

**COUNTY COMMISSIONERS  
REGULAR SESSION  
August 15, 2022**

The Grant County Board of Commissioners met in regular session on August 15, 2022, at 10:00 a.m. in the Grant County Complex Council Chambers located at 401 South Adams Street, Marion, IN.

In attendance were Commissioners Mike Burton, Steven Wright, and Mark Bardsley. Also present were Auditor Jim McWhirt, County Administrator/HR Director Justin Saathoff, and Financials Deputy Stacey Stevens.

Commissioner Bardsley called the meeting to order at 10:01 a.m. Commissioner Burton led in prayer. Commissioner Wright led the Pledge of Allegiance.

**PREAPPROVED CLAIMS**

August 8, 2022: General: \$229,666.71  
Other: \$18,813.82  
Highway: \$29,597.72  
**TOTAL: \$278,078.25**

Commissioner Burton made a motion to formally ratify the preapproved claim dockets above as presented. Seconded by Commissioner Wright; motion carried 3-0.

**CLAIMS**

August 15, 2022: General: \$29,043.33  
Other: \$80,702.98  
Highway: \$5,812.65  
**TOTAL: \$115,558.96**

Commissioner Wright made a motion to approve the claim dockets above as presented. Seconded by Commissioner Burton; motion carried 3-0.

**PAYROLL**

Payroll #16 carried a gross total of \$539,910.62. Formal preapproval was given on August 2, 2022 and paid out on August 5, 2022.

Commissioner Burton made a motion to formally ratify preapproved payroll #16 above as presented. Seconded by Commissioner Wright; motion carried 3-0.

**MINUTES**

Commissioner Burton made a motion to approve the minutes from January 1, 2022, and January 18, 2022, as presented. Second by Commissioner Bardsley; motion carried 2-1 (abstention by Commissioner Wright).

**Board Updates**

Auditor Jim McWhirt stated the Grant County Council will be in session for budget hearings Wednesday August 17, Thursday August 18, Wednesday August 24, and Thursday August 24, and will hold a public hearing prior to the opening of budgets on Wednesday August 17 regarding the county wheel tax.

### **Receipts of Monthly Reports**

None.

### **IT Report**

IT director Marcus Elliott presented an updated AT & T plan to add an additional voiceover ip system. We had an issue a couple months ago where AT & T's equipment malfunctioned, and we were without internet for 2 days. Our phones are bundled into this as well. We are looking to add this fail over capability, that gives us control. In the event this was to happen again, it would give us the ability to forward certain office numbers to cell phones or other working phone numbers. This way people are still up and running. The additional cost per month on our current AT & T bill is \$157.50. They gave me an agreement, my questions are, do we want to proceed, and do I need to let our attorney look at it? Commissioner Bardsley expressed my first thought is yes, we need to let our attorney look at it, because it was their fault not ours and they want to charge us more money. It would be my intention to have a meeting with our attorney, probably executive session since this could involve litigation. We will talk about litigation if we must. I will say for public record, Mr. Saathoff had a meeting with them, expressing they messed up and we need to be reciprocated in some way and what did they do, they said we will charge you more. Director Elliott stated AT & T is the biggest provider in town along with Spectrum, but Spectrum has some issues. AT & T hasn't been bad, but when it is bad, they are very slow moving. Commissioner Bardsley asked if we have a narrative of a timeline, when it went down, who was contacted, something to say this is what took place, and this is when we found out. Director Elliott expressed he has the emails and his call history. We were supposed to get a replacement router and they called me saying someone would be dropping it off at around 9:00 pm, I came in that night and looked around and couldn't find anything. Commissioner Bardsley asked Marcus to put together the timeline of events so they can meet with the attorney on this. We will review this again before we commit to paying them for something they have messed up. Commissioner Wright asked about other providers in town like Metro net. Marcus expressed he did not know if Metro net would come this far. Commissioner Wright expressed its one of those things where we want to constantly want to look at dollars, so since metro is trying to get into the new area, this might be a good time to look at that, let AT & T know we are looking. This is going to be a second circuit; this is going to cost more do we stay with AT & T, or do we go with another party just for that line? I would do a little research, reach out to some other companies, and see what they have. Marcus stated that is what he will do.

EMA director Bob Jackson gave an update on the damage assessment from the storms on July 23, those continue to roll in on the 211 and the web page. This is helping us a lot on the damage, we calculate it is about 56 square miles of county that received some damage. The state will be looking at this as well, the thought is to look at the state to see if we qualify for any state help like FEMA. There is state assistance out there for grant county if we meet the threshold. It is important we get this back to us businesses included the Small Business Administration is looking at that. We know there were businesses in town that lost stuff because of the power was out for over 30 hours. We are in the process of gathering that data. We have until September 21<sup>st</sup> that's 60 days from the date of the storm. Commissioner Wright asked about the loss of revenue, director Jackson expressed yes, any loss at all, even if it is covered by insurance, the state still wants to know that dollar amount. Loss of revenue, loss of actual product, tree debris that's all the stuff we want to know. We did share this with the Chamber. Director Jackson will also reach out to the Growth Council with this information. Director Jackson also shared the COVID numbers are still on the increase. We will meet with schools on the first Monday in September, we want to make sure we stay in contact with the schools. We know the spread is already up and we will continue to keep a watch on that. Commissioner Bardsley expressed we need to review the CDC's most recent statements and make an update on our policy locally on what we are doing.

### **Highway Report**

Safety Director Tony Smith stated we opened bids for bridge 789, which is 10<sup>th</sup> street two weeks ago. We sent those to the consultant, and they came back with everything checking out ok. We had 2 bids, Milestone was at \$677,956.00 and RL McCoy was at \$684,663.50. Milestone was the low bid and I have a contract that needs signed today if you approve that. Commissioner Bardsley expressed so we have the recommendation to go with Milestone, with the winning bid of \$677,956.00. We have been working on this with the City of Marion for quite some time. Instead of a bridge and a gap and then a sidewalk, we will have one unit. This will help with foot traffic as well as upgrade this bridge, which has needed it for quite some time. Commissioner Wright asked if the city has anything in this bridge, and Director Smith said no, just the utilities. Commissioner Bardsley explained that we cover all the bridges unless they are on a state road or interstate system. We have been working with them so they can tie it into the Cardinal Greenway. Commissioner Wright made a motion to approve the Milestone contract at \$677,956.00. Seconded by Commissioner Burton; motion carried 3-0.

Director Smith expressed they are paving on 450 N to 600 E in Van Buren and will start on state road 9 to 450 N next week.

Director Smith stated bridge 16 on E 00 W north of 600 N has a crack in one of the beams. We have had it partially blocked off for almost a year. We would like to enter into a contract with United, for the design, right of way, utilities, all the engineering. That is for 191,925.00. Commissioner Wright made a motion to accept the engineering fee from United for 191,925.00 on bridge 16. Seconded by Commissioner Burton; motion carried 3-0.

Director Smith does have a set of plans for bridge 789 for Commissioner Wright.

### **OLD BUSINESS**

Duaine Ashcraft, EMS Ambulance bid recommendation-EMS Director Duaine Ashcraft expressed we went through a company called Medix in Elkhart Indiana. The delivery of the chassis will be approximately 400 days, all the specs were met. If they get a Ford chassis, we will get a rebate of about \$3000.00 per vehicle, this still puts the bid well about a million dollars. The bid should be back from the bond bank on the 18<sup>th</sup>. The bid does meet our specs and the only one we were able to get any response from. The lease purchase agreement from Penn, does need to be looked at by Kyle, our attorney. Commissioner Bardsley expressed we won't be able to see the lease agreement or what the financing will be until Thursday, and asked what does that do with the timing? Auditor McWhirt expressed at this point it is not ready to go to the Council until you know what the financing options are. If you are willing to accept the bid, you do so pending financing approval of whatever financing institutes are available to you and Council's approval. Director Ashcraft expressed payment is not expected until the ambulances are completed, and we have 10 days to inspect them and accept it, then payment is made. The bond bank did say most of the lending institutions are very compliant and easy to work with. Commissioner Bardsley expressed we as Commissioner's need to approve the lease agreement, pending our attorney review, financing, and Council approval. Commissioner Wright made a motion to approve the Medix/Penn Care bid agreement in the amount of \$1,042,764.00 which is for 4 complete units pending the attorney review, financing, and Council approval. Seconded by Commissioner Burton; motion carried 3-0.

### **NEW BUSINESS**

1. Carly Snyder, Drug Court-Request for permission to use Courthouse square-Carly Snyder is asking for approval to use the courthouse lawn to hold a candlelight vigil for International Overdose Day on August

31<sup>st</sup>, 2022. They will gather at 8:00 pm and be done by 8:45 pm. Ms. Snyder would also like to have use of electricity if possible. Commissioner Burton made a motion to approve the Drug Court request for the candlelight vigil on August 31<sup>st</sup>. Seconded by Commissioner Wright; motion carried 3-0.

2. Kathy Foy, Recorder-Fidlar Software Agreement Extension-Recorder Kathy Foy is asking to renew the software agreement with Fidlar. This agreement is for 4 years, and the cost comes out of the Recorders perpetuation fund and does not affect the general fund. Commissioner Burton made a motion to approve the 4-year land records extension. Seconded by Commissioner Wright; motion carried 3-0.

3. Commissioner Bardsley expressed we have in our packet the agreement with Eastbrook Community Schools, which we have done for multiple years. There does not seem to be any changes, this would just be a continuation of what we have done before, paying for part of the Sheriff's deputies' salary to utilize services at Eastbrook. Commissioner Burton made a motion to approve the Eastbrook Community School agreement reference the Grant County Sheriff's deputy. Seconded by Commissioner Wright; motion carried 3-0.

4. Rich Taylor, Envoy-proposal of professional services agreement-Rich Taylor, Vice President of business development for Envoy expressed Envoy is a 40-year-old consulting construction management and development company based out of Fishers Indiana. The purpose of this professional service agreement is to assist the county through a strategic process to plan and address facility needs for the county. We want to take you through a planning process for which will be addressed a feasibility to address various facilities the county owns. To develop a plan based upon data on what is the best path forward. After we develop that plan, we will continue to represent the county as a fiduciary unbiased owners' representative to help select various procurement methods, various other consultants, and partners to execute the plan once final development. Mr. Taylor spoke about the history of Envoy. Our compensation is structured to provide the most flexibility for the county. In the early process it will be a time and materials based on a rate and schedule. Once the execution has been identified our fee will then be fixed and it must work within the plan. Although we have talked about a fee in this proposal that's a small percentage of the total project cost. That fee must fit within the plan, so there will be flexibility to adjust as needed based on the way the county proceeds with their facility needs. Commissioner Bardsley expressed we have talked about this process for quite some time, the big wrestle is do we take care of the big footprint and bring everything up to date, do we look at another footprint at which we start focusing on a new jail, or do we talk about a footprint where we are relocating county government all together. That is what you are helping us with, gathering the data, bring things to the table and then be able to wrestle with each of those issues. Mr. Taylor expressed we are your unbiased fiduciary agent; this would preclude us from being construction manager on these projects. We will represent you throughout the process and help to make the best decision. We are anticipating 6 months of study; we will do an initial study then there is a statutory required process to conduct a jail feasibility study that is outlined by state statute. We will assist you through that process as well to make sure you meet all the state statute requirements. Administrative assistant Justin Saathoff expressed the lawyer just finished his review this morning he did not suggest for section 16 to remain in the agreement and there is a fee in section 11 that he did not recommend. Mr. Taylor expressed in section 16 what that does it limits our liability other than what is provided in our insurance to the amount of the fees that we charge, we can make those adjustments, or we can have our 2 attorneys talk and get whatever the county attorney will approve. In section 11 what it does, if we get to the execution phase, our incentives are in line in this contract with the counties is to get to a project that works so where time and materials up to that execution phase, and once execution that is where we earn our fee. If you don't get to an execution of a project, we don't get that fee. The termination is

basically if we get you to execution and you decide not to move forward with the rest of the projects that helps us recoup some of that fee on the end that we would not be compensated for. That equates to basically 3 months' worth of the time and material fee. We would be happy to work through that and strike that. Commissioner Bardsley expressed I believe this is time sensitive enough we need to move forward with this for protection of the county. We need to get something in motion, how do we agree on those two items. Mr. Taylor stated it would be easy to strike the "break-up fee" (the 18,000), that's easy for me to strike. Our attorney added the limited liability. As a professional service provider, we don't hold any of the contracts with the trade contractors that are doing any of the work, and we have provided our liability insurance coverage which equates to exhibit B in the contract. We are going to carry general liability insurance to one million dollars on each occurrence and two million in aggregate and then professional liability insurance of a million dollars per claim and two million dollars in aggregate. An addition umbrella in access liability insurance 5 million each occurrence and 5 million in aggregate. What our attorney did is say that since we are only a professional service provider and we are not holding any of these contracts, we are not actually doing any of the construction work that our liability should be limited to the amount that you guys pay us. That's one that both councils need to talk and get an agreement on. I can strike the \$18,000.00. Commissioner Wright made a motion to accept the consultant agreement from Envoy with the consideration that both attorneys look and make sure they agree with the outcome and let the Commissioners know at that time those changes have been made and if we can move forward that would speed up getting things started and that the President of Commissioners has the authority to sign off on the agreement. Seconded by Commissioner Burton; motion carried 3-0.

Commissioner Bardsley expressed we have been given an update last Friday, and asked HR administrator Justin Saathoff to brief us on CDC. Administrator Saathoff stated the CDC has changed some of their guidance and recommendations to streamline the COVID exposures and policies. The main thing is they are recommending that instead of quarantine if you were exposed to COVID -19 you wear a high-quality mask for 10 days and get tested on day 5. They are no longer recommending that you quarantine for 5 days when exposed. Commissioner Bardsley expressed we have done our best to parallel what the CDC has recommended, this is becoming the new standard, the government and the CDC are saying this is here with us and we are going to have to live with it, lets be as cautious as we can. We have been following their policy and making it our own, I recommend that we alter our policies to be in line with the CDC's recommendations for the county employees. Commissioner Burton made a motion to approve as requested. Seconded by Commissioner Wright; motion carried 3-0.

#### **PUBLIC COMMENTS**

Randy Atkins 8560 S Wheeling Pike, Fairmount expressed as a newly appointed APC member by the County Council I think it is important that I continue to gain as much information as I can about solar. I made a trip to east of Modoc on state road 26 to see an actual industrial solar farm on ag land. There were some concerns that came from what I viewed. Mr. Atkins presented some information and pictures to the Commissioners. Mr. Atkins spoke about what was in the pictures and expressed his concerns. Mr. Atkins was concerned about the intensity the solar panels were stacked, there was not a lot of room between the panels. This is a different lay of land then what Grant County has, this was a more rolling ground, it appears the companies are targeting our flat ground. The other thing I think is different than Grant County is there are more wood lines, those wood lines create a natural barrier to some degree. There is not a lot of wood lines like that in prime farm ground in Grant County that concerns me especially in my area in Jefferson township. In the second picture the ground cover under the panels concerns me greatly, I can testify that Grant County soil is better than this, and our weeds will grow taller than this. I know this is a difficult issue and I think we need to get this right. I can tell you as

a Grant County farmer it would be difficult for me to be an adjoining landowner with the kind of maintenance that's taken place with this particular solar farm.

Wayne Valentine 5620 S 1050 E Upland spoke about an issue with the road in front of his house. Mr. Valentine expressed the road is too narrow and wants county road 1050 S widened. It is difficult for 2 cars to pass there is a ditch on both sides of the road about a foot deep. In the winter I spend most of my time pulling people out of the ditch, because the road is so narrow. When the farmers park their semis on the road it is hard to get around them. Mr. Valentine presented pictures to the Commissioners of how the road looks with vehicles on it. Commissioner Bardsley asked Mr. Valentine if there is an email address, he can use to tie him into a discussion with the Highway department, Mr. Valentine gave his email address. Commissioner Bardsley expressed we will put this enquiry in with the Highway department.

The next Commissioners meeting is September 6<sup>th</sup>, 2022, at 10:00 a.m.

Commissioner Bardsley recessed the meeting at 11:31 a.m.