

DELAWARE COUNTY COMMISSIONER'S MEETING
MONDAY, AUGUST 7 2023 @ 9:03 A.M.
COMMISSIONERS COURTROOM
100 W. MAIN ST. ROOM 309A
CALL TO ORDER
WELCOME
PLEDGE TO FLAG

ROLL CALL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Mr. John Brooke, County Attorney
Ms. Ed Carroll, Auditor

APPROVAL OF MINUTES

MOTION: Commissioner Riggin made a motion to approve July 17, 2023 Commissioner minutes.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

PRESENTATIONS

Mr. Ted Baker, Innovation Connection, presented ARP Business grants for Foster Fire and Security, LLC and Gregory's Sewer & Drain. Both \$28,000 requests were approved by the committee. This will deplete the ARP Business grant funds.

MOTION: Commissioner King made a motion to approve Foster Fire and Security, LLC and Gregory's Sewer & Drain. Each ARP grant was \$28,500.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry
President Henry thanked Mr. Baker for assisting with the task.

Mr. Baker thanked the Commissioners for helping small businesses in Delaware County.

Grant information available in Auditor's office

CONTRACTS OR AGREEMENTS FOR APPROVAL

Mr. Ed Carroll, Auditor, presented Peterson Consulting Services Engagement Letter. This is a renewal to compile capital assets, roads, bridges etc. This is part of state requirements that was passed for the GASB report.

MOTION: Commissioner King made a motion to approve Peterson Consulting Services Engagement Letter.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

8-7-2023

ORIGINAL***Peterson Consulting Services, Inc.****Capital Asset Reporting Services for State and Local Governments****Please Note Our New Address***

512 West Burlington Ave, Suite 1A
La Grange, Illinois 60525-2284
708/937-9104 Direct
708/310-0185 Cell
jon.peterson@pci-consulting.com

July 19, 2023

Mr. Ed Carroll
County Auditor
Delaware County
100 W. Main Street
Muncie, Indiana 47305

Dear Mr. Carroll:

By this letter we propose to assist Delaware County, Indiana, in preparing the annual update of its capital asset information for financial reporting for the fiscal year ending December 31, 2023.

Engagement Activities

In this engagement, we will:

- Provide further review of the requirements of GASB Statement No. 34 relating to capital assets, if needed
- Prepare capital asset additions using best available data
- Prepare capital asset retirements using best available data
- Develop construction-in-progress (CIP) and assist in capitalizing CIP where appropriate for completed projects
- Prepare capital asset worksheets and summary schedules for fiscal year ending December 31, 2023. These schedules will reflect the following asset accounts and functional classifications:
 - Roads
 - Rights-of-Way
 - Bridges
 - Regulated Drains
 - Construction in Progress

*Mr. Ed Carroll
July 19, 2023
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- Land
 - Land Improvements
 - Buildings
 - Machinery and Equipment
 - Vehicles
- Prepare a Consolidated Summary schedule indicating, in total, Delaware County's 2023 capital asset beginning balances, asset additions, asset retirements, year-end asset balances and, where appropriate, depreciation amounts for all asset accounts and functional classes. We will also include a Gateway Summary Schedule that will assist you in filing your FY 2023 Indiana Gateway report.
 - Offer, where indicated, recommendations for enhancing Delaware County's capital asset policies and procedures.

Professional Fee

Our fixed fee for performing these services will be \$4,200. In addition, we will also include any out-of-pocket expenses we incur that are directly related to this engagement. These expenses are expected to be minimal.

Limiting Conditions

Our work is also subject to the accompanying limiting conditions included with this letter.

(Continued on Next Page)

Peterson Consulting Services, Inc.

*Mr. Ed Carroll
July 19, 2023
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We thank you for the confidence you have expressed in our past services. We look forward to working with you and your staff in serving the citizens of Delaware County, Indiana.

Very truly yours,

Peterson Consulting Services, Inc.

Jon C. Peterson
Jon C. Peterson, CPA
Director

Engagement Acceptance

[Signature]
Name:

Commissioner
Title:

08-07-23
Date:

Peterson Consulting Services, Inc.

STATEMENT OF LIMITING CONDITIONS

- Our services are intended to assist your government in reporting its capital assets for financial reporting purposes.
- Our services also include facilitating and establishing and maintaining necessary capital asset information.
- Our services do not constitute an appraisal, opinion, or other attestation. Information provided by you is presumed reliable, reasonably accurate, and complete. We will not undertake an audit or other verification of the information and will not attest to its accuracy or completeness. We assume no responsibility for errors and omissions contained in data we are given.
- We do not generally maintain copies of invoices or other client records that support asset costs paid by client to outside contractors/vendors. The client retains responsibility for maintaining these types of records. We do, however, retain records for asset costs that we develop as part of our engagement work.
- No opinion regarding technical matters including, but not limited to, accounting, appraisal, insurance, engineering, or regulatory issues is offered with this service. Clients are advised to seek the advice of competent specialized professionals regarding these matters.
- The client retains responsibility for filing its capital assets information with various regulatory agencies.
- When our work is complete, our work papers and files developed during this service will be retained for a period of three years.

Peterson Consulting Services, Inc.

Mr. John Brooke, County Attorney, presented the easement agreement from Trucks & Imports, Inc. This is regarding the trail along 23rd street in the Industria Center. This was negotiated by the property owner and part of the acquisition. Mr. Brooke said the easement is now ready for the Commissioners signature.

MOTION: Commissioner King made a motion to approve Trucks & Imports easement agreement.

SECOND: Commissioner Riggan

YEAS: Commissioner King, Commissioner Riggan, President Henry

8-7-2023

ORIGINAL

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Agreement"), made and entered into as of the 7 day of August, 2023 by and between Trucks & Imports INC. having an address of 315 South Tibbs Avenue, Indianapolis, Indiana 46241 (hereinafter "Grantor"), and The Board of Commissioners of Delaware County, 100 East Main Street Room 309, Muncie, Indiana 47305 (hereinafter "Grantee");

WITNESSETH THAT:

WHEREAS, Grantor is the owner of certain real estate located in Delaware County, Indiana, as described in those deeds listed below, all of which deeds are recorded in the Office of the Recorder of Delaware County, Indiana, ("Grantor's Real Estate"),

Cross-referencing Instrument Number 2019R12621 (Tract 1), 2019R08850 (Tract 2 & 3)
 Recorded on September 20, 2019 (Tract 1), July 12, 2019 (Tract 2 & 3)
 Parcel Number 18-11-21-326-003-000-003 (Tract 1), 18-11-21-401-002-000-003 (Tract 2), 18-11-21-402-003-000-003 (Tract 3)

WHEREAS, Grantor desires to grant unto Grantee a non-exclusive easement for purposes of the Muncie Industrial Center Trail (the "Trail") over a portion of Grantor's Real Estate, upon the terms set forth herein below.

NOW THEREFORE, in consideration of the payments to be made by Grantee hereunder, the mutual covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. **GRANT OF EASEMENT.** Grantor does hereby grant and convey unto Grantee non-exclusive easements upon, along, through and across those portions of Grantor's Real Estate which are shown and more particularly described in the drawing and legal description(s) attached hereto as Exhibit "A" incorporated by this reference, together with the right to install, construct, operate, maintain, repair, supplement, remove and replace structures and improvements appurtenant and necessary to the Trail (collectively, the "Facilities").
2. **RESTRICTIONS.** Provided there is no material interference with the rights of Grantee herein set forth, Grantor reserves the right to the use and enjoyment of the Easement Area, provided, however, Grantor shall not erect or maintain any buildings or other above, or below, ground improvements that will interfere with use of the trail, including, but not limited to fences, utilities, irrigation systems, in the Easement Area without consent of the Grantee. Signs, mailboxes and landscaping are permissible within the Easement Area, but may not be within five (5) feet of the edge of the trail pavement and must be approved by Grantee. All items placed within the easement by Grantor are subject to removal, if necessary, for maintenance of the trail by Grantee.
3. **RESTORATION AND CONSTRUCTION.** During any period of construction, inspection, operation, maintenance, repair or alteration of the Facilities, Grantee shall not unreasonably interfere with Grantor's use of Grantor's Real Estate, and following such activities, Grantee shall promptly repair and restore any other portions of Grantor's Real Estate impacted by such activities to the condition that existed prior to such activities, which restoration activities shall be completed in no event more than thirty (30) days after completion of work.

4. **TERMINATION.** Grantor agrees that this Easement Agreement, and the rights hereby granted, shall remain in full force and effect until such time as Grantee, or its successors and assigns, executes and delivers to Grantor a written release of this easement which shall be recorded in the office of the Recorder of Delaware County, Indiana.
5. **COVENANTS RUNNING WITH LAND.** The terms, conditions, and easement rights contained herein shall for all purposes be construed and considered as covenants and agreements running with Grantor's Real Estate and shall be binding upon and inure to the benefit of Grantee and Grantor and their respective successors and assigns.
6. **INTERPRETATION.** This Easement Agreement shall be governed by and construed in accordance with the laws of the State of Indiana. In the event that any of the provisions of this Easement Agreement shall be held by a court of other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portions of the Easement Agreement shall remain in full force and effect. This Easement Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. All headings set forth herein are included for the convenience of reference only and shall not effect the interpretation hereof in relation to any other provision in determining such construction. As used in this Easement Agreement, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall include any other gender. **THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS EASEMENT AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCES BE MODIFIED, CHANGED, AMENDED OR WAIVED, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO OR THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.**

The undersigned person executing this easement on behalf of GRANTOR represents and certifies that he has been authorized to execute and deliver this easement.

IN WITNESS WHEREOF, the said GRANTOR has hereunto affixed its name this 2nd day of August, 2023.

GRANTOR: Trucks & Imports INC.

JC Signature
Juan C Cocado President Signature
Printed Name & Title Printed Name & Title

NOTARY'S CERTIFICATE

STATE OF Indiana)
COUNTY OF Delaware) SS:

Before me the undersigned, a Notary Public in and for said County and State the 2nd day of August, 2023, personally appeared the within named Juan C Cocado, the President of Trucks & Imports INC., GRANTOR in the foregoing Easement Agreement, who acknowledged the same to be its voluntary act and deed for the purposes herein mentioned. I have hereunto subscribed my name and affixed my official seal.

My commission expires _____



I am a resident of _____ County.

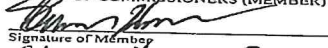
SS
Notary Public (Signature)

Notary Public (Printed Name)

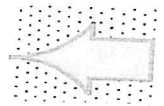
IN WITNESS WHEREOF, GRANTEE accepts this easement, on behalf of the Board of Commissioners of Delaware County:

Signed this 7 day of August, 2023.

COUNTY OF DELAWARE, INDIANA
BOARD OF COMMISSIONERS (MEMBER)


Signature of Member

Sharon Hayes Comm. Pres.
Printed Name and Title of Member



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Danyel Struble.

This instrument prepared by Brooke Stevens, PC, Danyel Struble, 112 East Gilbert Street, Muncie, Indiana 47305.

ORDINANCES FOR FIRST READING
EXTENDING THE MORATORIUM ON SOLAR FARMS TO DECEMBER 31, 2023
ORDINANCE NO. 2023-017

Mr. Brooke said the moratorium for solar farms will expire on August 21, 2023. The Plan Commission hired a consultant to review what the committee had discussed; however, the consultant is not finished with reviewing. The moratorium will be extended to December 31, 2023.

MOTION: Commissioner Riggin made a motion to introduce Ordinance 2023-017, Extending the Moratorium on Solar Farms to December 31, 2023.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

First Reading

8-7-2023

ORDINANCE NO. 2023-017

AN ORDINANCE EXTENDING A MORATORIUM ON FILING AND ACCEPTING ANY NEW APPLICATIONS FOR SOLAR FARMS UNTIL DECEMBER 31, 2023

WHEREAS, the Muncie Delaware County Metropolitan Plan Commission conducted a public hearing on February 17, 2022 with respect to amendments to the zoning ordinance concerning solar farms in agricultural zones; and

WHEREAS, the County Plan Commission conducted a duly authorized, notice and debated public hearing concerning the proposed Zoning Ordinance amendment concerning the inclusion of solar farms in Agricultural zones; and

WHEREAS, the Board of Commissioners also received additional public input into the proposed amendments to the zoning ordinance with respect to solar farms; and

WHEREAS, the Muncie Delaware County Metropolitan Plan Commission has had subcommittee that has been meeting to discuss possible changes to the ordinance regarding solar farms and their operations since 2022; and

WHEREAS, the Muncie Delaware County Metropolitan Plan Commission had hoped to complete their work by August 21, 2023, but the unfortunate passing of the Plan Commission's Executive Director, Marta Moody, has delayed the completion of the subcommittee's work; and

WHEREAS, the Board of Commissioners believe that the moratorium on the filing and acceptance of any new applications for solar farms during this study period and to all allow the Plan Commission has had an opportunity to consider amendments and conduct a public hearing for public input on those amendments.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA, THAT:

1. A moratorium that was imposed upon the County commencing on February 22, 2022 for the acceptance, review and filing of any application by any person, firm or entity seeking to place or install a solar farm on any property in Delaware County shall be extended.
2. Said Moratorium shall remain in place until Noon, December 31, 2023.

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled public meeting held on this, the _____ day of _____, 2023.

DELAWARE COUNTY

RESOLUTIONS FOR APPROVAL
DELAWARE COUNTY COMMISSIONERS ACCEPTING STATE PUBLIC HEALTH FUNDING
RESOLUTION NO. 2023-017

Mr. Jammie Bane, Health Administrator, presented Resolution 2023-017, this resolution was provided by the State Health Department. Resolution 2023-017, is intended to opt-in for Health First Indiana money. Mr. Bane asked for the official opt-in approval by the Commissioners. The Health Department Board approved the receipt of the money. Line items and programs are still being reviewed.

The next Health Department Board meeting is August 10, 2023, at 7:00 p.m., located at 125 N Mulberry, Muncie, IN 47305.

MOTION: Commissioner Riggin made a motion to approve Resolution 2023-017, Accepting State Public Health Funding.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

President Henry asked Mr. Bane to submit the budget to Councilmembers and Commissioners, once it is finished.

Mr. Bane said the budget is going to be broad, due to not knowing what specific programs will be offered in 2024.

Mr. Bane said the Commissioners funded the renovations of the Health Department through ARP monies. The project should be finished by the end of 2023 with new staff rolling in at the beginning of 2024. EMA and EMS assisted getting the first floor of the Health Department emptied out. The \$18,000 asbestos remediate has started.

Mr. Bane has not received information on the flu vaccine, however the flu shots will be available in the Health Department. COVID vaccines are available.

MOTION: Commissioner Riggin made a motion to Resolution 2023-017, Accepting State Public Health Funding

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

RESOLUTION NO. 2023-017
A RESOLUTION OF THE DELAWARE COUNTY COMMISSIONERS
ACCEPTING STATE PUBLIC HEALTH FUNDING

8-7-2023

WHEREAS the Board of Commissioners of the County of Delaware, Indiana is the county executive body and authorized by law to adopt ordinances and resolutions for the administration of Delaware County Government;

WHEREAS the Indiana Legislature has passed Senate Enrolled Act 4-2023 and House Enrolled Act 1001-2023, to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being;

WHEREAS the Board of Commissioners of the County of Delaware, Indiana recognizes the importance of public health to support a healthier community and create a better quality of life for its residents.;

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED by the Board of Commissioners of the County of Delaware, Indiana as follows:

- 1. The Board of Commissioners of the County of Delaware, Indiana supports initiatives that sustain and maintain core public health services at the county level with local input and flexibility to meet the needs of the community.
- 3. The Board of Commissioners of the County of Delaware, Indiana commits to the County's right to self-direct and acknowledges that by opting-in and accepting these funds it retains authority and control of the county health department otherwise afforded to it under state law or code pursuant to Indiana Code 16-20-1-12(i).

RESOLVED this 7 day of August, 2023.

BOARD OF COMMISSIONERS OF THE
COUNTY OF DELAWARE, INDIANA:

By: [Signature] Date: 8-7-23

By: [Signature] Date: 8-7-23

By: [Signature] Date: 8.7.23

Attest: [Signature] Date: 8-7-2023
Name and Title

APPROVING TRUCK LEASE FOR HIGHWAY DEPARTMENT
RESOLUTION NO. 2023-018

Mr. Brooke received a master lease for two dump trucks, two tractors and one mower from the Highway Department. Approving the leases will give the Highway Department the authority to enter into the lease. This is a 10-year lease with a buy out at five years. Mr. Brooke said after the fourth year there is a loan payoff amount.

Commissioner King said by doing the lease, they are able to get more equipment with paying over time.

MOTION: Commissioner King made a motion to approve Resolution 2023-018, Approving Truck Lease for Highway Department.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

Ms. Carrie Dye, Highway Office Manager, will provide signatures at a later date from the leasing company.

8-7-2023

RESOLUTION NO. 2023-018

RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS FOR LEASE MUNICIPAL CAPITAL FINANCE FOR THE LEASE OF VEHICLES FOR THE DELAWARE COUNTY HIGHWAY DEPARTMENT

WHEREAS, the Delaware County Highway Department has a need for additional trucks and other equipment to be used in the delivery of its services to the roads and highways of the County; and

WHEREAS, the Board of Commissioners has determined that the best and most sensible financing option is to enter into a lease with Municipal Capital Finance for the lease of 2 Volvo Trucks, 2 truck beds, 2 Kubota tractors and 2 mowers along with necessary accessories for a period of 10 years.

IT IS THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

SECTION 1. The Board of Commissioners has determined that a true and very real need exists with the acquisition of Equipment described on Exhibit A of the Lease With Option to Purchase Agreement between Delaware County and Municipal Capital Finance.

SECTION 2. The Board of Commissioners of Delaware County has determined that the Agreement in the form and as presented at this meeting are in the bests interest of the County for the acquisition of such equipment.

SECTION 3. The Board of commissioners here approves the entering into the Lease Agreement with Municipal Capital Finance in the form as prepared.

SECTION 4. The President of the Board of Commissioners shall have the authority to sign said lease and related documents, including any Escrow Agreement necessary to complete the transaction.

SECTION 5. This Resolution shall become effective upon its adoption.


PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA ON THIS, THE 7 DAY OF NOVEMBER, 2021.

BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA


Shannon Henry, President


James King, Commissioner


Sherry Riggin, Commissioner

ATTEST: 
Edward Carroll, Auditor
Delaware County, Indiana

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. Jeff Hansard, Chief Adult Probation Officer, provided an update on Judicial Upward Mobility Partnerships (JUMP) Program, IRACS and JDAI. All programs are continuing to thrive.

Ms. Emily Stults, Employment and Education Coordinator, said they have 220 clients at this time and recently had 14 clients who graduated. They are working in collaboration with IVY Tech College.

Mr. John Bush, Adult Probation, talked regarding the future of the programs. Mr. Bush said they have been very successful, they are looking to extend the outreach to other areas such as transportation, long-term care and hospitality.

Mr. Hansard thanked the Commissioners for their support.

Audience applauded the team members for their success and hard efforts.

WEEKLY, MONTHLY AND QUARTERLY REPORTS Weights and Measures Monthly Report

PAYMENT OF CLAIMS

MOTION: Commissioner Riggin made a motion to approve claims in the amount of \$3,077,219.43 and ARP claims in the amount of \$89,462.81.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Mr. Harold King, Ms. Cathy Kirtley and Mr. Tim Niccum, Gaston, Indiana, spoke out regarding solar farms.

Mr. King thanked the Probation Department for what they are doing to help/assist young people in Delaware County.

Mr. King said he hopes that the Commissioners are continuing to follow the nationwide news about solar. More information is coming to light regarding solar farms and the environmental impact. Mr. King is not against solar, however, solar has a place, windmills have a place. Those places are on residential areas, brown areas, but never on farmland.

Ms. Kirtley spoke on behalf of several property owners in the area of Gaston, Indiana. Most of the community is against solar farms and the issue needs to be addressed. "We" are asking the Commissioners to do their research further regarding the farmland that is going to be used for solar. Property values will decline, toxic chemicals contamination will be in the soil and water and flattened drainage accountability. Foreign companies own these energy companies so the income is going out of US and panels are mostly made in China. This is a serious matter and a solid solar ordinance should take place in Delaware County. Other Indiana counties are making sensible decisions to ban industrial solar on productive farmland. No incentive money will replace farmland.

Ms. Patricia Lemon, Gaston, Indiana, lives at Elm Lake, off of 1070 and Angler Club Road. Ms. Lemon asks for assistant regarding the road and bridge in this area. Propane and trash trucks are so big and heavy that the banister of the bridge is falling apart. There is not a fire hydrant within a mile. This is a small non-profit organization, in which the residents Commissioners meeting August 7, 2023

pay for their lake maintenance. The budget is \$3,600 a year which includes gravel, grading and snow removal. Property owners donated gravel from the pit to construct Wheeling Pike. Ms. Lemon asked where they could get help?

The Commissioners said this is private property and Delaware County is unable to do anything on private property.

Mr. Tommy Humbert, Highway Department, said they have received numerous calls regarding this, however, this is private property. There was an emergency regarding the culvert, so the Highway Department loaned them a barrel, as a courtesy only.

Mr. Brooke said they would need to band together, as property owners to figure out a solution. Mr. Brooke said the properties should be reassessed.

Mr. Niccum said the Solar committee was quite lively with good debates and even contentious at times. Voice recording and notes will not get everything properly placed into the report. Mr. Niccum said once the report is complete, perhaps the committee could meet to make sure all was translated according to the meetings.

President Henry said that is the intent.

President Henry asked all to remember the victims and families that were in the July 30, 2023 block party shooting. Also, remember the first responders, EMS, EMA and Sheriff department who responded to the chaotic scene at the location and at the hospital. Thanks to all departments.

RECESS

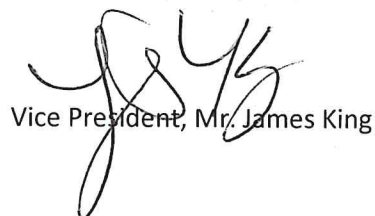
MOTION: Commissioner King made a motion to recess until August 21, 2023.

SECOND: Commissioner Riggini


YEAS: Commissioner King, Commissioner Riggini, President Henry



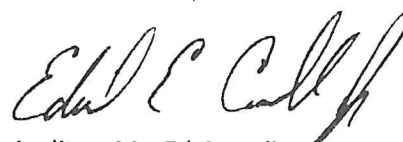
President, Mr. Shannon Henry



Vice President, Mr. James King



Member, Ms. Sherry Riggini



Auditor, Mr. Ed Carroll