

**ORIGINAL**

DELAWARE COUNTY COMMISSIONER'S MEETING  
 MONDAY, JULY 17, 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

## APPOINTMENT

MOTION: Commissioner Riggin made a motion to remove Mr. Bryan Smith from the Civic Center Board appointment and add Mr. Scott Alexander to the Civic Center Board. Mr. Smith is a City of Muncie appointment and this was unknown at the time of the vote. This is a two-year appointment for Mr. Alexander starting August 1, 2023.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

## APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve July 3, 2023 Commissioner minutes.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

## PRESENTATIONS

Ms. Melisa Cash, Vice President Retail Health & Employer Services at Indiana University Health, said new enhancements are coming to Delaware County employees, City of Muncie employees and the community. This should take place around December 10, 2023. The new enhancements include urgent care, occupational health, integrated care, enhanced access and sleep study. There is the option to do the sponsored program which would include Urgent Care for \$150, per employee. This is a huge benefit to employees.

All Commissioners agreed to pay the \$150, per employee, to include urgent care.

MOTION: Commissioner King made a motion to approve the \$150, per employee to be able to use Urgent Care.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

*Employer solutions agreement is available through Auditors office*

## CONTRACTS OR AGREEMENTS FOR APPROVAL

Mr. Eric Hoffman, Prosecutor, presented the addendum to the High-Tech Crime Unit (HTCU) Memorandum of agreement. Indiana General Assembly passed a statute to allocate funds to create 10 High-Tech Crime Lab Units through-out the State. The Prosecutors office applied and were awarded \$200,000 to operate and open a unit. In the statute, it stated that Indiana Prosecuting attorneys Council (IPAC) can obtain 5% for administrative expenses. The State decided to return \$30,000 back to each unit. The agreement must be amended, due to this.

Commissioners meeting held July 17, 2023

MOTION: Commissioner King made a motion the addendum to the HTCUC Memorandum of agreement.  
SECOND: Commissioner Riggins  
YEAS: Commissioner King, Commissioner Riggins, President Henry

7-17-2023

**ADDENDUM TO THE  
HTCUC MEMORANDUM OF AGREEMENT**

**ORIGINAL**

WHEREAS the Indiana Prosecuting Attorneys Council (hereafter "the IPAC"), the Delaware County Prosecuting Attorney (hereafter "the Prosecuting Attorney"), and the Delaware County Commissioners (as the fiscal agent), have previously entered into a Memorandum of Agreement for the operation of the Prosecuting Attorney's High Tech Crime Unit; and

WHEREAS, the purpose of the agreement was to provide a monetary grant from the IPAC to the Prosecuting Attorney for the establishment, administration, and maintenance of a high-tech crimes unit (HTCU) as defined by and described in Ind. Code § 33-39-8-7; and

WHEREAS, the agreement established the provision of funding, on a calendar-year basis, not to exceed \$285,000.00; and

WHEREAS, the above-referenced statute allowed the IPAC to allocate not more than five percent (5%) of its appropriated funds to reimburse expenses incurred in the administration of the fund; and

WHEREAS, the IPAC did not allocate the five percent (5%) but also did not incur nearly that amount of expenses in the administration of the fund; and

WHEREAS, the General Assembly did not increase its appropriation into the HTCUC fund for the next fiscal biennium although the units face accelerating operations and rising costs;

NOW THEREFORE, the IPAC and the Prosecuting Attorney do hereby agree that the current Memorandum of Agreement agreed to and signed in November 2021 shall be and is hereby amended as provided here:

*Adding the following language to the end of paragraph II. A.:*

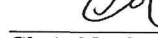
However, the IPAC may, in its discretion, release additional funds to the Prosecuting Attorney from the IPAC's unallocated funds such that the calendar-year basis may exceed the aforementioned limit. Specifically and on this single occasion following execution of this Addendum by all parties during the summer of 2023, the IPAC agrees to provide funding for payroll and other operating expenses in the sum of thirty thousand dollars (\$30,000.00) to the Prosecuting Attorney for the establishment, administration, and maintenance of its HTCUC.

IN WITNESS WHERE OF, the undersigned have duly executed this Addendum.

FOR THE PROSECUTING ATTORNEY  
OF DELAWARE COUNTY

  
Eric M. Hoffman  
Prosecuting Attorney  
Date: 7/17/2023

FOR THE INDIANA PROSECUTING  
ATTORNEYS COUNCIL

  
Chris Naylor  
Executive Director  
Date: JULY 17, 2023

Mr. Jim Flook, IT Director, presented the service agreement for county email encryption. Ten licenses (\$85 each) have been purchased.

Commissioner Riggin said the date on the agreement says the July 22, 2023.

Mr. Flook stated he told Zix Corporation that he would not be able to attend the meeting until July 17, 2023.

MOTION: Commissioner King made a motion to approve service agreement for county email encryption.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

*Mr. Flook will provide the signature from Zix Corporation*

Mr. John Brooke, presented the ABC-DG Subdivision plat located at 300 West and State Road 67 (Dollar General Plat). This was the plat from 2020 that the Commissioners refused to sign.

The case went to trial court, court of appeals and Indiana Supreme Court. Indiana Supreme Court ruled that the Commissioners have an obligation to sign the plat, due to the way the ordinance reads. Mr. Brooke suggested that the ordinance be revised through the Plan Commission, giving the Commissioners discretion as opposed to mandatory. The Supreme Court would not take the appeal so the Commissioners should sign the plat.

The objections from the surrounding neighbors was it went through the plat and did not go through the Plan Commission therefore the neighbors did not have input. The Commissioners took up the argument and did not approve the plat because one of the property owners are only a few feet from where they are putting the Dollar General Store. The project was delayed for over three years. Dollar General still has the intent to place a Dollar General Store in the location. This will need to be reviewed thru the Plan Commissioner, as well, because the local people did not have any say-so. A motion will need to be taken.

MOTION: Commissioner King made a motion to approve the ABC-DG Subdivision plat.

SECOND: Commissioner Riggin

Mr. Brooke said there must be a vote taken.

YEAS: Commissioner King, Commissioner Riggin

NAYES: President Henry

# ABC-DG Subdivision

A part of the Northeast Quarter of Section 1, Township 19 North, Range 9 East  
Salem Township, Delaware County, Indiana

### LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 1, Township 19 North, Range 9 East of the Second Principal Meridian, Salem Township in Delaware County, Indiana, based on an original survey by Brett R. Miller, Indiana Professional Surveyor Number 20300059 of Miller Land Surveying, Inc., Survey No. 19014939, dated July 8, 2019, and being more particularly described as follows:

Commencing a 5/8" steel rebar marking the Northeast corner of said Northeast Quarter; thence South 00 degrees 11 minutes 15 seconds East (Indiana East State Plane Coordinate System, 1983 bearing and basis of bearings to follow), a distance of 727.55 feet along the East line of said Northeast Quarter to the POINT OF BEGINNING of the herein described tract; thence found on the North line of an existing 0.75 acre tract of land as described in Deed Record 1994 Page 4016 in the Office of the Recorder of Delaware County, Indiana, thence South 89 degrees 48 minutes 45 seconds West, a distance of 637.91 feet along said North line and along the North line of an existing 0.792 acre tract of land described in Document Number 2006002468 in the Office of the Recorder of Delaware County, Indiana to a point on the East right-of-way line of State Route 67, said point being referenced by a 5/8" steel rebar found 0.36 feet West and 0.1 feet below grade; thence North 37 degrees 21 minutes 21 seconds East, a distance of 389.17 feet (389.10 feet Deed) along said East right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set flush; thence North 37 degrees 20 minutes 44 seconds East, a distance of 52.80 feet along said East right-of-way line of State Route 67 to the point of curvature of tangent curve, concave to the Northwest, having a radius of 22402.60 feet, said point being referenced by a Right-of-Way Marker found 2.2 feet South and 0.5 feet West; thence Northwesterly along said curve a distance of 143.03 feet, having a central angle minutes 04 seconds East to the point of tangency, said point being referenced by a minutes 45 seconds East a distance of 203.07 feet along a South right-of-way line of said State Route 67 to a point on a West line of an existing 0.166 acre tract of land as described in Deed Record 1996 Pages 304-345, in the Office of the Recorder of Delaware County, Indiana, said point being referenced by a Right-of-Way Marker found 0.5 feet South and 0.8 feet East; thence South 20 degrees 10 minutes 08 seconds East, a distance of 68.73 feet along said West line to a point, said point being referenced by a Right-of-Way Marker found 0.2 feet South and 0.2 feet East; thence South 00 degrees 11 minutes 07 seconds East, a distance of 114.83 feet 0.3 feet South and 0.1 feet West; thence South 16 degrees 16 minutes 23 seconds East, a distance of 102.44 feet along said West line to a point on the East line of said 0.166 acre tract of land; thence North 00 degrees 11 minutes 15 seconds West, a distance of 277.85 feet; thence North 89 degrees 48 minutes 45 seconds East, a distance of 203.07 feet to the Point of Beginning. Containing 4.838 Acres, more or less.

### OWNERS CERTIFICATE

The undersigned owner, Indiana ABC Apprenticeship Trust of the real estate shown and reserved hereon, do hereby certify that they lay off, plat and divide into lots, and dedicate the streets to the public thereof, in accordance with the plat herewith. This subdivision shall be known as ABC-DG Subdivision a subdivision in a part of the Northeast Quarter of Section 1, Township 19 North, Range 9 East in Salem Township, Delaware County Indiana. All setback and utility easements are hereby perpetually established unless hereafter modified or vacated.

Witness My Hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

J.R. Gaylor, President of Associated Builders and Contractors of Indiana/Kentucky Inc. (ABC)

STATE OF INDIANA )  
COUNTY OF ADAMS ) SS:

Before me, a Notary Public in and for said County and State, personally appeared Indiana ABC Apprenticeship Trust, Owners, acknowledge the execution of the foregoing plat and deed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public  
My Commission Expires: \_\_\_\_\_  
Resident of \_\_\_\_\_ County, Indiana

### PLAN COMMISSION

Under authority of the Acts of 1947 enacted by the General Assembly of the State of Indiana and all Acts amendatory thereto, the Delaware-Muncie Metropolitan Plan Commission hereby approves the foregoing plat of ABC-DG Subdivision.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

President \_\_\_\_\_ Secretary \_\_\_\_\_

Duly entered for taxation this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Auditor of Delaware County, Indiana \_\_\_\_\_

Received for record and recorded this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Plat Book \_\_\_\_\_ Page \_\_\_\_\_

Recorder of Delaware County, Indiana \_\_\_\_\_

### COUNTY COMMISSIONERS

This is to certify that the Board of Commissioners of Delaware County, Indiana, hereby approves and accepts the dedication of public lands and public improvements with the foregoing plat of ABC-DG Subdivision

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
President  
\_\_\_\_\_  
Member  
\_\_\_\_\_  
Member

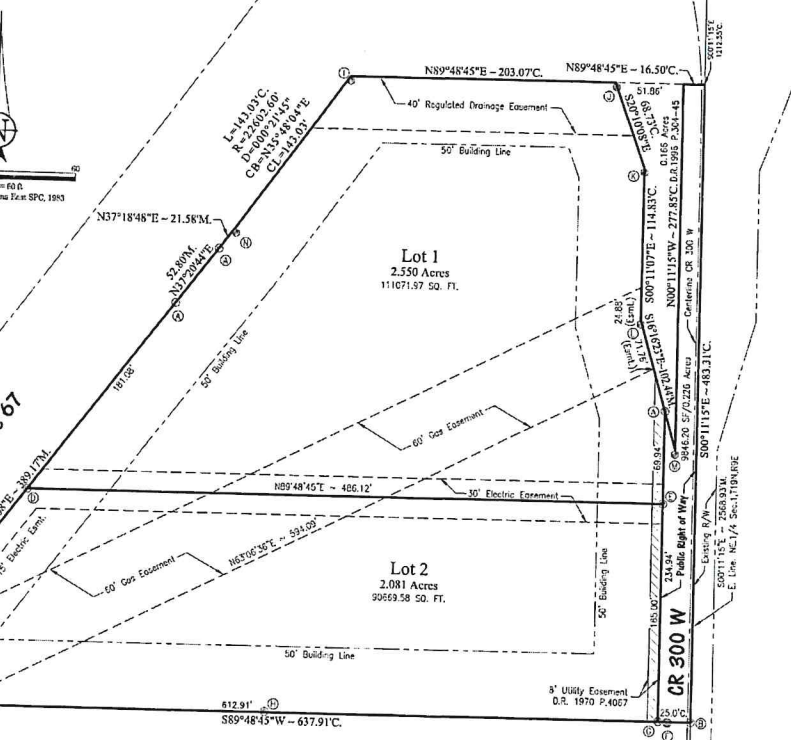
### MONUMENT LEGEND

- A = 5/8"x3/4" Steel Rebar w/ Miller Firm #0095" id. Cap Set (Flush)
- B = Dura Nail w/ Miller" id. Ring Found (Flush)
- C = 5/8" Steel Rebar Found 0.36'W of Actual (Flush/No History)
- D = 5/8" Steel Rebar Found 0.79'S & 4.09'W of Actual (No History)
- E = 5/8" Steel Rebar w/ Miller Firm #0095" id. Cap Found (Flush)
- F = 5/8" Steel Rebar w/ Miller Firm #0095" id. Cap Set (Flush)
- G = 4" Steel Post Found 0.5'S of Line (No History)
- H = 1" Steel Pipe Found 25.10'W of Actual (Flush/No History)
- I = 5/8" Steel Rebar Found 0.49'N & 0.49'E of Actual (40.7'N History)
- J = Right-of-Way Marker Found 0.3'S & 0.3'E of Actual
- K = Right-of-Way Marker Found 0.5'S & 0.8'E of Actual
- L = Right-of-Way Marker Found 0.3'S & 0.1'W of Actual
- M = Right-of-Way Marker Found 0.3'S & 0.1'W of Actual
- N = Right-of-Way Marker Found 2.2'S & 0.5'W of Actual

### CERTIFICATION

I Brett R. Miller certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown herein is true and accurate:  
Dated this 26th day of August, 2020.  
Revised: March 1, 2021

\_\_\_\_\_  
Signed: Brett R. Miller, PS 20300059



Corporate Office  
221 Tower Drive  
Monroe, IN 46772  
Phone: (260) 692-6166

Miller Land Surveying, Inc.  
Brett R. Miller, PS No. LS20300059  
Robert J. Marucci, PS No. LS20400028  
www.mlswebsite.us



Fort Wayne Office  
10060 Bent Creek Blvd.  
Fort Wayne, IN 46825  
Phone: (260) 489-8571

Precision and Professionalism is where we draw the line.

Mr. Brooke presented the addendum to the Delaware County Mental Health contract. In the original contract, the Mental Health facility was going to be a part of the Justice Center. It then was decided that this should be a standalone facility. This center will be located on the Justice Center Campus. This is still within the ARP budget.

MOTION: Commissioner King made a motion to approve the Delaware County Mental Health contract.

SECOND: Commissioner Riffin

YEAS: Commissioner King, Commissioner Riffin, President Henry

Mr. Brooke will provide the signature to the Auditors office

**ORIGINAL**


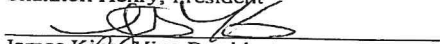
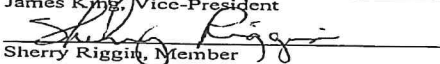
**Amendment No. 1**

The Agreement between Commissioners of Delaware County, Indiana ("County") and Delaware County Justice Partners, LLC ("Service Provider") for the mental health and rehabilitation center ("Project") dated October 11, 2022, is modified as follows:

1. The County has opted to not build out the Project in the existing building; it will be a stand-alone facility on the property.
2. As a result of this change, the original anticipated Project schedule have been adjusted to the following:
 

a. Project kickoff	June 6, 2023
b. Site Options	June 20
c. Site Selection by County	June 30
d. Survey Proposal Received & Services Performed	5 weeks (July 31)
e. Geotech Proposal Received & Services Performed	5 weeks (July 31)
f. 50% Pricing Set	July 31
g. 100% Pricing Set	August 31
h. GMP Approval	September 30
i. 50% CD Set	October 15
j. 100% CD Set	October 31
3. The scoping period described in Paragraph 1 of the Agreement is extended through October 31, 2023.
4. The County's budget for the Project is approximately \$5,000,000.
5. The amount of Service Provider's compensation as described under 2.a of the Agreement is increased by \$90,000 to from \$75,000 to \$165,000.

This Amendment is effective as of June 15, 2023.

**County**  
 Delaware County Commissioners  
  
 Shannon Henry, President  
  
 James King, Vice-President  
  
 Sherry Riffin, Member

**Service Provider**  
 Delaware County Justice Partners, LLC  
 \_\_\_\_\_

Attest:  
  
 Ed Carroll, Auditor

Ms. Sara Hodges, Commissioners Executive Assistant, provided the Liability Insurance for the Fairgrounds.  
 MOTION: Commissioner King made a motion to approve the Delaware County Fair Insurance contract.  
 SECOND: Commissioner Riggin  
 YEAS: Commissioner King, Commissioner Riggin, President Henry

**Premium Summary**

Coverage	Term	Carrier	AM Best Rating	Admitted or Non Admitted	Minimum Earned Premium	Expiring Term Premium	Proposed Term Premium
General Liability	13 Days	Scottsdale Insurance Company	A+	Non-Admitted	100%	\$8,148.75	\$10,096.25
<b>TOTAL ESTIMATED ANNUAL PREMIUM</b>						<b>\$ 8,148.75</b>	<b>\$ 10,096.25</b>

**Terrorism Option:** Due to the Terrorism Risk Insurance Act of 2002, you now have the right to purchase coverage for losses arising out of the Acts of Terrorism, as defined in Section 102 (1) of the act. Under Federal Law you may purchase this terrorism coverage for an additional premium as follows. Please note the additional premium is not included in the above quote. We will require written confirmation at the time of binding if you elect or reject this coverage.

Coverage	Additional Premium
Terrorism	\$480.00

**Binding Requirements:**

- "Client Authorization To Bind" signed by the insured
- Completed and Signed Terrorism Form – This coverage has been declined in the past.

**Payment Terms:**

- Agency Bill – Full Pay

**Note:**

In evaluating your exposure to loss, we have been dependent upon information provided by you. If there are other areas that need to be evaluated prior to binding of coverage, please bring these areas to our attention. Should any of your exposures change after coverage is bound, such as your beginning new operation, hiring employees in new states, buying additional property, etc., please let us know so proper coverage(s) can be discussed.

Higher limits may be available. Please contact us if you would like a quote for higher limits.

This proposal is merely a descriptive summary of coverage provided by the insurance companies being proposed and should be used for reference purposes only; it is not a binder and does not amend or alter the insurance contract. Please refer to the policy contract for specific terms, conditions, limitations, and exclusions.

Proposal date: 07/07/2022 Prepared for Delaware County Board of Commissioners  
 Confidential. © 2021 USI Insurance Services. All rights reserved.



DEPARTMENT HEADS AND ELECTED OFFICIALS

Commissioner Riggin announced that the Delaware County fair is taking place until July 22, 2023. Gaston Indiana fair will take place August 2 through August 5, 2023.

Mr. Steve Foster, Building Superintendent, requested a computer for the carrier system (heating and cooling). Mr. Foster asked the status of the Justice Center funding for a new roof. Mr. Foster said the roof would be around \$275,000.

Mr. Brooke is working on the RFP for the Justice Center roof and this should be finished soon.

Commissioner Riggin said there is a computer that could be used.

*Inaudible response from Mr. Flook*

CLAIMS

MOTION: Commissioner Riggin made a motion to approve ARP claims of \$132,291.73 and claims in the amount of \$1,167,591.36.

SECOND: Commissioner King

YEAS: Commissioner King, Commissioner Riggin, President Henry

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Mr. Rick Yencer, Muncie, Indiana, said he is in hopes that the county will continue paving roads. As Delaware County gets more companies coming to Delaware County and Indiana, local labor and local suppliers should be encouraged.

Mr. Tommy Humbert, Highway Superintendent, said six miles (\$1,000,000) have been paved during 2023. Chip and Seal is taking place and is maintenance to preserve roads. There is a rating system that Mr. Troy Landers, Assistant Supervisor, highway goes by.

President Henry said the road crew is doing a great job.

RECESS


MOTION: Commissioner King made a motion to recess until August 7, 2023.


SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

  
President, Mr. Shannon Henry

  
Vice President, Mr. James King

  
Member, Ms. Sherry Riggin

  
Auditor, Mr. Ed Carroll