reconstruction Project" of the Regular Meeting minutes dated January 20, 2009*). Commissioner Thompson and Commissioner Trine attended the January 27<sup>th</sup> Council Meeting as a Special Session to take part in and listen to discussion by the County Council. The Council voted to send this issue back to the Board of Commissioners with the Council's support to proceed with negotiations. The project would include the construction of up to three structures in the basin, re-seeding of disturbed acreage, and erosion control netting. Discussion ensued concerning the project and the County Council's concern of assurance in moving ahead with Phase Two of the project. Also of concern is to have financial needs ready in time for the March 1<sup>st</sup> deadline to begin the project. At the conclusion of discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the request of \$150,000.00 from the EDIT fund to be forwarded to the County Council, and table approval of the project until after the parties involved have had a chance to meet and discuss all aspects of the watershed project.

#### **IN THE MATTER OF DETERMINATION NO. 2008-1:**

Mr. Greg Lake submitted Determination No. 2008-1, a proposed determination of the Board of Directors of the Howard County Department of Stormwater Management establishing a schedule of rates and charges for the users of the Stormwater system of Howard County and other matters connected with the Stormwater system. This Determination has been approved by the Howard County Department Of Stormwater Management and the Howard County Council. A motion was made by Mr. Moore to approve Determination No. 2008-1 and its accompanying Fee Schedule. The motion was seconded by Mr. Thompson and carried. Mr. Lake did call the Board's attention to the fact that what was previously known as MS4 is now referred to as the Stormwater District. MS4 is the donut shaped area around the City of Kokomo inside of the Stormwater District.

#### **IN THE MATTER OF ORDINANCE NO. 2009-BCC0-3 AND ORDINANCE NO. 2009-BCC0-4**

Health Department Director Kent Weaver continued discussion concerning the Fee Ordinance and the Tattoo Establishment Ordinance that had been tabled from the January 20<sup>th</sup> meeting (*please refer to page five, "In The Matter Of Health Department Ordinances" of the Regular Meeting minutes dated January 20, 2009*). Mr. Weaver met with owners and artists of Tattoo Establishments, and received favorable comments concerning the Tattoo Ordinance. Concerns were expressed regarding earlobe piercing and why this ordinance would not address that issue. Mr. Weaver clarified that according to State Statute the definition of "body piercing" includes any portion of the body except the earlobes. The fees included in this Ordinance will be \$150.00 per establishment and \$50.00 per artist. Body piercing and tattooing do not require separate licenses but can be incorporated into one license. For any establishment owner who is also the sole artist,

they would still need to pay two separate fees; one for the establishment and one for the artist. Mr. Weaver believes this ordinance will help raise the safety standards for the public. Assistant County Attorney Brian Oaks has reviewed these ordinances. Because there is some verbiage that needs to be changed, it was the consensus of the Board to table these ordinances until the February 16<sup>th</sup> meeting.

#### **IN THE MATTER OF TAX BILL PREPARATION:**

Treasurer Martha Lake submitted a need for direction concerning the printing of the 2008/2009 Tax Bills. The tax bills for 2009 will again be two pages, 8 ½ " by 11". Last year the Treasurer's Office experienced several problems with equipment as they printed the bills in house. Humphrey Printing can print the bills at an estimated cost of \$23,650.00. A company called Vision Direct, who has printed tax bills for several counties, quoted a price of \$14,593.00 with a possibility of a decrease to \$12,000.00. A company through Manatron quoted a price of \$32,500.00. Mr. Tribby quoted a price to purchase two printers in the amount of \$11,025.80. The Treasurer from Tippecanoe County plans to lease equipment from Pitney Bowes; they will be coming on-site to assist with the printing. Ms. Lake has \$10,500.00 in her Tax Bill line item. She will need \$5,500.00 of that amount for supplies, leaving a balance of \$5,000.00 for the actual printing. Ms. Lake believes she will need from \$5,000.00 to \$9,000.00 in additional funds to print the tax bills. There is future legislation that will enable taxpayers to go on-line and print off their own tax bill (s). At the conclusion of ensuing discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve an amount not greater than \$9,000.00 to be used from the Commissioners Contract Services line item to assist in the printing of the tax bills.

Ms. Lake invited the Board of Commissioners to attend the Treasurer Association's District meeting at the Kokomo Country Club on Wednesday, March 4, 2009, 8:30 a.m.

Auditor Ann Wells invited the Board of Commissioners to attend the Auditor Association's District meeting at the Kokomo Country Club on Wednesday, March 25, 2009, 9:00 a.m. to 2:00 p.m.

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

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

1. **Salary Claims:** Commissioners' Salary, hourly and overtime claims payable February 6 & 13, 2009, in the amount of \$349,982.56 each were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Operating Claims:** Commissioners' Operating claims payable today, in the amount of \$1,482,996.63 were submitted. These claims include the remainder of 2008 encumbered money and claims paid with 2009 budgeted money. Also included is the annual insurance premium. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Commissioners' Operating claims as submitted.

#### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

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

1. **Signatures Needed:** Mr. Murrell proceeded to garner the Commissioners' signatures for the previously approved Stormwater Determination 2008-1 (please refer to page four, "In The Matter Of Determination 2008-1, of these minutes).
2. **Approval Of Semi-Annual Reports:** Mr. Murrell submitted semi-annual reports for the Taylor Regional Sewer District Grant and the Honey Creek Fire Department Grant. These are old grants for projects previously completed. These reports are still required by the State and have been prepared and issued by Mendenhall and Associates. A motion was made by Mr. Moore to approve the Semi-Annual reports for the Taylor Regional Sewer District Grant and the Honey Creek Fire Department Grant, and authorize the President to sign on behalf of the Board of Commissioners.
3. **Lien On Demolished Property:** A few years ago the County confiscated and demolished an unsafe building located at 3904 South County Road 350 West (Myers), at a cost of \$15,500.00. A lien was put on the property and it now appears that the County will be able to collect half of the demolition amount

through the sale of the property. When the amount is received it will be receipted into the Unsafe Building account.

4. **Keller & Heckman Invoice:** This invoice from Keller & Heckman, in the amount of \$350.00, pertains to the Sprint / Nextel Rebanding project. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the invoice from Keller & Heckman, in the amount of \$350.00. This invoice will be forwarded to Sprint / Nextel for payment.
5. **Lease Of Button Building:** The County has been leasing the Downtown Button Building for the Emergency Management Agency until the new EMA building is finished. Mr. Murrell has been in contact with Mr. Don Button concerning the lease agreement. Because the new building is 90% complete, there is a possibility that we will be able to move from the Button building to the new EMA building by February 15, 2009. Mr. Button has agreed to submit his last invoice for \$750.00, half of the monthly amount. If the move-in date goes beyond the 15<sup>th</sup>, he will let us continue the lease on a weekly basis, at \$375.00 per week. Mr. Murrell needs the Board of Commissioners to ratify that agreement. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to ratify the lease arrangement with Mr. Button for use of the Button Building until February 15, 2009.
6. **Payment Of EMA Project Invoices:** Mr. Murrell submitted two invoices for the EMA Project. The first invoice is from C & Z Construction in the amount of \$46,538.35. There are enough funds in the EMA line item in the Cumulative Capital Fund to pay this bill. The County expects to receive money from the Insurance Company to reimburse the County for Code requirements as allowed by our insurance coverage. That money has not yet been received. Commissioner Thompson informed the Board that we will be receiving a credit from C & Z Construction in the amount of \$1,400.00. Also submitted is the claim from Don Button for the lease of the Button building, in the amount of \$750.00. Because it is a lease agreement, it was suggested that it be paid from the Commissioners' Contract Services line item. We are expecting one more invoice from C & Z Construction to fulfill the contracted amount. A motion was made by Mr. Thompson to pay the invoice from C & Z Construction in the amount of \$46,538.35, from the EMA Project line item in the Cumulative Capital Fund. The motion was seconded by Mr. Moore and carried.

A motion was made by Mr. Thompson to pay the invoice from Don Button, in the amount of \$750.00, from the Contract Services line item of the Commissioners' Budget. The motion was seconded by Mr. Moore and carried.

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

1. **Getrag Building:** Mr. Moore expressed concern over the empty Getrag Building in Tipton County. He and Mr. Trine, as well as officials from Tipton and Miami Counties, attended a meeting with the Governor's Chief of Staff and the Executive Director of the Indiana Economic Development Corporation to discuss this matter. Mr. Trine was armed with letters from local contractors who have not been paid, to "put a sense of reality and urgency" to this situation. The meeting went well. Those who attended feel that the State does have some responsibility to help the businesses who have been affected by this.
2. **Meeting With Representative Joe Donnelly:** Mr. Thompson met with Representative Donnelly and his staff about several issues including the Getrag Building. Mr. Thompson made those in attendance aware of the fact that \$43 million dollars are owed to Indiana contractors and many of them are from Howard County. They would like to put stipulations on Chrysler, that the bail out money received from the government be used to pay that debt.

Mr. Thompson thanked all for attending this first afternoon meeting. He also thanked everyone for their kind words concerning the death of his father, then thanked his son for attending today's meeting.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 5:55 p.m. on a motion made by Mr. Moore and seconded by Mr. Thompson.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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DAVID A. TRINE, PRESIDENT

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WILLIAM THOMPSON, VICE PRESIDENT

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TYLER O. MOORE, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Board of Commissioners Regular Meeting dated February 2, 2009