

**DELAWARE COUNTY COMMISSIONER'S MEETING
MONDAY, MAY 1, 2017 @ 9:00 A.M.
ROOM 309 A, 100 WEST MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL**

ORIGINAL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggan
Mr. Steven G Craycraft, Deputy Auditor
Mr. Joe Rhett, Attorney

**PUBLIC HEARING
PUBLIC HEARING TO ASSIGN TAX SALE CERTIFICATES TO A NONPROFIT CORPORATION #5
400 BLK. N. MERIDIAN – EATON
400 BLK. N. HIGH – EATON
PUBLIC HEARING**

Mr. Bill Walters, East Central Indiana Regional Planning District (ECI), said there is an interested business that would answer an RFP.

Mr. David Carnes, Attorney, Dennis, Wenger and Abrell, PC, attended the Public Hearing to represent Mr. Donald Blair. Mr. Blair purchased the parcel at 400 Blk. N. High through a tax sale in 2011. At the time of the 2011 tax sale, a building sat partly on Mr. Blair's parcel and partly on the parcel at 400 Blk. N. Meridian; however, the entire building was assessed to Mr. Blair's parcel. Mr. Blair subsequently filed a successful quiet title action seeking ownership of the Meridian parcel due to the incorrect assessment. As of the date of the hearing, Mr. Blair now owns both the High and Meridian parcels. From the time Mr. Blair purchased the High parcel in 2011, no property taxes have been paid. Additionally, no taxes were paid by the former owner or Mr. Blair on the Meridian parcel. Due to the property tax delinquencies, both parcels were offered in the 2016 tax sale; however, neither parcel sold and the Delaware County Board of Commissioners now hold the tax sale certificates.

The Commissioners recently received a request from ECI, an Indiana nonprofit entity, asking the Commissioners to assign both certificates to ECI. Mr. Carnes stated that, if the Commissioners give this to a non-profit, Mr. Blair would be forced to return to court to fight the transfer again. Mr. Blair asks the Commissioners not to assign the property.

Mr. Blair asked that the Commissioners have a Special meeting to discuss the situation. The property was purchased in a Commissioners sale. The attempt was to refurbish and sell the building; the purchase price was \$3000. Mr. Blair discussed the long process and has been fighting five years regarding the property and is now at a disadvantage because he is not a non-profit entity.

Ms. Janet Kesler said the delinquent tax amount is \$55,238.44 as of last year and added that no taxes have been paid since spring of 2011.

Mr. James Carmichael, Delaware County Assessor, said improvements may be assessed to a single parcel despite the fact that the improvement sits on two parcels. The effect of this is that one parcel owner pays taxes on the entire value of the improvement while the other parcel owner is only required to pay taxes on the land itself. In such cases, the owner or prior owner should combine the property because an improvement's assessed value cannot be allocated to two parcels.

Ms. Kesler said these properties are bought by "buyers beware."

Mr. Carnes said now it has allocated parcels. Other buyers have purchased half of a house through the tax sales.

Mr. Brad Bookout asked if Mr. Blair was able to pay the \$55,238.44 in back taxes, Mr. Blair responded that he could not, due to the battles of owning only half the improvement. Mr. Bookout stated that ECI is willing to work with Mr. Blair.

Mr. Joe Rhetts, County Attorney, explained that the only option is to redeem the property by paying any back taxes on the property or object to the issuance of a tax deed once a petition is filed in the Delaware County Circuit Court. Mr. Rhetts asked if there had been any process on the appeal of the assessments. Mr. Blair stated that no appeals had been filed with the Delaware County Auditor's office because he was told the Assessor would not reduce the assessments whether an appeal was filed or not. Mr. Rhetts asked Mr. Blair to confirm that no taxes have been paid since 2011 and that no appeals have been initiated. Mr. Rhetts asked Mr. Blair to state exactly what he was asking the Commissioners to do regarding the delinquent taxes. Mr. Blair responded that he would ask that the Commissioners forgive the existing delinquencies and, going forward, only require Mr. Blair to pay property taxes on the subject parcels beginning with the 2016 pay 2017 assessments which are due May 10, 2017.

MOTION: Commissioner Henry made a motion to close the public hearing.

SECOND: Commissioner Rigglin

MOTION PASSED UNANIMOUSLY

APPLICATION FOR ASSIGNMENT OF TAX SALE CERTIFICATES
TO A NONPROFIT CORPORATION
400 BLK. N. MERIDIAN – EATON
400 BLK. N. HIGH – EATON

MOTION: Commissioner Henry made a motion to approve the application for Assignment of Tax Sale Certificates to a Nonprofit Corporation

SECOND: Commissioner Rigglin

MOTION PASSED UNANIMOUSLY

No document was provided.

APPOINTMENT

Mr. Brad Bookout, Director of Economic Development & Redevelopment, recommended Mr. Jeff Rodeffer as the appointment for CRED.

MOTION: Commissioner Riggan made a motion to appoint Mr. Rodeffer, CRED Board appointment.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

TABLED BUSINESS

GOVERNMENT FIXED ASSETS – MICHAEL NIELSON

MOTION: Commissioner Henry made a motion to remove Government Fixed Assets from the table.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to approve Government Fixed Assets agreement for \$22,500.

SECOND: Commissioner Riggan

Commissioner Henry said after speaking with Mr. Nielson from government Fixes Assets, Mr. Steven Craycraft, Auditor, Mr. Charlie Richmond, Deputy, he believes this is a good thing for Delaware County. Some departments said that a fixed asset report had not been done for over 10 years. Commissioner Henry reviewed the fixed asset data from DeKalb County and said there was good information. The Auditors office will instruct the departments of the procedures of how to help getting the data. This will be a one-time occurrence through the Auditors office. The Auditors office will begin the process in January 2018. An update will be sent to all department heads.

MOTION PASSED UNANIMOUSLY

Government Fixed Assets agreement is located in the Auditors office

**APPLICATION FOR ASSIGNMENT OF TAX SALE CERTIFICATES
TO A NONPROFIT CORPORATION
3700 S. MADISON – MUNCIE, IN
(REMAINS TABLED UNTIL MAY 15 DUE TO PUBLICATION)**

MOTION: Commissioner Henry made a motion to remove the item from the table. This will be on May 15, 2017 agenda.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

BID OPENING FOR COWAN ROAD AND 23RD STREET PROJECT

Ms. Angie Moyer, Project Manager, said bid tabulation was completed and requirements were submitted. Ms. Moyer recommended the lowest bidder, Milestone Contractors. Mr. Aaron Kidder, City of Muncie agrees that the city will pay for 50 % of the project.

MOTION: Commissioner Henry made a motion to remove this from the table.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Riggan made a motion to accept Milestone Contractors, as the lowest bidder for the job at Cowan Road and 23rd Street.

SECOND: Commissioner Henry

MOTION PASSED UNANIMOUSLY

Bid tabulations are available in the Auditors office.

APPROVAL OF MINUTES

MOTION: Commissioner Henry made a motion to approve April 17, 2017 Minutes.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

CONTRACTS OR AGREEMENTS FOR APPROVAL

AMENDMENT #1 TO INTERLOCAL AGREEMENT DATED 3-19-12

ANIMAL CARE & SERVICES AGREEMENT

MOTION: Commissioner Henry made a motion to adopt the amendment to the Animal Care & Services Interlocal agreement, dated March 19, 2012.

SECOND: Commissioner Riggan

President King said the amount on the amended agreement is \$150,000 and was \$120,000.

Commissioner Henry said when he met with the city and after discussion; Henry believes this is a fair amount, due to the amount of animals picked up by the city for the county.

MOTION PASSED UNANIMOUSLY

Signed version has not been returned from City of Muncie.

RESPONSE OF THE COUNTY CONCERNING GRIEVANCES

Mr. Rhett read aloud the response of the county concerning grievances.

MOTION: Commissioner Henry made a motion to approve the response of the grievances.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

Response of the County concerning Grievances **ORIGINAL**

A series of grievances have been filed by the Sheriff's Department Merit Deputies and Court Security Bailiffs (hereinafter referred to as "Merit Deputies") and Jail Correctional Officers (hereinafter referred to as "Jail Unit" and both groups collectively referred to as Employees) concerning various issues as addressed below. The County having met and conferred with the members of the Sheriff's Department Merit Deputies and Court Security Bailiffs only, now make the following report pursuant to Article 11, section 7, step 2 of the Sheriff's Department Merit Deputies and Court Security Bailiffs contract and Article 11, section 11.7, step 3 of the Sheriff's Department Jail Corrections Officers (hereinafter referred to as the "Contracts"):

1. The parties have agreed to waive the technical issues as to notice, deadlines for considering each step of the process and time limits for response from management up to this point. However the parties do not waive the other time limits in the Contracts.
2. The grievances as filed by the Employees are as follows:
 - a. *Grievance Number 1:* *Bargaining Unit: Jail Unit*
 - i. Subject matter-failure to negotiate changes to the longevity pay as per Article 12 of the contract.
 - b. *Grievance Number 2:* *Bargaining Unit: Merit Deputies*
 - i. Subject matter-failure to negotiate changes to the longevity pay as per Article 12 of the contract.
 - c. *Grievance Number 3:* *Bargaining Unit: Merit Deputies*
 - i. Subject matter-failure to negotiate changes to the county's health insurance benefits and plan

d. Grievance Number 4: Bargaining Unit: Merit Deputies


- i. Subject matter-failure to negotiate changes to the health insurance plan for retirees of the department.

e. Grievance Number 5: Bargaining Unit: Merit Deputies

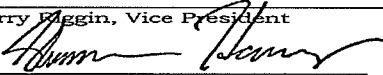
- i. Subject matter-failure to make payment to bargaining unit members for educational incentives that are contained in contracts with the 911 Center employees and Jail Unit.
3. During the course of the discussions and with respect to Grievance Numbers 1 and 2 and with the Union representatives it was determined that all members of both bargaining units that were eligible for longevity pay actually received the appropriate longevity pay.
 4. Therefore the determination of the County is that Grievances Number 1 and 2 are denied as moot.
 5. With respect to Grievance Number 3, the County determines that since the contract was adopted in 2010, the County has made numerous changes to the health insurance benefits and costs without any objection of the bargaining units or their representatives and therefore the issues contained in Grievance Number 3 are waived by the Grievant's past practice and will not be honored by the County. Grievance Number 3 is denied by the County.
 6. With respect to Grievance Number 4, the Union representatives have reported that the retiree members have selected an alternate remedy outside of the collective bargaining grievance process and therefore this grievance is determined to be denied as moot.
 7. With respect to Grievance Number 5, the County has determined that the grievance is within the province of the Sheriff and not the County Commissioners and County Council.

- 8. With regard to Grievance Number 5, it was stated by the union representatives that at no point in the past had the Union asserted the provisions of Article 6, section 4 of the educational incentives in other contracts until the grievance was filed in this matter.
- 9. With regard to Grievance Number 5, it was agreed by all parties that the Sheriff has not made a presentation or request at any time to the County Council for inclusion in either the budget or additional appropriation process.
- 10. With regard to Grievance Number 5, the County has determined that with regard to back pay for additional educational degrees this claim is barred because the grievance was not filed timely as per the contract and/or any such claim has been waived by past practice.
- 11. With regard to Grievance Number 5, the County determines that the grievance is denied.


Dated this 1 day of May 2017.

Board of Commissioners


 James King, President

Sherry Riggin, Vice President


 Shannon Henry, Member

Attest:

 Steven G. Craycraft,
 Delaware County Auditor

AGREEMENT BETWEEN DELAWARE COUNTY INDIANA
 AND SJCA – BR #701 – WATER STREET OVER
 HALFWAY CREEK – REHAB

Ms. Moyer said this agreement is for engineering services, not to exceed \$42,900.
 MOTION: Commissioner Riggin made a motion to approve the agreement with SJCA.
 SECOND: Commissioner Henry
 MOTION PASSED UNANIMOUSLY
The full agreement is located in the Auditors office.

ORIGINAL

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2017, by and between DELAWARE COUNTY INDIANA, acting through its BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as the "LOCAL PUBLIC AGENCY", and

SJCA P.C.
9102 N. Meridian Street, Suite 200
Indianapolis, IN 46260
(317) 566-0629

hereinafter referred to as the "CONSULTANT."

WITNESSETH

WHEREAS, the LOCAL PUBLIC AGENCY desires to contract for engineering services required to prepare contract documents, and an opinion of probable cost, for the project hereinafter described, and,

WHEREAS, THE CONSULTANT has expressed a willingness to prepare said contract documents and opinion of probable cost as desired by the LOCAL PUBLIC AGENCY and to furnish the engineering services in connection therewith;

NOW, THEREFORE, the parties hereto agree that said CONSULTANT shall provide the services and documents, hereinbefore and hereinafter described, in relation to the following described project:

**BRIDGE REHABILITATION
Bridge 701 in the Town of Albany on Water Street over Halfway Creek**

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto mutually covenant and agree as follows:

SECTION I: SERVICES BY CONSULTANT

The services to be provided by the CONSULTANT under this Agreement are as set out in Appendix "A", attached to this Agreement, and made an integral part hereof.

SECTION II: INFORMATION AND SERVICES TO BE FURNISHED BY LOCAL PUBLIC AGENCY

The information and services to be furnished by the LOCAL PUBLIC AGENCY are set out in Appendix "B", attached to this Agreement, and made an integral part hereof.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement.

CONSULTANT

SJCA P.C.

Rajiv K. Huria
Rajiv K. Huria
CEO

DATE: April 25, 2017

LOCAL PUBLIC AGENCY

DELAWARE COUNTY, INDIANA
BOARD OF COUNTY COMMISSIONERS

James King
James King
President

Sherry Riffin
Sherry Riffin
Vice President

Shannon Henry
Shannon Henry
Member

ATTEST:

Steven G. Craycraft
Steven G. Craycraft
County Auditor

DATE: May 1, 2017

ORDINANCES FOR SECOND READING

**AN ORDINANCE ADOPTING THE DELAWARE COUNTY PERSONNEL POLICIES HANDBOOK
ORDINANCE NO. 2017-009**

MOTION: Commissioner Henry made a motion to approve adoption of the Personnel Policies Handbook.

SECOND: Commissioner Riggan

President King asked Mr. Rick Spangler, Human Resource Director, about 911 dispatchers not being able to be a reserved officer for Delaware County. King noted nothing is in the handbook regarding this topic.

Mr. Spangler said he does not have anything saying that they cannot.

President King said back in the 90's, when he was working as a Correctional Officer; an employee could not be a reserve officer.

Mr. Rhett said he and Mr. John Brooke talked briefly about this and their concern was volunteering for the employer that "you" actually work for and how this would affect wages and overtime.

MOTION PASSED UNANIMOUSLY

Personnel Policy Handbook is available in Auditors Office

RESOLUTIONS FOR APPROVAL

**RESOLUTION IDENTIFYING A TAX SALE CERTIFICATE TO BE
ASSIGNED TO A NON-PROFIT CORPORATION #4A
RESOLUTION NO. 2017-017A**

Ms. Kesler said this is the correction for 3700 South Madison. The Public Hearing is May 15, 2017.

MOTION: Commissioner Henry made a motion to approve Resolution 2017-017A, Identifying a Tax Sale Certificate to be Assigned to a Non-Profit Corporation #4A.

SECOND: Commissioner Riggan

MOTION PASSED UNANIMOUSLY

RESOLUTION 2017 017 A

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DELAWARE, INDIANA, IDENTIFYING A TAX SALE CERTIFICATE TO BE ASSIGNED TO A NONPROFIT CORPORATION #4a

WHEREAS, Indiana Code 6-1.1-24-17 sets out the procedures for assigning tax sale certificates to a nonprofit corporation.

WHEREAS, there is a parcel in Delaware County that has been in one or more tax sales and have taxes that are severely delinquent. This parcel will be offered to a nonprofit corporation. The parcel is identified as follows:

18-11-27-176-001-000 3700 S. Madison Tax Sale Certificate: #1810601149 Delinquent Taxes: \$5,501.02

WHEREAS, the Board of Commissioners intends to accept written applications from nonprofit corporations who satisfy the requirements of Indiana Code 6-1.1-24-17 who desire to have the identified tax sale certificate assigned to them.

WHEREAS, the Board of Commissioners hereby sets a public hearing on the 15th day of May, 2017, at 9:00 a.m. in the Delaware County Commissioner's Courtroom, Room 309, 100 West Main Street, Muncie, Indiana 47305 to discuss the assignment of said tax sale certificates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Indiana that:

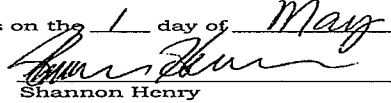
Section One. The Delaware County Board of Commissioners hereby identifies the tax sale certificate that the Board desires to assign to a nonprofit entity. Said tax sale certificate is described above.

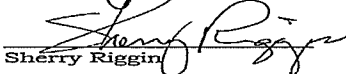
Section Two. The Delaware County Board of Commissioners hereby sets a public hearing on the 15th day of May, 2017, at 9:00 a.m. in the Delaware County Commissioner's Courtroom, Room 309, 100 West Main Street, Muncie, Indiana 47305 to discuss the assignment of said tax sale certificates.

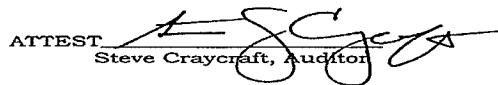
Section Three. The Delaware County Board of Commissioners shall publish a notice regarding the public hearing and will process applications and transfer the parcel in accordance with Indiana Code 6-1.1-24-17.

Passed and adopted by the Commissioners on the 1 day of May, 2017.


James King, President


Shannon Henry


Sherry Riggins

ATTEST 
Steve Craycraft, Auditor

RESOLUTION MAKING A FINAL DETERMINATION OF THE
TAX SALE CERTIFICATES TO BE ASSIGNED TO A
NONPROFIT CORPORATION #5
RESOLUTION NO. 2017-018

MOTION: Commissioner Henry made a motion to approve Resolution 2017-018, Tax Sale Certificates to be Assigned to a Non-profit Corporation #5.

SECOND: President King

YEAS; Commissioner Henry, President King

NAYS: Commissioner Riggins

RESOLUTION 2017-018

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DELAWARE, INDIANA, MAKING A FINAL DETERMINATION OF THE TAX SALE CERTIFICATES TO BE ASSIGNED TO A NONPROFIT CORPORATION #5

WHEREAS, Indiana Code 6-1.1-24-17 sets out the procedures for assigning tax sale certificates to a nonprofit corporation.

WHEREAS, a public hearing was held before the Commissioners pursuant to proper notice published by the Auditor; and

WHEREAS, there is one parcel in Delaware County that have been in one or more tax sales and have taxes that are severely delinquent. This parcel was offered to a nonprofit corporation that filed an application requesting same. The parcel is identified as:

18-03-23-281-005-000-023	400 Blk. N Meridian, Eaton	Certificate #181601456	Del. Taxes: \$ 1,513.66
18-03-23-281-004-000-023	400 Blk. N. High, Eaton	Certificate #181601455	Del. Taxes: \$55,235.44

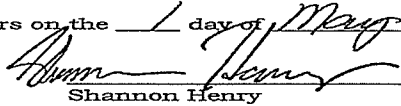
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Indiana that:

Section One. The Delaware County Board of Commissioners is hereby making a final determination of the tax sale certificate that the Board desires to assign to a nonprofit entity. Said tax sale certificate is described above.


Section Two. The Delaware County Board of Commissioners hereby assigns the tax sale certificates described above to the East Central Indiana Regional Planning.

Passed and adopted by the Commissioners on the 1 day of May, 2017.


James King, President


Shannon Henry

Sherry Riggins

ATTEST 
Steve Craycraft, Auditor

RESOLUTION TO TRANSFER REAL ESTATE
TO MUNCIE SANITARY DISTRICT
RESOLUTION NO. 2017-019

Mr. Ed Conaster, F.C. Tucker, said the jury parking lot is two parcels.

MOTION: Commissioner Riggan made a motion to approve Resolution 2017-019, to Transfer Real Estate to Muncie Sanitary District.

SECOND: Commissioner Henry

President King asked if some of the parking spaces had been given to someone having a nearby building.

Mr. Conaster answered no, the lot is clear for Delaware County.

Mr. Rhett recommended giving authority to one of the Commissioners for signatures at closing.

President King will have authority to sign the deed at closing.

MOTION PASSED UNANIMOUSLY

Mr. Bill Smith, President of Muncie Sanitary District, thanked the Commissioners for working with the District.

RESOLUTION NO. 2017-019

BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA

RESOLUTION TO TRANSFER REAL ESTATE TO MUNCIE SANITARY DISTRICT

WHEREAS, the Delaware County Commissioners entered into a Letter of Intent with the Muncie Sanitary District dated March 25, 2016, to exchange parcels of real estate owned by Delaware County (referred to as Parcel 1 and Parcel 1(a)) for Parcel 2 owned by the Muncie Sanitary District, more particularly described as follows:

- 1. **Property Address:** 300 W Washington St., Muncie, In 47305
Tax ID: 18-11-09-481-014.000-003.
Legal: Gilbert Donation Addition S 80' Jury Parking Lot
- 1a. **Property Address:** 211 N Franklin St., Muncie, IN 47305
Tax ID: 18-11-09-481-013.000-003
Legal: Gilbert Donation Addition N 45 ft Jury Parking Lot 8
- 2. **Property Address:** 214 E Washington St., Muncie, In. 47305
Tax ID: 18-11-10-356-011.000-003
Legal: Gilbert Donation Addition Blk 10, Lot 7&8

WHEREAS, the Muncie Sanitary District, has expressed a desire to acquire the aforementioned Parcels 1 and Parcel 1(a) for and as a part of its storm water separation project;

WHEREAS, the Board of Commissioners of Delaware County would benefit from the Parcel 2 because its contiguous to a parking lot already owned by the Board of Commissioners of Delaware County; and,

WHEREAS, the Board of Commissioners of the Muncie Sanitary District have agreed to pass a substantially identical resolution accepting such transfer.

MONTHLY/WEEKLY REPORTS

Weights and Measures March 16, 2017 – April 15, 2017

PAYMENTS OF CLAIMS

MOTION: Commissioner Riffin made a motion to pay claims in the amount of \$1,589,287.50.
SECOND: Commissioner Henry
MOTION PASSED UNANIMOUSLY

QUESTIONS, COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Mr. Rhett said they acquired right of way for Bridge 226, located at CR 419, east over Cardinal Greenway for \$1000 from Ms. Lori Luther.

MOTION: Commissioner Henry made a motion to approve payment of \$1000 for right of way.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

RECESS

MOTION: Commissioner Henry made a motion to recess until May 15, 2017.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

President James King

Vice-President Sherry Riggin

Member Shannon Henry

Auditor Steven G Craycraft