

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 6, 2010

The Howard County Board of Commissioners met in Regular Session on Tuesday, July 6, at 4:00 p.m. in Room 338 of the Administration Center. 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 by Sheriff Marshall Talbert and conducted by President Trine. The Pledge of Allegiance was led by Commissioner Moore.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 21, 2010 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

The minutes of the Special Session dated June 19, 2010 were submitted. At the conclusion of review, the minutes of the Special Session were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current Inmate population is three hundred twenty-five (325) with fifty-six (56) being female.
2. **Completed Education:** Medical Clerk, Whitney Moon, has completed her nursing degree at IUK and passed her State Boards. She is now a Registered Nurse. One of the full-time nurses who is an LPN would like to move to part time status and they will trade places for a time. Ms. Moon has not asked for a raise in salary and may only be with the Sheriff's Department for a short time.
3. **New Vehicle Purchase:** Sheriff Talbert reported that he may NOT have to purchase any new Sheriff vehicles, this year. There is currently \$180,000.00 in the fund and hopefully that will be turned back over to the Cumulative Capital Fund at the end of the year.

IN THE MATTER OF PLAN COMMISSION ISSUES:

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

1. **US 31 Corridors Plans:** A draft of the Corridors Plans is being prepared and should be ready for submission in a few weeks. Mr. Boise has had an opportunity to review the portion of the plan that was completed and has added his corrections to the draft.
2. **Plan Commission Board Meeting:** There were no cases for the Plan Commission to hear so their meeting was postponed until next month.
3. **Unsafe Buildings:** Mr. Boise and his staff have visited and reviewed several Unsafe Building sites that were abandoned buildings. Mr. Boise will prepare a letter to send to the companies that hold the mortgage on the buildings, requesting them to keep the properties mowed.
4. **Flood Mitigation Grant:** Mr. Boise received word that the State is ready to approve the Flood Mitigation Grant Application, for the purchase of ten (10) flooded homes in Howard County. Mr. Murrell will review the State forms sent to Mr. Boise, and Mr. Boise will submit the forms to the Board of Commissioners after they have been reviewed by Mr. Murrell.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Haynes / Apperson Festival:** The Haynes-Apperson Festival was last weekend, in Downtown Kokomo. Mr. Reed reported that the festival workers did an excellent job cleaning up at the conclusion of the festival. There was only minor sidewalk clean-up for the Maintenance Department to finish.
2. **Elevator Upgrade:** The sensors in the elevators located in the Administration Center and the Government Center have been upgraded (Courthouse elevators were upgraded previously). The upgraded sensors enable the elevator doors to stay open when movement close to the doors is detected.
3. **Electrical Efficiency Testing:** Energy Conservation, Inc. will be at the Courthouse next Monday to install a monitor to test and evaluate the efficiency of the electric motors at the Courthouse. They will give recommendations on how we can save up to 10% of our current electricity costs. If we continue with the process, they have personnel who assist with applying for energy grants.

IN THE MATTER OF PERSONNEL ISSUES:

Personnel Director Wanda McKillip introduced Mr. Doug Heath from Regions Insurance Company to discuss a recommendation to save money on the Employee's dental plan. The information received from Anthem was concerning implementation of a Passive PPO Dental Network Plan, in lieu of the current Straight Indemnity Dental Plan. Anthem estimates that the plan would save Howard County in excess of \$20,000.00 annually on dental claims. Currently 51% of the employees are using dental care providers that are contracted with the Anthem network. The network providers charge a lesser fee than out of network providers and the list of providers is increasing. This proposed plan is passive and will not affect the premium or the current providers. There is no penalty and the employees will be contacted by notice of the change. At the conclusion of the presentation a motion was made by Mr. Thompson to approve the implementation of the Passive PPO Dental Network Plan and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT MATTERS:

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

1. **U.S. Mobility:** Mr. Tribby and E911 Coordinator Nick Capozzoli met with U.S. Mobility concerning pagers for the Sheriff's Department, as well as other items of interest. We are currently serviced by Indiana Paging in the amount \$8.00 per pager per month. U.S. Mobility can give the same service for \$5.95 per pager per month. Mr. Tribby and Mr. Capozzoli will continue to do some testing of the pagers and coverage areas then decide if it is advantageous to switch providers.
2. **Storm Damage To Communications Towers:** During the last storm, three and possibly four communications towers were struck by lightning. Mr. Tribby is currently collecting repair costs to submit to the Board of Commissioners (he believes it could be in excess of \$2,000). Then the Board will need to decide if they want to turn the claim into the Insurance Company.
3. **Cooling Unit At Kinsey Youth Center:** Mr. Tribby and Probation Officer Don Travis assured the Board that the cooling unit has been installed and is working efficiently (*please refer to page four, "In The Matter Of A Cooling Unit For The Server Room At Kinsey Youth Center", of the Regular Meeting minutes dated June 21, 2010*).

IN THE MATTER OF ORDINANCE NO. 2010-BCCO-19:

At the June 21st Regular Meeting Health Department Director Kent Weaver submitted an amended Fee Schedule (Schedule A) to attach to an amendment of Ordinance No. 2009-BCCO-03 (*please refer to page four, item two, "In the Matter Of Health Department Issues", of the Regular Meeting minutes dated June 21, 2010*). The Board of Commissioners had approved the amended fee schedule and named it as Ordinance No. 2010-BCCO-19, allowing Attorney Murrell to prepare the new ordinance for submission and signature for the July 6th meeting. Mr. Murrell now submits Ordinance No. 2010-BCCO-19, and the Ordinance was approved and signed on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF POSSIBLE LEGISLATION FOR THE MS4 STORMWATER DISTRICT:

MS4 Coordinator Greg Lake opened up conversation concerning a possible need for legislation to address the increased number of sewage and discharge complaint calls. All the rain that Howard County has received the last several weeks has increased the number of sewage and illicit discharge complaint calls that have been made to the MS4 office. Mr. Lake cited several examples and informed the Board that there is a lot of time and personnel involved in the process of locating the problem once the complaint has been made. One of the methods discussed by the Stormwater Board has been the utilization of MS4 funds to provide low interest loans to help underwrite repairs. In a few years they may be able to have enough funds to address the drainage problems at Darrough Chapel, Terrace Meadows, and other sizeable projects. Mr. Lake believes that part of the solutions for the complaints of sewage systems that do not work properly or are not the correct size to accommodate the location, is to enact legislation that requires the seller to certify (by showing a Wastewater Permit) that they have a wastewater system on the property that works. This action will also help protect the buyer from purchasing a property whose septic system fails. An added bonus in the future would be the reduction of MS4 costs. He is encouraging the Board of Commissioners to contact the State Legislators concerning this issue. The next Stormwater Board meeting is July 12th and they can prepare a proposal to present to the Board of Commissioners at their July 19th meeting. It was suggested that Mr. Lake review the Health Department's Septic Ordinance to see if it would need amending. Mr. Lake and Mr. Murrell will review the Septic Ordinance and they will contact Mr. Boise to see if the Plan Commission Office should be a part of any new legislation, as well. At the conclusion of discussion a motion was made by Mr. Moore to request the Stormwater Board to meet and discuss possible legislation as suggested by Mr. Lake. The motion was seconded by Mr. Thompson and carried.

At this time a motion was made by Mr. Moore to recess the Regular Meeting to hold a previously scheduled Public Hearing, addressing the Unsafe Property located at 1001 East Alto Road. The motion was seconded by Mr. Thompson and carried. The Public Hearing was opened.

Mr. Boise addressed the Board of Commissioners and informed them that the owner of the property located at 1001 East Alto Road is in attendance to address the Board. Mr. Davis currently holds a contract with Alliance Excavating and is in the process of clearing out the house. Mr. Davis was invited to the podium; he currently lives at 3163 South County Road 100 East. Because of a current financial situation, as well as the rainy weather, excavation progress has been delayed. The plan is to demolish the entire property and it is moving forward, but slowly. He estimates it will take a few more weeks, depending on the schedule of the contractor. Mr. Boise has not reviewed the contract but is familiar with the contractor and is confident in the terms of the contract. Mr. Murrell reminded the Board that the original Order On Unsafe Premises stated that the owner had until June 6, 2010 to accomplish the ordered actions (*please refer to page two, item one, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated May 3, 2010*). Because there was no public comment or owner attendance at the June 6th Public Hearing, it was recessed until the June 21st meeting. At the June 21st meeting it was reported that there was no demolition activity on the property, but because of the storms the previous week, the Board voted to continue the Hearing until July 6th. The Board can issue the Order to Demolish today, or they can continue this Hearing to give Mr. Davis additional time. At the conclusion of discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to continue the Public Hearing to 9:00 a.m. on July 19.

A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to recess the Public Hearing and reconvene the Regular Meeting.

IN THE MATTER OF A ROOF REPLACEMENT REQUEST BY THE JOHANNING CIVIC CENTER:

General Manager Tiffany Damitz submitted an emergency request to the Board of Commissioners that they make a recommendation to the Council to appropriate money to underwrite replacement of the roof of the Johanning Civic Center (the building will become County property when paid off). Currently this 105,000 square foot roof has at least forty (40) leaks in it and is proving to be unmanageable. Ms. Damitz and her Board have tried to pursue grants to help underwrite the project, but there is nothing available at the present time. The Civic Center Board has obtained quotes and is in the process of review. Comments were heard from Mr. Mike Ullery concerning the price range of the quotes and the kinds of products that were included in the bids. Mr. Tom Trauring spoke concerning the importance of the facility and the safety hazard it now presents. It is an emergency situation. When asked by the Board what a reasonable amount would be to appropriate, Mr. Trauring replied that he believes \$150,000.00 would be a reasonable request. Mr. Murrell suggested that the Civic

Center Board make the Council aware of any other capital issues at the Civic Center and the condition of the structure, itself, that would need to be addressed at a later date. At the conclusion of ensuing discussion a motion was made by Mr. Thompson to recommend to the County Council that an emergency appropriation be made from either the Cumulative Capital Fund (150) or the EDIT Fund (500), in the amount at least \$150,000.00, for a roof repair for the Johanning Civic Center. The motion was seconded by Mr. Moore and carried.

IN THE MATTER OF A PURCHASE REQUEST FROM THE ADULT PROBATION DEPARTMENT:

Chief Probation Officer Don Travis submitted a request to purchase two replacement chairs for the Adult Probation Department, not to exceed \$400.00, from the Cumulative Capital Equipment Fund. The request to purchase two desk chairs for the Adult Probation Department in an amount not to exceed \$400.00 was approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Salary Claims:** Salary, hourly and overtime claims payable July 9 and 16, 2010, in the amount of \$346,484.04 each, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$433,833.45 were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
3. **Contested Travel Claims:** The Auditor's Office submitted travel claims that did not comply with the Travel Policy. The Community Corrections claim, in the amount of \$282.19 was submitted for review. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve payment of the claim in the total amount of \$282.19.

The Travel Claims for the Prosecutor's Office were reviewed. A motion was made by Mr. Thompson to table the request for further review. The motion was seconded by Mr. Moore and carried.

4. **Clerk's Reports:** Monthly Reports for the Clerk of the Circuit Court for the months ending May 28, 2010, and June 30, 2010, were submitted and accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Introduce Assistant Attorney:** Attorney Murrell introduced and recognized Mr. Alan Wilson, the newly appointed Assistant County Attorney.

*At this time the meeting was recessed at 5:21 p.m.
on a motion made by Mr. Thompson and seconded by Mr. Moore,
and reconvened at 5:30 p.m. on a motion
made by Mr. Moore and seconded by Mr. Thompson.*

2. **Letter's Of Endorsement:** Mr. Murrell submitted an endorsement letter from the Board of Commissioners to accompany a grant application made by Veteran Service Officer Robert Ladd for a grant to assist in a Veteran Employment Training program (*please refer to page seven, item four, "In The Matter Of Veterans Service Issues" of the Regular Meeting minutes dated May 17, 2010*). A motion was made by Mr. Moore to approve the letter and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

Mr. Murrell submitted a letter of endorsement and support for Option 5 for connectivity to the Nickel Plate Trail, to be forwarded to the Department of Transportation (*please refer to page two, "In The Matter Of The Nickel Plate Trail Connectivity", of the Regular Meeting minutes dated June 7, 2010*).

A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the letter of endorsement to the Indiana Department of Transportation for Option 5 for the Nickel Plate connectivity.

3. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg as a first installment in the amount of \$10,396.20. This invoice is for services rendered in connection with ongoing assessment issues in Center Township. The invoice was approved for payment on a motion made by Mr. Moore and seconded by Mr. Thompson.

Engagement Letter: Because of the confidential information contained within the assessment issues, Mr. Murrell submitted an Engagement Letter with Barnes & Thornburg. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve The Letter of Engagement and authorize the President to sign on behalf of the Board of Commissioners.
4. **Alan Wilson Invoice:** An invoice in the amount of \$1,505.00 from Attorney Alan Wilson was submitted by Mr. Murrell. The invoice reflected litigation services rendered for Howard County in the suit filed by inmate Myron Larry. The invoice was approved for payment on a motion made by Mr. Thompson and seconded by Mr. Moore. The invoice will be paid from the Insurance Deductible Account.
5. **Renewal Of Contract With Family Psychiatric Center:** This contract is a renewal agreement for diagnostic testing with Family Psychiatric Center and Kinsey Youth Center. There has been a small change in the fee structure but otherwise it is the same format as previous contracts. A motion was made by Mr. Moore to approve the contract with Family Psychiatric Center and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.
6. **Buckeye Power Contract:** Brent Kelley, Director of Kinsey Youth Center, has received a renewal contract from Buckeye Power for service on the two generators located at Kinsey. Mr. Kelley reminded Mr. Murrell that last year, when the Maintenance Department had signed a contract with McAllister for the Courthouse's generators, the Board of Commissioners asked if all the County's generators could be covered on the same contract. Kinsey had just recently signed their contract with Buckeye, so Mr. Kelley asked that he address that issue when the Buckeye Power contract was up for renewal. Mr. Murrell now suggests that Mr. Reed contact McAllister to include the Kinsey Center's generators. A motion was made by Mr. Moore to take this renewal contract with Buckeye Power under advisement and authorize Buildings & Grounds Superintendent Scott Reed to seek to combine services with McAllister. The motion was seconded by Mr. Thompson and carried.
7. **Litigation Invoice:** Mr. Murrell received a letter and invoice from Landmark American Insurance concerning litigation due to a medical matter at the jail, Howard County v Fiedler. Mr. Murrell responded with a letter requesting a statement of services from Mr. Carson Boxberger for his work on the case. That has not yet been received for Mr. Murrell's review. A check has been prepared and Mr. Murrell suggests that the invoice be approved for payment subject to Mr. Murrell's review. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the invoice from Landmark American Insurance for payment, subject to Mr. Murrell's review of the statement of services.
8. **Set Special Session:** The Board of Commissioners would like to meet with the Township Trustees and those who provide their fire protection. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to set a Special Session for 4:30 p.m. on July 21, 2010 in the Commissioners' Hearing Room. On a motion made by Mr. Thompson, seconded by Mr. Moore and carried, to set an Executive Session for Friday, July 9th at 2:30 p.m. with an Administrative Session to immediately follow.
9. **Reappointment For Regional Workforce One Board:** A motion was made by Mr. Moore to reappoint Ms. Beth Washington to the Regional Workforce Development Board. The motion was seconded by Mr. Thompson and carried.
10. **Invitation To City Meeting:** Mr. Murrell and Mr. Moore have been invited to a meeting with the City of Kokomo concerning the "horse living inside City Limits" issue.

IN THE MATTER OF COMMISSIONER ISSUES:

Commissioner Moore:

Mr. Moore reported that at their recent meeting the Recycling Board approved to rescind their Resolution No. 2008-02, establishing the Howard County Recycling District as the entity that investigates, files reports and enforces the resolution in conjunction with the Howard County Recycling District's Board of Directors. This had been attached as Exhibit A to the County's Ordinance No. 2008-BCCO-21 prohibiting Nuisance Solid Waste Accumulation, Illegal Dumping, and Littering. This means that the Illegal Dumping Ordinance no longer has an enforcement arm. This becomes effective in sixty (60) days. It is now up to the Board of Commissioners to assign an enforcement arm for the Ordinance or rescind the entire Ordinance. Mr. Murrell will review the Ordinance and report to the Board of Commissioners.

Commissioner Thompson:

Mr. Thompson welcomed Mr. Alan Wilson to the County as the newly appointed Assistant County Attorney.

Fifty-eight (58) units of blood were collected during the Fallen Office Blood Drive hosted by the Sheriff's Department.

Commissioner Trine:

Mr. Trine submitted a notice from the Indiana Department of Environmental Management. The notice was accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

Mr. Trine received a notice from KeyBank that they are changing their address. Mr. Murrell will keep the address change on file.

The next Stuff-The-Bus event will be held August 9 – 13, 2010, for the Howard County schools.

Mr. Trine welcomed Mr. Wilson.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 6:16 p.m. on a motion made by Mr. Moore and seconded by Mr. Thompson.

HOWARD COUNTY BOARD OF COMMISSIONERS:

DAVID A. TRINE, PRESIDENT

WILLIAM THOMPSON, VICE PRESIDENT

TYLER O. MOORE, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting July 6, 2010