

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 6, 2004

The Howard County Board of Commissioners met in Regular Session on Monday, December 6th, 2004, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President John B. Harbaugh, Vice President Paul J. Raver, and Member Bradley J. Bagwell. Also present were County Attorney Lawrence Murrell, Personnel Administrator Wanda McKillip, and Auditor Martha Lake.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President John B. Harbaugh.

The minutes from the regular meeting held on Monday, November 15th, and the Special Meeting on Thursday, November 18th, 2004 were considered. Mr. Bagwell made a motion to approve the minutes with the following correction. Seconded by Mr. Raver the motion carried.

On page 3, November 15th, 2004 minutes, “In the Matter of E-911 Dispatch Issues” – change the title for Mr. Steve Kline from “Assistant E-911 Director” to “E-911 Director”.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Howard County Highway Engineer/Superintendent, presented the following issues for Commissioner information and approval:

1. **Materials and Supplies for Year 2005:** (See page 1, November 15th, 2004 minutes, “*In the Matter of Highway Issues*”, Item 1, for related discussion) Bids for the Highway Department’s 2005 operating materials and supplies were taken under advisement at the previous meeting pending review by Mr. Cain and the County Attorney. Having met with Mr. Cain’s approval and also with the legal requirements, the following bids were approved on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried.

Item #1	Precast and Prestressed Beams – None
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Item #2 Various Grades of Asphalt, Emulsion, and Tar –
 Mohr Construction Company, Inc., a Division of E & B Paving, Inc.
 Asphalt Materials, Inc.

Item #3 Bituminous Coated Aggregate, Asphaltic Concrete Binder and Top –
Mohr Construction Company, Inc., a Division of E & B Paving, Inc.

Item #4	Stone – IMI/Irving Materials, Inc. Hansen Aggregates Martin-Marietta Aggregates
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Item #5 Equipment Rental –
Baker & Schultz

2. **Road 400 North Project – Revision to Change Order Number 1:** (*See page 1, October 18th, 2004 minutes, “In the Matter of Highway Issues”, Item 1, for related discussion*) Mr. Cain explained that the Indiana Department of Transportation had requested a minor revision on Change Order No. 1 for the 400 North Project. The original change order was approved by the Board of Commissioners on October 18th, 2004. The October 18th adjusted price of -\$2,676.32 will not be affected. Since the change order was signed by the Board when passed, this revision was acknowledged by a signature of the President.
3. **Bridge 61 Project – Change Order Number 1:** (*See page 1, October 18th, 2004 minutes, “In the Matter of Highway Issues”, Item 2, for related discussion*) Borings for the Bridge 61 Project revealed that a seam contains some unsuitable material, however it is surrounded by solid material. Because there were no signs of settlement, Mr. Cain asked the State for a re-investigation to allow the seam to remain. Instead of requiring the entire road to be removed, the Indiana Department of Transportation agreed to a compromise and submitted Change Order No. 1 for revised improvements. The Change Order calculated to a negative figure of - \$9,350.00.

Mr. Raver made a motion to approve Change Order No. 1 for the Bridge 61 Project. Mr. Bagwell seconded the motion, and it carried.

4. **Transfer Requests:** In order to move line items out of the red in the budget by the end of the 2004-year, Mr. Cain submitted a request for transfers between line items. The transfers between categories will also need to be addressed by the Howard County Council at their December meeting.

TRANSFERS:	TO:	AMOUNT:
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002	HOWARD COUNTY MOTOR VEHICLE HIGHWAY FUND:				
	14521	FICA	24321	Gas, Oil, Lube	\$ 20,000.00

Mr. Cain said the transfer of \$20,000.00 to the Gas, Oil, and Lube Line Item would cover the increased price of gasoline. The extra money in FICA resulted from: 1.) some job positions determined by fluxuation in workload are not currently filled; 2.) not as much overtime was used in 2004 as anticipated because of the mild winter; and 3.) anticipation of additional FICA needed for the requested salary increases which did not occur created a surplus of funds.

24322	Tires	22410	Stone	\$ 5,000.00
44725	Garage Equipment	44721	Trucks	\$ 5,000.00

006 HOWARD COUNTY CUMULATIVE BRIDGE FUND:

33710	B-501	33715	B-11 (1150 W. 00 N/S)	\$ 19,427.73
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Mr. Bagwell made a motion to approve all of the transfer requests in the funds listed above subject to Council approval. Mr. Raver seconded the motion, and it carried.

5. **Purchase Tractor-Mower:** The following three quotes were submitted to purchase a new tractor-mower with an enclosed cab:

Greentown Equipment	Greentown	\$ 74,882.00
Rodkey Brothers	Rossville	\$ 76,500.00
New Holland	Rochester	\$ 77,250.00

Mr. Raver made a motion to approve the purchase of the tractor-mower for the County Highway Department from Greentown Equipment at a cost of \$ 74,882.00; this being the lowest most responsible and responsive quote. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF REQUEST FOR HOWARD SUPERIOR COURT I RELOCATION:

(Also see page 4, attached, “In the Matter of Maintenance Department Issues”, Item 2, for related discussion)

Newly Elected Judge William C. Menges requested Commissioner approval to occupy the new courtroom at the start of his term effective on January 1, 2005. In a previous conversation, Mr. Raver had informed Mr. Menges that the new courtroom has not been designated for any specific purpose. Mr. Menges felt that the new courtroom design would accommodate a few more seats and promote more efficient security. Mr. Menges held a conversation with the other judges who indicated they had no objections. Mr. Bagwell commented that relocating Superior I court would make the former Superior I Courtroom accessible for the painting project and any additional remodeling.

Mr. Bagwell made a motion to designate the new courtroom on the second floor of the Courthouse as Superior Court I effective January 1, 2005 and re-designate the former courtroom at a future date. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Military Leave Update:** The following three Sheriff Department personnel are fulfilling military obligations:
 - a. Sheriff Deputy Larry Sparks has been called for active duty to serve at the National Guard Amory in Logansport. The assignment, which begins in December 2004, is anticipated to be 12-18 months. Deputy Sparks asked Sheriff Talbert about possibly working part time for the County. Sheriff Talbert advised Deputy Sparks to check on the military regulations regarding outside employment and whether possible injuries in the line of duty could affect military obligations.
 - b. Sheriff Deputy Paul Cherry has been away serving active duty since January 2004. Sheriff Talbert anticipates his return in January 2005.
 - c. Sergeant Larry Shipman’s military leave has been extended until May or June 2005.
2. **Accolade:** Sheriff Talbert publicly commended Captain Napoleon Leal’s excellent management of overtime on the law enforcement side of the jail. Although the Sheriff’s Department requested additional funding for overtime on the correctional side, overtime pay for the law enforcement side is anticipated to carry through to the end of the year without any additional appropriations.
4. **Jail Population Report:** The inmate population at the Criminal Justice Center had decreased to 271, compared to last week when the numbers were in the 280 range. Due to the recent drug raid, the number climbed back up to 298; five offenders are scheduled to be moved by the Department of Corrections to other facilities.
5. **Alternative Extradition Process:** Sheriff Department personnel have traveled out of state on several occasions to transport prisoners back to Howard County. Sheriff Talbert mentioned that there are private companies that offer a prisoner transport services, such as Trans Corporation used by Miami County. The minimum fee for this type of service is \$500.00, plus additional costs for mileage and/or

female transports. Sheriff Talbert feels these rates are not economically feasible. He requested authorization to explore the possibility of using aircraft for some of the extraditions. Civil Process Server Bill Ice and Deputy Jerry Jumper are licensed pilots. The hourly rate to rent an aircraft from Glendale Air Service (located at 3460 South 400 West) is between \$60.00 to \$70.00 per hour, which includes the fuel. The Sheriff estimated that aircraft transport would be economically feasible for the County, especially for midrange transports. He estimated that aircraft transports would be used three to four times per year.

The Commissioners agreed with the County Attorney that there needs to be a discussion regarding the County’s liability insurance coverage and any additional costs. Sheriff Talbert offered to pay any additional insurance premiums out of the Commissary Fund. The Commissioners concurred that it was a good idea for the Sheriff to conduct further research of this issue.

- 6. **Law Enforcement Assistance:** Currently there are only three state troopers assigned to Howard County. Three new State Police Officers will be assigned to the Indiana State Police Post in Peru once their field training has been completed. Sheriff Talbert asked the Commissioners to consider drafting a letter to the new Superintendent of the Indiana State Police, and mailing a copy to the Governor, requesting the Lieutenant and First Sergeant to consider assigning one of the new officers to Howard County.
- 7. **Purchase Photocopy Machines:** (See page 2, November 15th, 2004 minutes, “In the Matter of Sheriff Department Issues”, Item 3, for related discussion) Sheriff’s Department Personnel Administrator Ree Moon submitted quotes to purchase photocopy machines:

<u>Vendor</u>	<u>Location</u>	<u>Quote</u>	<u>Price Per Copy</u>	<u>Service Response Time</u>
(Copiers + one month service)				
Shearer Printing & Office Solutions	Kokomo	\$20,439.00	\$.008 per copy	1 Hour
Beckley Office Equipment	Kokomo	\$20,500.00	\$.010 per copy	4 Hours
Business Solutions	Indianapolis	\$21,284.00	\$.0075 per copy	4 Hours
Office Concepts	Fort Wayne	*\$30,977.00	\$.012 per copy	(not provided)
*Did not include one month service.				

Mr. Bagwell made a motion to approve the purchase of photocopy machines from Shearer Printing & Office Solutions in the amount of \$20,439.00; this being the lowest most responsible and responsive quote. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF PLAN COMMISSION ISSUES AND PROPERTIES FOR APPROVAL:

Plan Commission Director Glen Boise presented the following issues for Commissioner information:

- 1. There were no **subdivision plats** submitted for approval at this time.
- 2. **Ordinance No. 2004-BCC-42** – Case 7-CZ-04 – the petition of Dick Rayl & Associates requesting a change in zone classification from A-1 (Agriculture) to B-2 (General Business) for property located at 2848 E. Markland was considered. Mr. Bagwell made a motion to approve Ordinance No. 2004-BCC-42. Mr. Raver seconded the motion, which carried.
- 3. **Ordinance No. 2004-BCC-43**, an ordinance establishing speed zones and traffic controls for portions of Dixon and Zartman Road to 40 miles per hour was approved as amended on a motion made by Mr. Raver. Seconded by Mr. Bagwell, the motion carried.
- 4. **Ordinance No. 2004-BCC-44**, an ordinance establishing speed zones and stop signs for Walnut Estates Subdivision, Section 18, and Cobblestone Villas Subdivision was considered. Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to approve Ordinance No. 2004-BCC-44.
- 5. **Unsafe Buildings:** Mr. Boise continues to monitor unsafe buildings but there was no new information to report at this time.
- 6. **Flood Mitigation Issues:** (See page 2, November 15th, 2004 minutes, “In the Matter of Plan Commission Issues and Properties for Approval”, for related discussion)
 - a. **Buy-Out Update:** Funding in the amount of \$187,108.00 has been received from the State for acquisition of the two homes detailed in the draw down request. The County may proceed with sending the two purchase agreements to the homeowners by certified mail. Mr. Boise advised that in order to avoid duplication of benefits, an adjustment is needed on the purchase agreements to reflect the emergency assistance received in 2003 that was not spent on damages.
 - b. **Multi-Natural Hazard Mitigation Update:** Interviews with consultants Christopher B. Burke Engineering, Ltd. and Bonar Group for preparation of the Multi-Natural Hazard Mitigation Plan have been scheduled for Wednesday, December 8th, 2003.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Maintenance and Grounds Superintendent Thomas Harrison presented the following issues for Commissioner information:

1. **Pyrotechnic Display:** Mr. Harrison received a written request from the Kokomo Downtown Association, formerly known as the Kokomo Main Street Association, to use the Courthouse roof to discharge a pyrotechnic display during the annual New Years Eve Celebration. Mr. Harrison attempted to contact Ms. Kim Moyer, President of the Kokomo Downtown Association, regarding the expense for a County employee to unlock the doors and secure the building following the event. In order to safeguard the air conditioning units Mr. Harrison informed the Downtown Association that the south side of the roof can not be used. The County Attorney reviewed the Certificate of Liability Insurance provided in the amount of \$1,000,000.00 (\$50,000.00 for each occurrence). The Certificate was issued to the former name of Kokomo Main Street Association and it did not name Howard County as being insured.

Mr. Bagwell made a motion to grant tentative approval to use the Courthouse roof for the New Year's Eve/Morning Pyrotechnics display contingent on securing the proper liability insurance certificate to be reviewed by the County Attorney prior to the December 20th, 2004 meeting. Mr. Raver seconded the motion, which carried.

2. **Superior Court I Painting Project:** *(See page 3, September 20th, 2004 minutes, "In the Matter of Maintenance Department Issues", Item 1, for related discussion)* A discussion was held regarding postponing the painting project until those offices are no longer occupied. The Commissioners concurred with notifying the painting contractor that the painting project will be postponed until after January 1st, 2005.
3. **Siemens Building Technologies Inc. Technical Support Program Proposal for 2005:** *(See page 3, February 3, 2003 minutes, "In the Matter of Maintenance Department Issues", Item 1, for related discussion)* Siemens performs preventative maintenance and helps solve other maintenance problems at the Courthouse, Administration Center, Government Center, Kinsey Youth Center, and the Criminal Justice Center. Mr. Harrison recommended retaining Siemens services for 2005 in the amount of \$35,812.00. The Commissioners requested the following changes to the contract:
 - a. On the Signature Page:
Change the name Howard County Juvenile Center to "**Howard County Kinsey Youth Center**".
Change the name Government Building to "**Howard County Government Center**".
Change the Proposal date to **December 1, 2004 (instead of January 16th, 2003)**. The agreement is effective January 1, 2005 through December 31, 2005.
 - b. On the Proposal, page 2:
Correct the names of the buildings in the second paragraph.

Mr. Harrison said he would contact Siemens regarding the changes and return with the revised agreement at the next meeting on December 20th, 2004.

4. **Tile Flooring Project Update:** *(See page 5, November 15th, 2004 minutes, "In the Matter of Claims and Reports", Item 5, for related discussion)* Approximately 90% of the carpeting has been removed in the Vital Records Office. New ceiling tile has been installed. The Jail's Work Crew commenced painting the walls. The vinyl tile floor covering is anticipated to be completed in approximately two weeks. Maintenance Department personnel removed the old partitions in order to accommodate a new design for the office space.
5. **Howard Haven Sewer Connection Update:** *(See page 7, November 1st, 2004 minutes, "In the Matter of Commissioners Issues", Item 2, for related discussion)* Mr. Harrison reported that he authorized the contractor to move the pump closer to the well house on the west end of the property in order to be closer to the electricity source.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **Ordinance No. 2004-BCC-45:** An Ordinance of the Howard County Board of Commissioners Adopting a Revised County Personnel Policies Handbook was presented for consideration. Mr. Bagwell suggested that the 90% salary rule should be exempt for professional employees. He felt the rule only applied to new employees who are being trained to perform a job; the professional employees already have acquired a higher education and are proficient with their responsibilities. Mrs. McKillip said this concept was included in the initial draft but the PAC voted against it. Councilman/PAC Member Dwight Singer stated that the PAC decided to discuss the issue after the first of the year. Auditor Martha Lake explained that the 90% salary rule enables a smooth transition of replacing an employee. It enables the new hire to fill a position immediately while the former employee receives compensation for the remainder of their benefits and accrued time. Because of the complexity of the issue, the Commissioners agreed to re-examine the issue after January 1, 2005.

Mr. Raver made a motion to approve Ordinance No. 2004-BCC-45. Seconded by Mr. Bagwell, the motion carried.

2. The **list of Commissioner Appointments for the year-2005** was distributed to the Board for perusal. The appointments will be considered at the next meeting scheduled on December 20th, 2004.
3. On behalf of the Department of Health, Mrs. McKillip reported that fifty (50) **flu vaccinations** were administered to County employees and their dependents in 2004.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

1. **New Server:** The new Dell server to house the finance and tax information has been installed; it is up and running. Mr. Tribby commended his employees for the outstanding work they accomplished on the challenging task. Auditor Martha Lake complemented the Information Systems Department on the upgrade work completed on the server. The improvements save a lot of time and effort. Information Systems contacted all of the vendors on the server before the County preceded with the server migration updates. Manatron MVP Tax had no issues and said they would be on standby if needed. Harris Computer System (financials) initially wanted \$1,000.00 up front to be on standby. They recanted and stated they would only charge an hourly rate if their services were needed. Mr. Tribby was pleased to report that the financial updates were completed without their assistance.
2. **Interoperability Communications Upgrade Wireless Project: (See page 3, November 15th, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 3, for related discussion)** The ICU Project is approximately 95% complete. This week the vendor is going to conclude the work, documentation, testing, and conduct training. Mr. Tribby hopes to present a claim for payment at the December 20th, 2004 meeting in anticipation of meeting his goal of completing and paying for the project by December 31st, 2004. The wireless system expedites the exchange of case files, warrants, and other important information between the Kokomo Police Department and Sheriff's Department. The DigiMug System is working very well across the wireless network.

Sheriff Talbert said information has been received that the DigiMug System would no longer be supported, possibly due to a company buy-out. E-911 Director Steve Kline is in the process of researching this issue and expects to have information available soon.

3. **County E-Mail Update:** Previously, all e-mail accounts were combined into one account (co.howard.in.us). There is only 400M disc space for both the e-mail account and county website. In the last two years the County has outgrown this account. The number of e-mail accounts has expanded to over 300. The current Internet Service Provider does not perform any up-front filtering, causing concerns about virus and spam protection. Information Systems proposes to create more space and install their own e-mail software. This application would enable up-front virus and spam filtering and allow continued development of the county website.
4. **GASB-34 – Purchase of Software: (See page 4, June 28th, 2004 minutes, "In the Matter of GASB-34 Capital Assets Policy" and page 6, July 19th, 2004 minutes, "In the Matter of Claims and Reports", Item 4 for related discussion)** During the initial presentation of the GASB-34 Capital Asset Policy in June, there was discussion that new software would be needed to implement the new procedure. *(The final version of the GASB-34 Capital Asset Policy was approved by the Commissioners at the July 19th, 2004 meeting)* Information Systems looked at possible solutions; one is to create an access database to address GASB. An alternative solution was discovered regarding a software vendor that is proficient on how to comply with the GASB rules. Komputrol Software Systems conducted a demonstration on their software that has been successful in other counties. Auditor Lake anticipates GASB to expand and include revisions in the future. The user-friendly software from Komputrol would be beneficial to the County. The initial cost of the software is \$3,000.00 plus \$500.00 for the conversion, for a total cost of \$3,500.00. Mr. Tribby advised that there is money in the Information Systems Budget to make the purchase.

Mr. Bagwell made a motion to approve purchase of the software and conversion from Komputrol Software Systems at a total cost of \$3,500.00. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF GRANT ACTIVITY – TAYLOR TOWNSHIP RSD:

Grant Administrator Tina Henderson, Mendenhall & Associates, presented the following issues for Commissioner information and approval:

1. **Standard Subrecipient Agreement:** Ms. Henderson reported that the funds for the Taylor Township Regional Sewer Project have been received from the Indiana Department of Commerce. Next the request for bids was sent out. The bids came in and a release of funds is needed. Ms. Henderson presented a Standard Subrecipient Agreement, which states that when the funds come in, the Commissioners will funnel them directly to the contractor or to the Taylor Township RSD.

Mr. Bagwell made a motion to approve the Standard Subrecipient Agreement for the Taylor Township Regional Sewer District and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

2. **Fair Housing Ordinance No. 2004-BCC-46:** Ms. Henderson explained that Howard County's Drug Free Workforce Ordinance is on file with the Indiana Department of Commerce, but the State has misplaced the Fair Housing Ordinance. This Ordinance is required in order to receive the funding for the Taylor Township Regional Sewer Project. The Commissioners and the County Attorney were not certain when the ordinances had been approved. The County Attorney did not have an opportunity to review the documents prior to the meeting and a typographical error was noted on the signature page. Ms. Henderson advised that the document must be signed in time for the pre-construction meeting scheduled on Wednesday, December 15th, 2004.

Mr. Bagwell made a motion to approve Ordinance 2004-BCC-46 with the stipulation that it requires the County Attorney to review and approve the content; and authorize the President to sign on behalf of the Board only after having been approved by the County Attorney. Mr. Raver seconded the motion, which carried.

3. The Commissioners extended **recognition to Mr. Russell Adair, Chairman of the Taylor Township Regional Sewer District.** Mr. Adair thanked the Commissioners for their help with the project.

IN THE MATTER OF COUNTY WIDE SEWER MASTER PLAN:

Mr. Jerry Williams, Professional Engineer from Gove and Associates, presented the following issues for Commissioner information and approval:

1. **Sewer Project Updates:**
 - a. Construction on the Taylor Township Regional Sewer is anticipated to begin sometime in January 2005 and within the next year for the other communities.
 - b. It appears that Rural Development will be prepared to finance the Darrough Chapel Sewer Project in February or March 2005. The Commissioners will be asked for their help and participation with obtaining an Indiana Department of Commerce Grant sometime during the year 2005.
2. **County Sewer Master Plan:** A Howard County Sanitary Sewerage Master Plan was distributed to the Commissioners. The maps outline a sanitary sewer plan for the entire county.

Mr. Raver asked if it would be advisable to call a meeting of the Advisory Committee for an explanation of the report. Mr. Williams said the report was mostly a culmination of agreements from their last meeting, which reflects what the Committee is willing to do. Attorney Murrell suggested distributing the report to everyone on the Advisory Committee that represents the various communities. If the entire group concurs with the report, then they should officially request the Commissioners to adopt the report as a countywide master plan. In addition, the Plan Commission Director should review the report and see how it would fit into the County Comprehensive Planning. The Commissioners suggested scheduling a meeting with the Advisory Committee after January 1, 2005. Mr. Williams said he would make sure copies of the report are distributed to the proper agencies.

Mr. Bagwell made a motion to accept and take under advisement the Howard County Sanitary Sewerage Master Plan; and authorize Gove and Associates, Inc. to distribute additional copies to the members of the Advisory Committee; and to proceed with additional reviews with other agencies as needed. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF DEPARTMENT OF HEALTH:

Executive Director Kris Conyers presented the following issues for Commissioner information and approval:

1. **Contract Service Agreement:** An Agreement between the Howard County Board of Commissioners, acting for and on behalf of the Howard County Board of Health and Ryan Nehl was presented to secure the services of a Public Health Coordinator. According to the Agreement Mr. Nehl would be employed as a Bioterrorism Coordinator for Howard County beginning December 6, 2004, and ending July 31, 2005. The County shall pay the sum of \$33,336.00 to Mr. Nehl, payable monthly in the amount of \$4,167.00. The Agreement creates a position of an independent contractor and not an employee of Howard County. No taxes will be withheld and no County benefits will be included with the wages.

Mr. Bagwell made a motion to approve the Agreement for Contract Services as presented and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

2. **Verizon Contract:** Ms. Conyers explained that the State Department of Health is essentially using Verizon Communications products for bioterrorism endeavors. The Department of Health recently acquired five cell phones and one blackberry (portable wireless communication device) from Verizon as part of the Bioterrorism preparedness. A second blackberry is anticipated to be acquired for use by the new Bioterrorism Coordinator. The cost of the equipment is being paid from bioterrorism funding.

The former month-to-month contract with Centennial Wireless Communications for one phone has been canceled.

Nursing Coordinator Jennifer Sexton explained that one major plan of the Bioterrorism Grant funding is to purchase communication devices. She briefly described the blackberry, which enables e-mail communications.

Mr. Bagwell made a motion to confirm Nursing Coordinator Jennifer Sexton’s signature on the contract with Verizon Communications for the Howard County Health Department. Mr. Raver seconded the motion, and the motion carried.

IN THE MATTER OF REQUEST TO PURCHASE COMMISSIONER TAX SALE PROPERTY:

Pastor Michael West submitted a written request to purchase Parcel Number 34-04-31-151-006.790-002, located at 521 East Taylor Street for his private use. Pastor West offered a purchase price of \$50.00 plus the \$140.00 weed cutting fees.

Auditor Martha Lake said the property was acquired in a Commissioner Tax Sale in October 2001. The next step is to advertise two times for an additional tax sale for the one property and set the minimum bid amount.

Mr. Bagwell made a motion to set a Special Commissioner Property Tax Sale for 521 East Walnut Street and authorize the County Auditor to prepare the proper advertising and that the sale be conducted on **January 4, 2005 at 9:00 a.m. in Room 222 of the Howard County Administration Center.** Seconded by Mr. Raver, the motion carried.

MAYOR’S COMMUNITY-BASED COUNCIL ON SUBSTANCE ABUSE PREVENTION – Finance Committee Report:

The Mayor’s Community-Based Council on Substance Abuse Prevention is a local coordinating council, which coordinates substance abuse prevention activities for the community. The program is funded by DUI fines that are collected by the County Clerk. Coordinator Sonya Snow presented a list of actions taken on grant requests by the Drug Free Council for the 2004 Budget year and one request for 2005:

<u>REQUESTS:</u>	
EDUCATION/PREVENTION (E/P) FUNDS:	<u>ACTION TAKEN BY LLC</u>
Howard County Juvenile Probation: \$300.00 for educational drug samples and magazine subscription to be used as part of a county educational forum.	Approved
Elks #190: \$270.00 to reimburse the Elks for the LCC’s share of the total cost of \$840.00 for purchasing ribbons.	Approved
Western Middle School: \$100.00 for Red Ribbon Week activities that promote student awareness.	Approved
BSA, Sagamore Council: \$784.00 for Drug Abuse Prevention lesson plans for all Howard County teachers Kindergarten through Grade 6.	No Action Taken
CRIMINAL JUSTICE/INTERVENTION (C/I) FUNDS:	
Howard County Sheriff’s Department: \$3,900.00 for second in-car video system.	Approved
JOINT (E/P) AND (C/I) FUNDS:	
Kokomo Police Department/Howard County Sheriff’s Department: \$600.00 to Provide free urine substance drug screens to parents.	Tabled
FROM ALL FOUR LCC FUNDS FOR YEAR-2005:	
LCC Coordinator: \$30,043.00 to reflect a 3% salary increase from the current annual salary of \$29,168.00 with no benefits.	Approved

Mr. Raver made a motion to approve the claims for utilization of funds as submitted by Ms. Sonya Snow for the Mayor’s Community-Based Council on Substance Abuse Prevention. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF CLAIMS AND REPORTS:

- Howard County Auditor Martha Lake presented the following reports for Commissioner information and approval:
1. **Operating claims payable on December 6th, 2004 in the amount of \$1,296,600.95** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.

2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for December 10th, and December 17th, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.

3. **Kokomo Humane Society Contract for Animal Control and Shelter Services for 2005:** County Attorney Larry Murrell previously reviewed the contract, which met with his approval. The only change made to the contract is that the public access hours shall be from 12:00 p.m. to 5:00 p.m. (instead of 12:00 p.m. to 6:00 p.m.), Monday through Friday, excluding holidays. The Humane Society agrees to provide the duties and obligations set forth in the contract at a cost of \$150,663.54 for the year 2005.

Mr. Bagwell made a motion to approve the Contract for Animal Control and Shelter Services for the year-2005 as written. Mr. Raver seconded the motion, and it carried.

4. **SBC Communications Contract:** *(See pages 5-6, March 15th, 2004 minutes, "In the Matter of Claims and Reports", Item 9, for related discussion)* When the three-year contract with SBC was renewed earlier this year, telephone numbers for the Howard County Historical Museum were inadvertently excluded. In order to add these phone numbers to the contract, the President of the Board needed to initial the changes.

Mr. Bagwell made a motion to add the telephone numbers for the Howard County Historical Museum to the SBC Communications Contract. Seconded by Mr. Raver, the motion carried.

5. **Tax Exempt Number Authorization:** Written consent by the Board of Commissioners was requested by First National Bank & Trust for ten Howard County entities and account numbers using the County's tax identification number.

Mr. Bagwell made a motion to authorize the listed county departments and coordinating account numbers to use the employer identification number for Howard County and authorize the President to sign the document on behalf of the Board. Mr. Raver seconded the motion, which carried.

7. The **Howard County Treasurers Report for the month of October 2004** was accepted on a motion made by Mr. Raver, seconded by Mr. Bagwell and carried.
8. **Notice of Vender Change:** The Commissioners received a letter of notification that Lattice Communications, LLC sold its interest in certain towers to Pinnacle Towers Acquisition LLC on October 29, 2004.
9. **Change in Meeting Date Schedule for 2005:** The January 17th meeting date has been corrected to (Tuesday) "**January 18th, 2005**".
10. **Cornerstone Location Contract:** The Commissioners acknowledged a letter from Butler, Fairman and Seufert, Inc. regarding section corner perpetuation work proposed for the cornerstone location project in 2005.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell presented the following issues for Commissioner information and approval:

1. Attorney Murrell presented a claim for his **monthly office allowance in the amount of \$385.00** for December 2004. Mr. Bagwell made a motion to approve payment. Mr. Raver seconded the motion and it carried.
2. Attorney Murrell requested the Board to set an Executive Session under the Executive Session Statute IC 5-14-1.5-6.1 (b) (2) (D). Mr. Bagwell made a motion to set an **Executive Session on Friday, December 17th, 2004 at 3:30 p.m. in Room No. 220 D of the of the Howard County Administration Center.** Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF THE GREENTOWN SPECIAL DEPUTY VEHICLE:

In 2002 a Chevrolet Tahoe was acquired with Build Indiana Funds for the purpose of the purchase of a law enforcement vehicle for the Greentown Special Police, which was sponsored by the Howard County Sheriff's Department. At that time the former Sheriff designated the Greentown Special Police as special deputies. The current Sheriff did not renew the designation. The vehicle is titled to the Howard County Board of Commissioners and insured by the County. The County Attorney was requested to look into the legal standpoint regarding the situation with the Greentown Special Deputy vehicle and to draft a letter for Commissioner consideration to the Greentown Special Police with regard to the vehicle.

It is Attorney Murrell's opinion that the Greentown Special Police is no longer a law enforcement agency and for them to continue with possession of the vehicle would be a violation of the grant terms. Furthermore, since the vehicle is titled to the Howard County Board Commissioners and the grant was sponsored by the Howard County Sheriff's Department, the default position would be that possession of the vehicle must return to the County, more specifically to the Sheriff's Department to be used as a law enforcement vehicle.

A letter regarding this information was drafted to Mr. Don Frederickson, current Chief of the Greentown Special Police. The letter requests that the Greentown Special Police return possession of the vehicle through the County and deliver possession to the Sheriff on or before December 10th, 2004.

In the interim the Commissioners received telephone calls from Mr. Frederickson requesting action to be delayed in order for him to attend the next meeting on December 20th, 2004. In consideration of Mr. Frederickson's request, the Commissioners concurred to change the date to on or before December 20th. At that time Mr. Frederickson can comply with the Board's request by turning in the vehicle to the Sheriff's Department or state a reason why the vehicle is being withheld. Mr. Bagwell stated, "This is a vehicle that has been purchased by State funds for the use as a law enforcement vehicle." When Chief David Stedry helped transport prisoners for the Sheriff's Department, the Commissioners agreed to support the purchase of the vehicle for law enforcement purposes. This vehicle would be one less vehicle that needs to be purchased by the Sheriff's Department in the year 2005, which would be a savings to the County.

Sheriff Talbert stated that former Chief David Stedry asked him to deputize the members of the Greentown Special Police. The Sheriff said the decision to not deputize them was not a personal issue. Indiana Sheriff's Association Attorney Howard Williams has advised that it would not be in the best interest of the Sheriff's Department or the County to incur a liability for the Special Police. In addition, Attorney Williams did not have knowledge of any other Special Police Departments in the State of Indiana. Sheriff Talbert further said the police package Chevrolet Tahoe is a law enforcement vehicle that needs to be utilized by the manner for which it was intended. He commented, "I don't think any taxpayer in the county would have a problem with putting that vehicle back to good use rather than letting it sit."

Mr. Bagwell made a motion to authorize the County Attorney to send the modified letter to the Greentown Special Police Chief regarding the vehicle. Mr. Raver seconded the motion, which carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. Mr. Bagwell said he recently spoke with State Representative John Smith. Representative Smith has submitted a preliminary bill to the State Legislature to provide a **new Judge for the additional courtroom**. Furthermore, a date needs to be set when the court would become effective and the Council must approve appropriations for the court's support staff. A brief discussion ensued regarding the process of appealing the property tax levy. The Commissioners decided by consensus to set the effective date for January 1, 2006.
2. The **Weights and Measures Monthly Report for October 15th to November 15th, 2004** was accepted on a motion made by Mr. Raver. Seconded by Mr. Bagwell, the motion carried.
4. The **Veteran Service Office Report for the month of November 2004** was accepted on a motion made by Mr. Harbaugh. Mr. Raver seconded the motion, which carried.
5. **Future Topic:** Recently Community Corrections Director Steve Maus has indicated there would not be any additional space left at the jail for In Home Detention. Mr. Maus spoke to Mr. Raver regarding acquiring some additional space in the Government Center.
6. **Hospital Ambulance Territories:** The Commissioners discussed a proposal in regard to Howard Regional Health System and St. Joseph Hospital Ambulance Services to schedule a practice run to see which service has the faster response time. The run is proposed in order to help with defining the ambulance territories. Due to public safety and liability concerns, the Commissioners tabled the issue.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, which carried. The meeting closed at 11:50 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

JOHN B. HARBAUGH, PRESIDENT

PAUL J. RAVEN, VICE PRESIDENT

BRADLEY J. BAGWELL, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Commissioner Minutes, December 6th, 2004