

**MINUTES**  
**MONTGOMERY COUNTY COMMISSIONER MEETING**  
**MONDAY, MAY 13, 2024**

The Montgomery County Commissioners met in regular session on Monday, May 13, 2024 at 8:00 am at the Montgomery County Government Center, 1580 Constitution Row – Room E109, Crawfordsville, Indiana.

**CALL TO ORDER**

On call of the roll, the members of the Board were shown to be present as follows: President Commissioner John E. Frey; Vice President Commissioner Jim Fulwider and Commissioner Dan Guard.

Also present: County Attorney Dan Taylor; Auditor Mindy Byers; Sheriff Ryan Needham; Building/Zoning Administrator Marc Bonwell; Health Administrator Adrienne Northcutt; CCC Director Sherri Hill; EMA Director Jessica Burgett; Recorder Nancy Cox; Assessor Sherri Bentley; Highway Director Jake Lough; VA Officer Joe Ellis; Assistant County Attorney Tyler Nichols.

**PLEDGE & PRAYER**

Commissioner Frey led the pledge of allegiance and Commissioner Fulwider led the prayer.

**CONSENT AGENDA**

**Approval of Claims:** AP \$1,572,372.24 & 5/3 Payroll \$478,456.10

**Minutes:** April 22, 2024

*Commissioner Fulwider moved to approve the Consent Agenda. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

**PUBLIC HEARING: Petition to Vacate Jackson Street and an Unimproved Alley in Parkersburg, Indiana**

Dwayne L. Scott, Jr. filed a Petition to Vacate Jackson Street and an Unimproved Alley in Parkersburg, Indiana. The adjoining landowners have been duly notified of the Petition and the Notice for today's public hearing.

**Board President John E. Frey Opened the Public Hearing @ 8:03 am.**

Mrs. Godby an adjoining property appeared and stated she had no concerns of the vacation.

**Hearing no further comment, Board President John E. Frey Closed the Public Hearing @ 8:04 am.**

## **OLD BUSINESS**

### **Health Department - Quotes to Purchase New Truck to Pull Preparedness Trailer**

Health Administrator Adrienne Northcutt advised the Board that her department has obtained the following quotes and added that the department will use the current 2009 truck as a trade-in:

D Patrick Truck- 2024 Ford F-250XL - \$48,141.25;

York Automotive Group - 2024 Dodge Ram 2500 - \$48,127.25;

Lafayette Ford Lincoln - 2024 Ford F-250 - \$51,820.

Administrator Northcutt requested approval to purchase the truck from York Automotive Group with the lowest bid.

*Commissioner Fulwider moved to approve the purchase of the 2024 Dodge Ram 2500 Truck for the Health Department. Seconded by Commissioner Guard. 3-0 votes in favor, motion carried.*

## **NEW BUSINESS**

### **Open Proposals - 4.77 acres orchard/timothy/alfalfa mix**

Attorney Taylor opened the one sealed proposal received from Marc Roberts. Mr. Roberts offered \$200 per acre or \$954 annually each year that he can mow the property for 2024 and 2025.

*Commissioner Guard moved to approve the bid submitted by Mr. Roberts. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

### **Pay App #4 - 2022 Taxable Economic Development Revenue Bonds (IAW/CSX Project) –**

Pay App 4 approves bond payment of \$1,314,015.37 to Indiana American Water for the (IAW/CSX)construction and infrastructure for the Tempur Sealy water project.

*Commissioner Frey moved to approve Pay App #4 to Indiana American Water. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

### **Statement of Work - Resilient Strategies, Inc. Proposal for Facilitation of Tabletop Exercise for the Montgomery County LEPC - \$5,495**

EMA Director Jessica Burgett request approval of a proposal received by Resilient Strategies for a tabletop exercise. The proposed services cover the planning, preparation, conduct, and summary of the planned exercise at a fixed cost of \$5,495. They will be using HSEEP (Homeland Security Exercise and Evaluation Program) methodology and will utilize the guidelines to conduct an efficient planning process and ensure the exercise meets their objectives. To meet the objectives discussed for the Montgomery County LEPC, this includes:

Tabletop Exercise; Planning: Combined Concepts and Objectives and Initial Planning Meeting; Mid-Term Planning Meeting; Secure Project Management Web Site. Preparation: Development of Exercise Evaluation Guides; SITMAN Documentation; Facilitator and Evaluator Training, including HSEEP based guidance documentation; Final Planning Meeting  
Conduct: Exercise and Hot Wash Facilitation, Control, and Evaluation Team for the tabletop exercise.

Summary: After Action Meeting & Draft After Action Report/Improvement Plan.  
*Commissioner Fulwider moved to approve the Proposal from Resilient Strategies, Inc. for the Montgomery County LEPC. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

### **INDOT Unofficial Detour Letter of Understanding - US136 4.2 over Raccoon Creek**

Highway Director Jake Lough presented an Unofficial local detour for 136 closure- this will use CR600 S to CR1050 E. This ULD will be able to hold INDOT responsible of any damages while the closure exists. The closure is expected to be closed 14 days.

*Commissioner Guard moved to approve the Unofficial Detour Letter of Understanding as presented. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

### **ORDINANCES**

#### **Final Reading Ordinance 2024-11: Adopting a Policy for Disposal of Lost or Abandoned Personal Property by Sheriff**

Sheriff's Office often comes into possession of lost or abandoned personal property that is unclaimed. The Sheriff has requested the BOC adopt a policy for the disposal of lost or abandoned personal property if the rightful owner cannot be located and/or the property remains unclaimed. The Sheriff requests that in such circumstances the Sheriff be authorized to release the property to its owner or, if the owner cannot be located, then the Sheriff be authorized to dispose of the property as surplus property.

*Commissioner Fulwider moved to approve Ordinance 2024-11. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

#### **Resolution 2024-11 - Resolution Determining Need for Project**

Attorney Taylor explained that the resolution memorializes the Board of Commissioners determination of a need for renovation of the Montgomery County Courthouse and in order for the Board Of Commissioners to move forward with the Project, it intends to approve funding needed for the Project. A

leasing entity is required to own the real estate on which the project will be renovated to be leased to the County and the County is required to have the value of the Property determined by two independent appraisers. The Board Of Commissioners have received one independent appraisal from Sedgwick Valuation Services Division and accepts and ratifies the appraisal. The resolution ratifies and approves the appointment of an additional independent appraiser in order to determine the fair market value of the Property. The resolution authorizes the circulation of proposed petition of taxpayers requesting the lease of the Project.

*Commissioner Fulwider moved to approve Resolution 2014-11 as presented. Commissioner Guard seconded. Motion carried 3-0 votes in favor.*

## **OTHER BUSINESS**

County Administrator Tom Klein requested that the Commissioners suspend the rules and add "Mutual Release Agreement between all Co-defendants" to the agenda.

*Commissioner Guard moved to suspend the rules and add "Mutual Release Agreement between all Co-defendants". Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

## **DEFENDANTS' MUTUAL RELEASE OF ALL CLAIMS –**

Attorney Taylor advised Plaintiffs Darrell Birge and Sandra Birge (the "Plaintiffs") alleged they were damaged as the result of the design and reconstruction of a regulated drain on Plaintiffs' property in Montgomery County, Indiana, as more fully set forth in Plaintiffs' Complaint and subsequently filed Amended Complaint ("the Incident" and/ or "Drain Reconstruction"). To recover for the injuries and damages allegedly sustained to Plaintiffs as a result of the Incident/Drain Reconstruction, Plaintiffs thereafter brought an action in the Circuit Court of Montgomery County, Indiana, captioned as *Darrell Birge and Sandra Birge v. Montgomery County, Indiana, Montgomery County Commissioners, Montgomery County Surveyor, Montgomery County Drainage Board, Town of Linden, Indiana, Joseph L. Miller, Jeff Healy, and Banning Engineering, P.C.*, under Cause No. 54C01-1409-PL-000774 ("the Action").

Plaintiffs and Defendants entered into that Mediation Rule 2.7 Settlement Agreement on March 6, 2024 (the "Mediated Agreement") and the Plaintiffs are contemporaneously executing that Settlement Agreement and Release of All Claims ("Plaintiffs' Release"), each of which are incorporated herein by reference. Pursuant to the Mediated Agreement, and in order to settle the Action and obtain releases from the Plaintiffs in favor of each of the Defendants as referred to in the Mediated

Agreement and as set forth fully in the Plaintiffs' Release, the Plaintiffs shall receive (a) One Hundred Fifty Thousand Dollars (\$150,000.00) from or on behalf of the County, (b) One Hundred Fifty Thousand Dollars (\$150,000.00) from or on behalf of the Town, and (c) One Hundred Thousand Dollars (\$100,000.00) from or on behalf of Banning. *Commissioner Guard moved to approve the Defendants' Mutual Release of all Claims as explained by Attorney Taylor. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

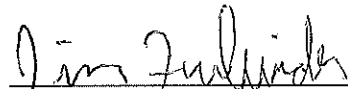
Commissioner Frey introduced David Bottorff, President of the Association of Indiana Counties.

**ADJOURNMENT**

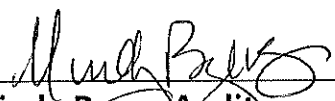
There being no further business before the Board, meeting adjourned. Meeting adjourned @ 8:28 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.  
The next regular meeting will be held on Tuesday, May 28, 2024 @ 8:00 am @ Montgomery County Government Center-Room E-109.

**MONTGOMERY COUNTY BOARD OF COMMISSIONERS:**

  
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Jim Fulwider, Vice President

**Attest:**

  
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Mindy Byers, Auditor