

MONDAY, JUNE 17, 2019 @ 9:00 A.M.
COMMISSIONER'S COURTROOM
PUBLIC HEARING
100 W. MAIN STREET
MUNCIE, IN 47305
PLEDGE TO FLAG

ORIGINAL

ROLL CALL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riffin
Mr. John Brooke, Attorney
Mr. Steven G Craycraft, Auditor

PUBLIC HEARING

Mr. John Brooke, Delaware County Attorney, presented nonprofit applications for county owned real property. Applications received for non-profits are 1716 S Liberty, 625 E Wysor Street, 901 E Adams Street, 1300 Blk E Washington Street

Mr. Brad Bookout, Economic Development, said Indiana Finance Authority is interested in assisting an entity to remove tanks and clean up contamination located at 625 E Wysor Street.

Mr. Phil McPherson, St. Lawrence Catholic Church, said the church is interested in clean up and to improve the safety of the neighborhood on the property located at 901 East Adams Street.

Ms. Angie Pool, Cardinal Greenway, said the parcel adjacent to the trail would provide additional green space for the trail, located at 1300 block E Washington Street.

Mr. Brooke said Muncie Mission has interest in a parcel located at 1716 South Liberty Street property. The use for the property would be transitional housing.

No comments from the audience.

MOTION: Commissioner King made a motion to close the Public Hearing.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riffin

[illegible]

MONDAY, JUNE 17, 2019 @ 9:00 A.M.
COMMISSIONER'S COURTROOM
COMMISSIONER MEETING
100 W. MAIN STREET
MUNCIE, IN 47305
PLEDGE TO FLAG

APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve June 3, 2019 minutes.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

CONTRACTS OR AGREEMENTS FOR APPROVAL

INDEPENDENT CONTRACTOR AGREEMENT – CASA

Ms. Ashley Soldatt, CASA Program Director, presented the Independent Contractor agreement.

Mr. Brooke worked with Ms. Soldatt to draft and revise the agreement with Ms. Miles Hill. This is an independent contractor (see below).

MOTION: Commissioner King made a motion to approve CASA Independent Contractor agreement with Ms. Hill.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

ORIGINAL

INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement made and entered into this 17th day of JUNE 2019 by and between the Delaware County CASA Program and the Contract employee, Miles Hill, and approved by Delaware County, Indiana by its Board of County Commissioners.

WHEREAS: The Delaware County CASA Program desires and needs the services of a Miles Hill to serve in the capacity of the Family Recovery Court Child Advocate, in accordance with the United Way Grant that is funding the position, and

WHEREAS: Miles Hill is duly qualified, able and willing to provide said services to the Delaware County CASA Program and the Family Recovery Court,

NOW, THEREFORE, in consideration of mutual covenants and agreements hereinafter contained, the parties heretofore themselves and assigns, have mutually agreed and do agree with each other as follows:

1. The Delaware County CASA Program hereby contracts with Miles Hill to serve as the Family Recovery Court Child Advocate for the Delaware County CASA Program, for the period beginning 1st day of July, 2019, and ending 30th day of June, 2021.
2. Delaware County CASA Program shall furnish Miles Hill with office supplies, equipment, materials, and technology necessary for the efficient performance of the duties and responsibilities as Family Recovery Court Child Advocate.
3. Miles Hill shall devote her time and talents to the best of her ability to the best interest of the Delaware County CASA Program and will devote a minimum of 65 hours during a normal County two week pay period.
4. Miles Hill agrees to provide the Director of the Delaware County CASA Program with bi-weekly timesheets of her time according to the Delaware County Pay Schedule.
5. Delaware County CASA Program shall pay to Miles Hill the total annual sum of \$30,000 for the period 7/1/2019, through 6/30/2020 and the annual sum of \$30,000 for the period 7/1/2020, through 6/30/2021.
6. The parties agree that Miles Hill agrees to accept the annual sum to be paid to her on a bi-weekly basis in equal installments of \$1,153.85 during the course of this Agreement.
7. That the Delaware County CASA Program shall not be financially responsible for payment of any of the following benefits to Miles Hill, including but not limited to: withholding employer share of FICA, Medicare, Social Security, or any other federal or state withholding for income taxes from the payments made to Hill; make federal or state unemployment compensation contributions and public employee's retirement program contributions on Hill's behalf; and the payment of all taxes incurred related to or while performing the Services under this Agreement, including all applicable income taxes; any and all applicable self-employment taxes; insurance coverage for any workplace injury or "workmen's compensation" insurance coverage; eligibility for any Delaware County employment benefits of health insurance, short or long term disability, paid days off, vacation, personal days, sick days or any other benefit set forth in the Delaware County Personnel Handbook.
8. Miles Hill shall not be required to perform her services on any holiday according to the Delaware County Board of Commissioners approved holiday schedule for county employees. Miles Hill shall also be granted the opportunity to have a total of 16 working days annually in which she will still receive her biweekly compensation and allowed not to perform any services for Delaware County CASA Program. Miles Hill shall be allowed to carry over no more than 9 days from one year to the next.

9. Miles Hill understands and agrees that she is will not be entitled to health insurance benefits, or any other county employee benefits.
10. Miles Hill shall be reimbursed at the rate of .38¢ per mile for use of her private car, while performing her duties for the transaction of official CASA business.
11. That either party to this contract may terminate the same in the proper manner prescribed as follows:
 - A. That the Delaware County CASA Program may terminate this Agreement at any time without cause by giving 14 days of notice in writing to Miles Hill of such formal action.
 - B. That either party may terminate this Agreement for cause. In such case the terminating party shall set forth in written notice the specific facts upon which the cause for termination is based, together with the date of termination.
 - C. That Miles Hill may terminate this Agreement at any time without cause by giving 30 days of notice in writing to the Delaware County CASA Program. In such event, Miles Hill shall continue to render her services and shall be paid her compensation up to the date of termination.
12. That this contract may be amended, revised, renewed or extended at any time only by written approval of the Delaware County CASA Program, Miles Hill and the Delaware County Commissioners.

IN WITNESS THEREOF, the parties hereto have set their hands, for the purpose herein expressed.

EFFECTIVE THIS 20th day of May 2019.

Delaware County CASA Program, Director

Contract Employee

Ashley Soldaat

Miles Hill

Delaware County Board of Commissioners

County Auditor

President

ATTEST:

Steven Craycraft

Vice President

Member

FLATLAND RESOURCES – FAIRGROUNDS ADA COMPLIANCE PROJECT

MOTION: Commissioner King made a motion to table Flatland Resources Fairgrounds ADA Compliance project.

President Riggin said this is work that needs to be done at the Delaware County Fairgrounds.

Ms. Angie Moyer, Project Manager was not aware of the project.

Commissioner Henry, Fair Board Member, said he was not aware of the project.

SECOND: Commissioner Henry

Commissioner King asked that someone reach out to Ms. Moyer regarding the project

YEAS: Commissioner Henry, Commissioner King, President Riggin

TAX SALE SERVICES SUPPORT ADDENDUM

Mr. Steven Craycraft, Auditor, said this is an addendum to SRI contract.

Mr. Brooke reviewed the addendum.

MOTION: Commissioner King made a motion to approve the SRI Addendum (see below).

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

TAX SALE SERVICES SUPPORT ADDENDUM

ORIGINAL

As part of and in accordance with that certain SRI Services Master Agreement (the "Agreement") executed by and between SRI, Incorporated ("SRI") and Delaware County, Indiana (the "County"), the County elects to obtain and, upon acceptance hereof, SRI agrees to provide in accordance with the terms of the Agreement and this Addendum, tax sale support services more specifically described as follows:

1. **Description of Services.**

- (a) From various reports, data and information to be provided by the County Auditor and the County Treasurer, SRI will:
 - (i) prepare a list of properties for which taxes and/or special assessments are delinquent;
 - (ii) prepare all notices for mailing, publication and posting as required by statute;
 - (iii) prepare all updated lists as required by statute;
 - (iv) prepare all forms and records as prescribed or approved by the State Board of Accounts;
 - (v) clerk the tax sale and record disposition of all properties offered for sale;
 - (vi) update the tax sale record for all redemptions or deeds issued; and
 - (vii) provide any and all other services as agreed to pursuant to a work plan presented to and approved by the County Auditor and County Treasurer (the "Work Plan")

(b) The County through the County Auditor and County Treasurer, respectively as their duties require, shall provide:

- (i) all necessary information and records as requested by SRI to prepare the required lists;
- (ii) review of all information prepared for accuracy;
- (iii) updates as required by statute and reasonably requested by SRI;
- (iv) filing of all legal documents with the Court as required by statute; and
- (v) all documents, information and assistance as agreed to in the Work

Plan.

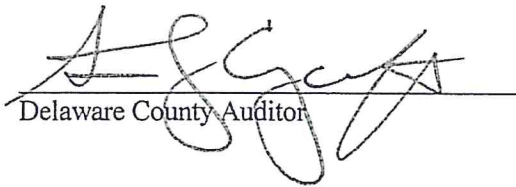
2. **Fees and Expenses.** In consideration for the services provided by SRI pursuant to this Addendum and subject to the terms and conditions of the Agreement, the County agrees to bill each property owner a fee of One Hundred (\$100.00) for each parcel listed on the Certified List as a "cost of sale" as provided in IC § 6-1.1-24-2 (the "Service Fee"). The Service Fee shall be collected by the County on all parcels included on the Certified List and remitted to SRI upon collection and receipt of an invoice for the Service Fees from SRI. The County shall prepare and deliver to SRI a report of all payments made by property owners with respect to properties listed on the Certified List as provided in the Work Plan, beginning on the Effective Date. In addition to collecting the Service Fee, the County shall be responsible for and pay all costs of publication and all postage costs related to the mailing of any notice required by statute.

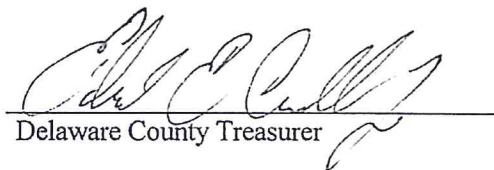
3. **Disclosure of Information.** SRI recognizes and acknowledges that it may have access to certain confidential information of the County and other entities. SRI will not during, or after, the term of the Agreement or this Addendum, disclose any such confidential information to any person or firm, corporation, association, or any other entity for any reason or purpose whatsoever,

unless required by law or upon the prior written consent of the County. In the event of a breach or a threatened breach by SRI of the provisions of this paragraph, the County shall be entitled to an injunction enjoining SRI from disclosing, in whole or in part, such confidential information.

This Addendum is effective June 4, 2019 (the "Effective Date") and supersedes all previous addendums heretofore executed.

Recommended by:

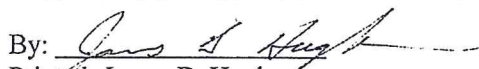

Delaware County Auditor


Delaware County Treasurer

ACCEPTED:

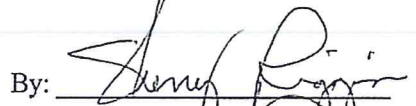
SRI, Incorporated


Delaware County, Indiana
by and through the BOARD OF
COMMISSIONERS

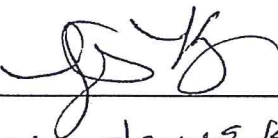
By: 
Printed: James B. Hughes

Its: President

Date: 6/19/2019

By: 
Printed: Sherry Kiffin
Its: Commissioner
Date: 6.17.19

By: 
Printed: SHANNON HENRY
Its: Commissioners
Date: 06-17-2019

By: 
Printed: James Riley
Its: Commission
Date: 0-17-2019

SECOND READING
ORDINANCE AMENDING CHAPTER 8 OF THE DELAWARE COUNTY
CODE OF ORDINANCES REGARDING COPY FEES
ORDINANCE 2019-013

MOTION: Commissioner King made a motion to approve Ordinance 2019-013, Amending Chapter 8 of Delaware County Code of Ordinances Regarding Copy Fees.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

ORIGINAL

ORDINANCE 2019-013

**ORDINANCE AMENDING CHAPTER 8 OF THE DELAWARE COUNTY
CODE OF ORDINANCES REGARDING COPY FEES**

WHEREAS, the Board of Commissioners of Delaware County, Indiana (the "Commissioners") has adopted a policy for imposing fees for copies and other related services provided to users and customers of various County offices; and

WHEREAS, this policy is currently described in Section 1-8-1 of the County's Code of Ordinances and specifies the applicable copy fees for particular County services, offices, and departments; and

WHEREAS, the Commissioners have determined a need to amend the County's existing Code of Ordinances in order to update the County's existing policy regarding copy fees in light of recent amendments to Ind. Code § 36-2-9-18 which will be effective July 1, 2019; and

WHEREAS, the Commissioners hereby desire to amend the Delaware County Code of Ordinances as required by Ind. Code § 36-2-9-18(d) to accurately reflect the updated fees to be collected for each recorded document or legal description of each parcel contained in a recorded document for which the Auditor makes the real property endorsement required by law.

IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA that:

1. Section 1-8-1-C. of the Delaware County Code of Ordinances shall be amended to state as follows:

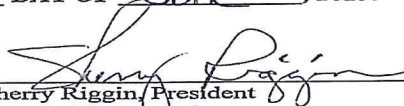
"1-8-1-C. Property Endorsement.


The Auditor of Delaware County may charge a fee in the amount of Ten Dollars (\$10.00) for each deed or legal description of each parcel contained in the deed for which the Auditor makes a real property endorsement. This fee is in addition to any other fee provided by law and the revenue from said fee shall be deposited in the Plat Book Maintenance Account established in § 1-7-22 of the Code of Ordinances."

2. Any and all existing ordinances, orders, and/or resolutions, or any parts thereof, which may be in conflict with this Ordinance, are hereby superseded.

3. This Ordinance shall take effect on July 1, 2019.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS, DELAWARE
COUNTY, INDIANA ON THIS, THE 17 DAY OF June, 2019.


Sherry Riffin, President
Board of Commissioners


Shannon Henry, Member
Board of Commissioners


James King, Member
Board of Commissioners

Attest:


Steven G. Craycraft, Auditor
Delaware County, IN

A RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS MAKING A FINAL
DETERMINATION TO TRANSFER CERTAIN PROPERTIES
NONPROFIT ENTITIES PURSUANT TO IND. CODE 6-1.1-24-6.7
RESOLUTON 2019-023

Mr. Brooke said Resolution 2019-023 is transferring properties to non-profits (per public hearing).

MOTION: Commissioner King made a motion to transfer properties, 901 East Adams, 625 E Wysor, 1300 E Washington Street, and 1716 S Liberty.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

Mr. Brooke will prepare the documents and send to applicants.

ORIGINAL

RESOLUTION NO. 2019-023

**A RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF
COMMISSIONERS MAKING A FINAL DETERMINATION TO TRANSFER CERTAIN
PROPERTIES NONPROFIT ENTITIES PURSUANT TO IND. CODE § 6-1.1-24-6.7**

WHEREAS, Ind. Code § 6-1.1-24-6.7 sets out the procedures the Board of Commissioners may utilize to transfer property to a nonprofit entity; and

WHEREAS, the Board of Commissioners previously adopted Resolution No. 2019-023, which identified multiple properties for which the Board of Commissioners acquired tax deeds and desires to transfer to nonprofit entities for use for the public good; and

WHEREAS, the properties the Board of Commissioners desires to transfer to nonprofit entities for use for the public good are identified in Resolution 2019-023; and

WHEREAS, the Board of Commissioners received written applications from eligible nonprofit entities and, on June 17, 2019, conducted a public hearing to consider all submitted applications and hear any opposition to a proposed transfer of the identified properties; and

WHEREAS, having considered the submitted applications and public comments presented at the public hearing, the Board of Commissioners now desires to make a final determination on the transfers of the identified properties.

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

SECTION 1. Having received and considered the applications from nonprofit entities, copies of which are attached hereto, the Board of Commissioners issue the final determinations described in Exhibit A, attached hereto, regarding proposed transfers to nonprofit entities of the properties identified in Resolution 2019-023.

SECTION 2. The transfer of each identified property shall be completed according to the specific terms and conditions described in the Commissioners' final determination for each individual property.

SECTION 3. If any grantee nonprofit entity fails to comply with the terms and conditions of the Commissioners' final determination, title to the subject property shall revert to Delaware County to be retained or disposed of by the Board of Commissioners.

SECTION 4. The President of the Board of Commissioners is hereby authorized to executed all documents necessary to carry out the terms of this Resolution.

PASSED AND ADOPTED ON THIS, THE 17 DAY OF June, 2019
BY THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS.


DELAWARE COUNTY, INDIANA
BOARD OF COMMISSIONERS


Sherry Riggins, President


Shannon Henry, Commissioner


James King, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

DEPARTMENT HEADS AND ELECTED OFFICIALS

- Ms. Melanie Marshall, Fair Board member, introduced Ms. Abbigail Sprong as the 2019 Fair Queen. Delaware County Fair is July 10-July 20, 2019.
- Mr. Jim Flook, IT Director, said training is taking place on the New World small town project.
- Mr. Brad Bookout, Economic Development, Commissioner King and Commissioner Henry, attended USA Select in Washington, D.C. This is a gathering where States and Regions that are interested in international projects.
- Mr. Bookout said follow-up meetings then took place with all Delaware County Commissioners and Indiana Congressional agencies.
- Commissioner King, Commissioner Henry, Commissioner Riggin, Mr. Paul Singleton, 911 Director and Mr. Jason Rogers, EMS/EMA Director, discussed the ongoing situation between the city and county regarding the city based ambulance service plan. City of Muncie recently purchased three ambulances. No specific plan has been given to Mr. Rogers or Mr. Singleton and this is causing a concern for the citizens of Delaware County. Mr. Singleton is a city and county employee hired by 911 Board. Shortfalls and underfunding take place in EMS/EMS/911 and was not built overnight. This requires a plan and should show costs associated with the plan. The plan should be available for review to the public. County Administration has not been contacted. Delaware County has not been advised if this plan has been approved by the State. City of Muncie is planning to use Center Township as a financial back-up.
- Mr. Brooke said Center Township receipts in 2018 are \$497,500, disbursement \$400,000 for firefighting to the city, and cash balance \$793,000. Mr. Brooke provided a copy of the letter to the Mayor at 911 Board meeting whose comment was "I've already taken care of that". Mr. Brooke has not heard anything from the city attorney and the Commissioners has not heard anything from Mayor Tyler.
- Ms. Heather Ruddick, Tax Sale Clerk, said the next Deed Sale is July 23, 2019 with approximately 200 parcels.

President Riggin asked if Land Banks had made contact with anyone.

Commissioner Henry and Commissioner King both agreed they have no interest giving further parcels to a Land Bank, they want the properties already given to be demolished first. The Land Bank is working with Muncie Redevelopment Commission (MRC).

Mr. Brooke said in 2017 they were promised by Mr. Todd Donati that properties would be demolished/rehab, however after checking every 6 months, they still have not been demolished.

June 17, 2019

- Commissioner King asked an audience attendee associated with League of Woman Voters if they were for or against EMS or Fire based EMS. The observer was not sure, however, will contact the spokesperson. Commissioner King said he had not seen anyone at the city meetings regarding the matter, however, they attended meetings regarding Delaware County Jail and provided their views publically.
- President Riggin presented a proposal to hire a Civil Engineer, with a budget of taking \$40,000 from Stormwater, \$20,000 from Highway, \$20,000 from Bridge and \$10,000 from county general. Pictures were provided regarding the drainage problems in Delaware County. Working with INDOT to get these problems addressed must be done. President Riggin said Ms. Angie Moyer, Project Manager, plate is full. Some of the problems include 30 wood bridges within Delaware County and getting things done in a timely manner, staff just does not have enough time. Ms. Riggin said Dubois County puts in their own bridges, up to 50 ft. span.

Mr. Brooke said it is the obligation of INDOT to start drainage issues that are in their easement or right of way.

Mr. Tom Borchers, Surveyor, said it is tough to get a solid answer from INDOT and it takes a lot of time to get projects/problems corrected.

President Riggin entertained a motion to submit a Civil Engineer to 2020 budget.

Commissioner Henry said there is not enough monies now for Bridge and these areas.

Commissioner King said discussion with Senator's while in Washington, D.C. about ways to come up with more federal funding for bridges and to change regulations. Most engineers working for counties still need consulting firms and architects for bridges. Delaware County have a lot more bridges then most counties. Drainage issues have been going on for many years. EDIT and TIF monies have been used for infrastructure and bridges.

Commission Henry and Commissioner King said they are not interested in paying for these services twice.

President Riggin asked for a motion on part-time for \$40,000 and to work on Stormwater issues.

Ms. Moyer said President Riggin could increase general services and they could go to any/all problem areas.

President Riggin wants a Delaware County Civil Engineer that can be called for immediate help.

PAYMENTS OF CLAIMS

MOTION: Commissioner King made a motion to approve claims in the amount of \$1,051,559.02.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner King, President Riggin

QUESTIONS, PUBLIC COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Mr. Ron Quakenbush, Councilman, said it has been rehabbed by two sets of commissioners. They cannot find a place to relocate the bridge.

Ms. Pool of Cardinal Greenway, thanked the Commissioners for continued support. A historical bridge will be moved to Cardinal Greenway on June 19, 2019.

RECESS

MOTION: Commissioner King made a motion to recess until July 1, 2019.

SECOND: Commissioner Riggin

YEAS: Commissioner Henry, Commissioner King, President Riggin

President, Ms. Sherry Riggin

Vice President, Mr. Shannon Henry

Member, Mr. James King

Auditor, Mr. Steven G Craycraft

June 17, 2019