

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

The Howard County Board of Commissioners met in Regular Session on Monday, November 2, 2009, at 4:00 p.m. in the Greentown Town Hall, Greentown, Indiana. Those in attendance included President David 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 and conducted by Mr. Trine. Commissioner Moore led all in attendance in the Pledge of Allegiance.

Mr. Trine opened the meeting with a word of thanks and appreciation to Joyce Higgenbottom and the Greentown Town Council for the cooperation and permission to hold the Board of Commissioners' meeting in Greentown.

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

The minutes of the October 19, 2009 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson. The minutes of the October 30, 2009 Executive Session were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

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

Highway Engineer / Superintendent Ted Cain submitted the following issues for the Commissioners' information and approval:

1. **Stimulus Projects:** Mr. Cain reported that the Stimulus Package paving project is almost completed. The roads in the eastern half of the County are complete and the Western half will be completed soon. There is still some striping of pavement to be done. Everything else is finished.
2. **EMA Paving Project:** Now that the Stimulus Projects are nearly completed, Mr. Cain's Department can continue with the EMA Paving Project. He plans to have it completed in the next few weeks. In answer to a question posed by Commissioner Thompson, Mr. Cain responded that he will concentrate addressing drainage issues and the portion of drive from the building to the road, next year.
3. **Right-Of-Way Acquisitions:** The State will begin acquiring right-of-way properties on County Road 100 South between Goyer Road to the new US 31 Freeway. Mr. Cain will have several to submit to the Board at the next meeting. They will require review by Attorney Murrell and approval by the Board of Commissioners. There will be more right-of-way properties acquired through the months of February and March, 2010. Letting will begin in July or August, after acquisitions have been completed, so Mr. Cain will have project plans completed before the end of June, 2010.
4. **Bridge Replacement at County Road 200 East:** The County, through Mr. Cain, will need to acquire right-of-ways from three property owners in order to replace and widen the Bridge located on County Road 200 East. A second bridge will need a new decking and will be addressed sometime in the future. US 31 Freeway construction will be in that area and Mr. Cain may have to wait until that portion of US 31 is completed.

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

Sheriff Marshall Talbert submitted the following issues for the Board's information and approval:

1. **Jail Population:** The current inmate population is three hundred thirty-four (334) with fifty-two (52) being female.
2. **Halloween 2009:** Sheriff Talbert was happy to report that this Halloween weekend there were zero reports of vandalism. Sheriff Talbert, two reserve deputies, three Courthouse Security Officers, eight Emergency Management officers, one Special Deputy, two additional State Troopers at 8:00 p.m., and four regular units were patrolling Howard County on Halloween night.

3. **Charger 1 On The Road:** The first Dodge Charger purchased for the Sheriff's Department is now on the road and assigned to Deputy Keith Myers. The second Dodge Charger will be ready by Wednesday. The cars were purchased fully marked. The only change made was the addition of rifle racks that fit the Charger's roof line.
4. **Deer Collides With Sheriff Vehicle:** One of the Sheriff Vehicles was hit by a large deer and \$7,000.00 worth of damage was sustained by the vehicle. The Department will get the vehicle repaired.
5. **Firearms Range:** The drainage problem at the Firearms Range in Greentown has been repaired and now drains properly. Sheriff Talbert thanked Ripberger Drainage who donated their labor for this project.

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

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

1. **Proposed Zoning Ordinance:** The Plan Commission did not meet this last month. They will be meeting this month and considering further progress on the proposed Zoning Ordinance.
2. **Flood Mitigation:** Mr. Boise is meeting with the Auditor's Office for the final accounting of the Flood Mitigation Grant.
3. **US 31 Corridors Plans:** There will be a Steering Committee meeting on Wednesday. The next Public Planning Session will be held on Thursday, November 19 at IUK.
4. **Supplies On County Road 100 South:** Sheriff Talbert has received several calls concerning construction supplies on County Road 100 South, asking when the road would be closed in order to build the US 31 overpass. Mr. Boise informed Sheriff Talbert and the Board that it was his understanding that bridge construction at County Roads 200 South and 50 North would need to be completed before moving on to 100 South. He believes that the road will not be closed until 2010.
5. **Zoning Ordinance Justification:** At the October 19<sup>th</sup> Regular Meeting Attorney Murrell was to direct Attorney Brian Oaks to prepare a statement justifying the Commissioners' rejection of the proposed Zoning Ordinance, and have it ready for Board signatures at the November 2<sup>nd</sup> meeting (*please refer to page three, item one, "In The Matter Of Plan Commission Issues" of the Regular Meeting minutes dated October 19, 2009*). Commissioner Moore informed the Board that he is working with Mr. Oaks and they will have a draft of the letter completed by the end of the week. They will submit the letter for approval at the November 16<sup>th</sup> meeting.

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

Buildings & Grounds Superintendant Scott Reed submitted the following issues for the Board's approval:

1. **Request For City Access To County Right-Of-Way:** Mr. Reed received a call from Duke Energy requesting access to the County's right-of-way to access property located on 616 Briar Court. The City needs to do work on the sewers for that property and a utility pole would need to be moved onto the County's property (there is no easement). Mr. Reed visited the property and does not see a problem with allowing access to the County property where the Storage Pole Barn is located. Duke Energy will begin the proper paperwork but asks if there is a way to approve this request before the paperwork is completed. Mr. Murrell informed the Board that they could give "provisional approval", allowing the project to begin this week. A motion was made by Mr. Thompson to give Provisional Approval to Duke Energy and the City of Kokomo to encroach on the County's property to relocate a utility pole and gain access to property located at 616 Briar Court, pending the completion of the proper paperwork. The motion was seconded by Mr. Moore and carried. Mr. Scott will contact Duke Energy to begin the needed paperwork.
2. **Energy Savings Grant:** Information Systems Director Terry Tribby was informed by Cisco Inc. of an Energy Grant available. A representative from Englewood will meet with Mr. Stonestreet at the Criminal Justice Center to evaluate the possibility of changing the florescent lighting to an energy savings lighting system, to be funded by the grant.

3. **Replacement Parking Options For The Courthouse:** Mr. Reed informed the Board that there are still several Reserved Parking spaces on the West Side of the Courthouse for the Judges. The rest of the parking is moved to the County's parking lot on the corner of Mulberry and Buckeye Streets. The lot behind the former L Shop (Sycamore and Union Streets) is also available, now that the parking meters have been removed and the two hour limit is not being enforced.
4. **Hand Sanitizer Request:** The Maintenance Department has received many requests for the availability of hand sanitizer, with the onset of the seasonal and H1N1 flu season. The first round of hand sanitizer in June, that was bought by the Personnel Department and distributed by the Maintenance Department (about fifty bottles), cost about \$500.00. The Personnel Department estimates that it may cost up to \$1,000.00 monthly for the three buildings downtown. What was purchased in June was paid out of the Commissioners' Account, the Emergency Planning Supplies line item. There currently are not enough funds to support another bulk purchase. The Council would have to appropriate funds into the line item. Discussion ensued and at its conclusion it was the consensus of the Board to direct Mr. Reed to review the situation further.
5. **Christmas Display Lighting At The Courthouse:** Mr. Reed was informed of a taxpayer who would like to loan several large Christmas Displays to the Courthouse this year. Mr. Reed has also located the seasonal lighted signs and they are in good repair. The Kokomo Downtown Association may submit a future proposal to have a lighted Christmas Tree Display using the flag pole at the Courthouse.
6. **Howard Haven Grounds:** President Trine thanked Miller's Landscaping, Western High School, Master Gardeners of Howard County and Friends of Howard Haven for the work they did landscaping at the County Home, at no cost to the County. There was no media attention given to this project but it was well done and very much appreciated. He believes they at least deserve a "pat on the back and a thank you".

#### **IN THE MATTER OF THE NOVIA CLINIC REPORT:**

In lieu of the Personnel Department Report, Mr. Trine reported on the visit to the NOVIA Care Clinic located in Fishers, Indiana. Several Office Holders and Insurance Committee members visited the Clinic and found that it was, first of all, very clean and efficient. Mr. Doug Heath of Miles and Finch also accompanied the group. Mr. Trine said it was a "no frills" operation with a twenty minute turnover in this appointment only facility. There is a nurse and doctor on staff; no receptionist in the small office. There are several examination rooms and a lab room. The Clinic does not replace the primary care-giver and it doesn't raise the co-pays. The employees are not forced to use the facility; it is available for their use and is a free service for employees and their families that have signed on to the county's insurance plan (no co-pay). Several employee-patients were at the clinic and were asked about the level of care they receive. They replied that the care they receive is better than their primary care. There is no waiting and the doctor spends twenty minutes with you. The City of Kokomo would partner with Howard County and a possible facility is being considered. It is reported that the County could see a possible savings of up to a million dollars in prescription costs and wellness benefits. Another group will be visiting a NOVIA clinic November 10 or 11.

Mr. Clee Oliver asked if the clinic were open twenty-four hours a day, seven days a week. The response was "no". There are limited hours by appointment only.

Randy Morris from the City of Kokomo responded that the more employees that visit the clinic, the more hours it is open.

Kenneth Humphries asked if the taxpayers would see the savings. The response from the Board of Commissioners was that both the County and the employee would see the savings.

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

Information Systems Department Director Terry Tribby submitted the following issues for the Commissioners' information and approval:

1. **Department Of Energy Grant:** During the Maintenance Department report, Mr. Reed spoke about a grant to fund energy saving projects (*please refer to page two, item two, "In The Matter Of Maintenance Department Issues" of these minutes*). There are two grants available from the

Department of Energy to fund energy efficiency projects. The first is a pass-through grant in the amount of \$50,000.00. The paperwork is due December 7th. The second grant is in the amount of \$100,000.00 and is available through the federal government. Its paperwork is needed by December 15<sup>th</sup>. There are specific requirements for the use of each grant. The application time frame is very short and we do not have an experienced grant writer, but, Mr. Tribby does feel it's worth pursuing and believes the energy consultant and vendor representative can help navigate the writing of the grants. Mr. Tribby believes he and Mr. Reed can finish the application process in the allotted time frame. This will help them gain experience.

2. **Health Department H1N1 Virus Roll Out:** The Information Systems Department is working with the Health Department in its H1N1 Vaccine distribution. There has been trouble obtaining the vaccine and the County does not yet have enough. The first distribution date of November 7 had to be cancelled. The second date is November 15 at IUK. IT Personnel will be on site to assist with entering data on everyone receiving the vaccine.
3. **WEB-Mail Scam:** Mr. Tribby reported a web-mail scam experienced by some county employees. The IT Department is aware of the scam and is working on solutions. The Detectives at the Sheriff's Department are investigating the situation. Mr. Tribby gave a general reminder to always delete any e-mail requesting personal or secure information.

#### **IN THE MATTER OF A CONTRACT EMPLOYEE FOR THE RECORDER'S OFFICE:**

Howard County Recorder Linda Koontz submitted a request to contract with her Chief Deputy Brook Cleaver for back indexing work. She has already filed a Conflict of Interest form and there is no maximum hour limit to the contract. This contract with Ms. Cleaver is copied from the contract Attorney Murrell had prepared for a former contractor. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the contract between Howard County and Brook Cleaver for back indexing tasks for the Records Office, and authorize the President to sign on behalf of the Board of Commissioners. Ms. Koontz explained to the Board the reason for the back indexing project and how this digitizes records. She believes that by the year 2012, the Records Office will have all their records computerized back to 1844. When asked by President Trine what her future storage and security needs were, Ms. Koontz responded that she will not need storage space for new records. All new information will be computerized. She is only storing the records that have not yet been computerized, and they are stored at several different sites.

#### **IN THE MATTER OF APPRECIATION EXPRESSED BY CHIEF PROBATION OFFICER:**

Chief Probation Officer Don Travis expressed appreciation and thanked the Board for the permission to use the Government Center on Saturday night, October 31<sup>st</sup>. The Probation Department in conjunction with the Indiana State Parole Office hosted a mandatory meeting for all sex offenders under the supervision of either agency. The meeting took place during the prime trick-or-treating hours, and though the City of Indianapolis has held this kind of meeting for several years, this was the first time for Howard County. Mr. Travis reported that this was a great success.

#### **IN THE MATTER OF A CUMULATIVE CAPITAL REQUEST FOR KINSEY YOUTH CENTER:**

Mr. Trine reported on an e-mail request to the Board of Commissioners by Kinsey Youth Center Director Brent Kelley. The request is for a new wash machine, in the amount of \$400.00 for the Youth Center, to be paid for from the Commissioners' Equipment line in the Cumulative Capital Fund. A motion was made by Mr. Moore, seconded by Mr. Kelley and carried to approve the request for the purchase of a new wash machine up to the amount of \$400.00, from the Cumulative Capital Fund (150-000-04000-00).

#### **IN THE MATTER OF PUBLIC COMMENT:**

President Trine opened the floor for Public Comment. There were representatives from Eric's Chevrolet, Kokomo Auto World and Button Motors in attendance to speak in support of County Government's exclusive use of local businesses for needed purchases. Comments continued as follows:

Mike Lapois, 4004 Deanne Drive, Kokomo: As a local taxpayer and employee of a local business, Mr. Lapois is concerned with County Government spending money outside of the county. He does not understand why that happens. Mr. Lapois reviewed a 2009 time line concerning the bids for six Sheriff vehicles and the results of the bids, as well as discussions and

decisions pertaining to purchasing. He gave his views concerning purchasing practices and does not believe the County Government should ever purchase anything outside of Howard County. Mr. Lapois stated, "I am a local taxpayer; I spend my dollars local".

Commissioner Thompson responded by explaining how the Commissioners had to follow the State laws as regarding the bid process followed in the purchase of the new Sheriff vehicles. He responded, as well, to the situation regarding the Kitty Run Project on Dixon Road, and the use of local trucking. Both he and Commissioner Moore are new to this purchasing process and they, together with Mr. Trine, are committed to buying local and using local businesses when possible.

Sheriff Talbert gave a response to this issue, trying to help taxpayers understand several different issues, beginning with how the local dealer can be competitive with the State QPA dealer in the arena of trade-in vehicle values. He and other office holders are put in the quandary of buying local or saving taxpayer dollars. What he does with his own money, as a private citizen, he only has to answer to himself. As an elected official, he has to answer to the taxpayers. When a bid is not awarded to a local dealer, he is sure to order all parts and repairs from local dealers. Sheriff Talbert continued to fully explain the QPA (Quantity Purchase Award) process and the kinds of goods available through QPA pricing. He further clarified that local government entities are allowed to "tag on" to the State's negotiated price for those high quantity items. The intent of the program is to help local units of government save money. Because of the fiscal situation we are in, we have to look at the bottom line of our purchases. There is not as much money to work with.

Discussion continued with several local business owners and employees expressing their opinions concerning the return back to the community and the QPA bidding process for local dealers.

Attorney Murrell outlined the bidding process and the State's purchasing policies, as well as the County's current purchasing practices. Mr. Murrell has prepared a draft of an amended purchasing policy which the Board is still considering. Can we meet somewhere in the middle of being responsible with taxpayer dollars and supporting local businesses?

Discussion continued with Mr. Doug Vaughn, of Rite Quality Office Supplies, asking if our purchasing policy could limit sending Invitations to Quote or bid to local businesses. Can we split a purchase to avoid the bidding process?

Mr. Murrell responded that a purchase could not be artificially split to avoid the bidding process.

Commissioner Moore assured those in attendance that all three of the Board of Commissioners are committed to do all they can to purchase goods and services locally.

Mr. Don Button, formerly of Button Motors, commented that these issues should not only be decided in the best interest of the taxpayers, but the best interest of "all the people of Howard County". There's a lot more involved than just the price of the car.

Mr. Herb David, a local business owner at the corner of Main and Markland Streets asked why the County only gives money to the Downtown Association and not other county business areas. Seventy-five percent of businesses are located away from the Downtown area.

Commissioner Thompson informed Mr. David that the County did give contributions to the Kokomo Downtown Association and other Economic Development organizations from the EDIT Fund. Beginning in 2010, the contribution will be given to the Greater Kokomo Economic Development Alliance for them to disperse.

Attorney Murrell assured those present that there have been several good suggestions to help amend the purchasing ordinance on how to balance the need to buy as low as possible with the desire to buy locally. Mr. Murrell will prepare another draft to include some of the suggestions and submit to the Board for their review.

The Board thanked everyone for coming and expressing their opinions.

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

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

1. **Salary Claims:** Commissioners' Salary, Hourly, and Overtime claims payable November 6 and 13, 2009, in the amount of \$335,386.35 each, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
2. **Operating Claims:** The Commissioner's Operating Claims payable today, in the amount of \$598,798.77 were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.
3. **Liability Insurance Submitted By CAM:** Ms. Wells submitted a copy of liability insurance from Acord on behalf of CAM Inc pertaining to the Grate American Sleep Out Event (*please refer to page five, "In The Matter Of Use Of Parking Lot Request By CAM", of the Regular Meeting minutes dated October 19, 2009*). A motion was made by Mr. Thompson to accept the Proof of Liability on behalf of CAM Inc. for the Grate American Sleep Out. The motion was seconded by Mr. Moore and carried.
4. **2010 Commissioner Meeting Schedule:** Auditor Wells submitted the Commissioner Meeting Schedule for the year 2010. After reviewing the schedule, the Board accepted the meeting schedule as submitted, on a motion made by Mr. Thompson and seconded by Mr. Moore.
5. **Renewal Of Komputrol Annual Maintenance Agreement:** Ms. Wells submitted the annual Maintenance Agreement with Komputrol for the tracking of inventory used by the Auditor's Office. Mr. Murrell has reviewed the agreement and gives his recommendation. A motion was made by Mr. Moore to approve the contract between Howard County and Komputrol, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

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

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

1. **Memorandum Of Understanding:** Changes have been made to this agreement with the Greater Kokomo Economic Development Alliance for the contribution to a new business (*please refer to page six, item one, "In The Matter Of County Attorney Issues" of the Regular Meeting minutes dated October 19, 2009*). A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the amended Memorandum of Understanding with the Greater Kokomo Economic Development Alliance.
2. **Alan Wilson Invoice:** Mr. Wilson represented the County in this case filed by Christine Bailey against the Sheriff's Department. The litigation was resolved in Howard County's favor and Mr. Murrell submitted this final invoice in the amount of \$612.50. This invoice was approved for payment on a motion made by Mr. Moore and seconded by Mr. Thompson.
3. **Barnes & Thornburg Invoice:** This invoice is for services rendered for the period ending September 30, 2009, and includes General Finance advice, Delphi Bankruptcy matters and Chrysler matters, in the amount of \$9,489.03. A motion was made by Mr. Thompson to approve the invoice from Barnes & Thornburg in the amount of \$9,489.03. The motion was seconded by Mr. Moore and carried.

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

1. **Commissioner Thompson:** Mr. Thompson thanked our Greentown officials and Trustee Linda Grove for the work they do, and for the opportunity to meet here in Greentown.
2. **Commissioner Trine:** Mr. Trine met with Trustee Linda Grove (Liberty) and Trustee Greg Kingseed (Jackson) last Sunday. It was a good meeting.

Mr. Trine attended the forum with Indiana State Representatives, at the Civic Center last week.

Mr. Trine attended an MS4 presentation at Mrs. Zeck's biology class at Northwestern High School.

Mr. Trine met with the City last week concerning Courthouse employee parking issues. He asked that the County be able to keep six to ten reserved spaces, or be given permits to park on the West side of the Courthouse (Buckeye Street). The City is considering options.

Sheriff Talbert informed the Board that Clerk Mona Myers has requested an armed security officer escort her to the bank.

Mr. Trine thanked Joyce Higgenbottom and Greentown officials for the welcome received to Greentown and for the work they do. He also thanked representatives from the New Vehicle Association for their attendance and comments during the meeting.

Ms. Higgenbottom thanked the Board of Commissioners for holding their meeting in Greentown.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:30 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 Commissioners Regular Meeting November 2, 2009