

City of Tipton Common Council meeting held on February 14, 2022, at Tipton City Hall, Council Chambers, Tipton.

Members: Mayor Dolezal, Councilwoman Hufford, Councilmen Ehman, Chandler, Kring and Rippy, and Clerk-Treasurer Clark.

Others: Andi Pumphrey, Mike Bollman, Kegan Schmicker, Dick Klein, Steve Niblick, Bob Edinger, Charles Russell with Arbor Homes, Roberta Heinzmann, Vicky Boyd with Tipton Tribune, Becky Harpe, Riley Schlosser with Arbor Homes, Austin Schile with Arbor Homes, Reschelle Connelly, and Melissa Towne.

Mayor Dolezal opened the February 14, 2022, Council meeting.

Pledge of Allegiance was recited.

Minutes: Councilman Chandler made a motion to approve January 24, 2022, Council minutes without amendment, seconded by Councilman Rippy, with all in favor.

Amend Agenda: None.

BOW: Councilman Kring reported from the February 14, 2022, BOW meeting. Councilman Kring stated we did accept Midwest Paving bid for the Community Crossing Grant.

Cemetery Board: Councilman Rippy commented there were five burials, one cremation, and two lots sold.

Park Board: Councilman Rippy stated the Board met on February 1, 2022; the baseball diamond was discussed. There is an engineering firm looking at rearranging the fields to come up with four fields instead of the three we have now.

Utility Board: Councilman Chandler reported February 7, 2022, Utility Board minutes are enclosed. He also reviewed some items discussed at the meeting.

Tree Committee: Councilwoman Hufford stated the Committee met on February 1, 2022. The Committee determined it was best to meet March thru July, September, and November. She also stated they would like to have enough people to have a conversation. Councilwoman Hufford stated she reached out to Kegan Schmicker to see if he would accept being a part of the Tree Committee. We are seeking one to two more people. Councilman Chandler commented we changed the ordinance for the Tree City USA that the Tree Committee would consist of no fewer than five and no more than seven. Councilwoman Hufford made a motion to accept Kegan Schmicker to the Tree Committee, seconded by Councilman Chandler, with all in favor.

New Business:

COVID Sick Day Policy (Probationary Employees): Mayor Dolezal reported the Public Safety folks asked for this compensation to allow 10 sick days during the probationary period.

Councilman Kring drafted guidelines from the discussion at the last Council meeting. Clerk-Treasurer Clark stated this was for all City employees not just Public Safety. Mayor Dolezal stated correct. She also stated she is not sure if this policy would need to be a Resolution. Mayor Dolezal stated we could approve it as a policy presented and verify with City Attorney Quigley if it needs to be in Resolution form and if there needs to have a length on it. Councilwoman Hufford made a motion to approve the COVID Sick Day Policy (Probationary Employees) as Councilman Kring wrote, seconded by Councilman Rippy, with all in favor. It was stated we will check with Attorney Quigley.

Old Business: Nothing to report.

Mayor's Report: Mayor Dolezal commented we are moving forward with Federal funds and Federal grants, ADA plans, Self-Evaluation, and Transition plans. He also commented that the County had an ADA plan updated in 2018 and we are undertaking that process.

Resolutions & Ordinances:

Ordinance 2021-17 – An Ordinance Of The City Of Tipton, Indiana, Annexing Territory To The City Of Tipton, Placing The Same Within The Corporate Boundaries Thereof, And Making The Same A Part Of The City Of Tipton – Canal Run Voluntary Annexation: Mayor Dolezal stated this is on second and final reading and it is for approximately 130 acres. Councilman Kring made a motion to approve Ordinance 2021-17 on the second and final reading, seconded by Councilman Chandler, with all in favor. Councilwoman Hufford voted against it.

Ordinance 2022-01 – An Ordinance Of The City Of Tipton Providing That The Zoning Ordinance Of The City Of Tipton, Tipton County, Indiana Be Amended By Changing An Established Zone – CTI-PUD-34-21 Arbor Homes Canal Run Planned Unit Development: Mayor Dolezal commented this is on second and final reading. Councilwoman Hufford stated she wanted to read a brief statement. She read the first two paragraphs of the attached statement. Mayor Dolezal asked if the seven violations are noted in that document. Councilwoman Hufford stated no they have been brought up at the Planning and these meetings. Councilman Chandler thanked Councilwoman Hufford for emailing the Council the statement. There was a brief discussion regarding the drainage and other meetings that will be taking place regarding this development. Councilman Kring made a motion to approve Ordinance 2022-01 on the second and final reading, seconded by Councilman Chandler, with all in favor. Councilwoman Hufford voted against it. Mayor Dolezal stated thanks for all the preparation.

Claims: Councilman Rippy made a motion to approve claims 170430-170575 for \$3,399,224.68, seconded by Councilman Ehman, with all in favor. Councilman Kring abstained.

Petitions, Complaints, Comments, and Memorials:

Councilman Chandler commended the Street Dept. on the roads, they were very passable. He appreciates all the hard work.

Ms. Andi Pumphrey, 306 Rosie Street, stated she is concerned about the ordinance being approved on the no parking on the south side of two streets at the Maxey Sub-division. She stated could there be a time zone 7 a.m. to 4 p.m. instead of all day. Mayor Dolezal stated the ordinance hasn't been passed. There was a brief discussion regarding monitoring new developments in sub-divisions, parking issues, Public Safety issues, and removal of snow.

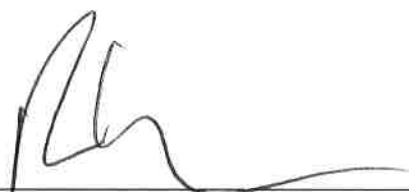
Mr. Bob Edinger asked what happened with the voluntary annexation of the four homes. There were details requested with Utilities. Mayor Dolezal stated there were decisions on whether they could be accommodated, it was set to the side. We need to go back to the homeowners because not all were in favor, we need to see what the homeowners really want. Mr. Edinger stated he was glad to see Councilwoman Hufford come back.

Ms. Roberta Heinzmann thanked the Council for the extra stop signs. She asked Councilman Chandler if they had any idea when the Ready Grant would be released. Councilman Chandler stated Commissioner Powell is our representative, he knows the Utility project is rated number two, there is no indication of how to fund all projects. Ms. Heinzmann asked about the Tree Committee they make decisions on trees, on planting more or taking them down. Councilwoman Hufford stated we focus on the downtown and park areas, such as the Commons a community project, and other areas. She also stated alleyways and shrubs. Heinzmann asked if there is an Arborist trained. Councilwoman Hufford stated William Henderson is and he is on the Tree Committee. She also stated the Committee meets the first Tuesday of every month, it is not extremely long but we narrowed the months down to March – July, September, and November. Ms. Heinzmann asked if Midwest Paving has done any work here. Councilman Rippy stated they had done our last Community Crossing Project. Councilwoman Hufford stated they done Columbia, Green, Kentucky, the Northwest side.

Adjournment: With no further business, Councilman Chandler called for adjournment, seconded by Councilman Rippy, with all in favor.

Submitted by Tamera Clark, Clerk-Treasurer


Tamera L. Clark, Clerk-Treasurer


Council President

February 14, 2022

City Council District 1 – Sophie Hufford

I would like it to be made known, for the record, I am not approving Ordinance No. 2022-01. CTI-PUD-34-21 Arbor Homes Canal Run Planned Unit Development. I want entered into the record I **absolve myself from all liability** because of potential malfeasance on the part of the City Council approving Ordinance No 2022-01. There are seven violations of our current ordinance in Article 6, to my understanding.

I cannot allow future homeowners nor current business to bear the cost nor unpleasantness of their homes or property suffering flood damages, knowing this information was presented prior to the approval of the Ordinance 2022-01/PUD. Arbor Homes has not presented written information as to how they will protect the current tile installed by “Pioneer” nor the existing drainage swale. The concept plan, attached to the Ordinance No. 2022-01, shows homes built on top of both. This concept plan is a part of the ordinance presented to City Council to be approved.

I am of the opinion current ordinances of the Tipton Zoning Ordinance have been ignored.

Indiana Code speaks to Obstruction of mutual drains and watercourses.

Obstruction of mutual drain or watercourse: The concept Plan shows an intentional obstruction of a mutual drain and/or watercourse. Mutual drains are established to drain two or more tracts of land under different ownership.

Ind. Code § 36-9-27-2. A natural surface watercourse is an area of ground surface over which precipitation occasionally and temporarily **flows in a definable direction and channel.**

Ind. Code § 36- 9-27.4-3. A person may file a petition with the county drainage board seeking removal of an obstruction from a mutual drain, natural surface watercourse, or stream located outside the person’s property.

Increased flowage in a watercourse: An upper landowner may construct ditches and channels on his land to carry and drain surface water to an existing watercourse. Glick v. Marion Const. Corp., 331 N.E.2d 26, 31 (Ind. App. 1975). Similarly, a lower landowner may not cause water to back up onto the property of an upper landowner. Gasway v. Lalen, 526 N.E.2d 1199, 1201 (Ind. App. 1988).

The Corteva/Baird Drainage issues should have been satisfactorily resolved in writing prior to the passage of the PUD District Ordinance per Article 606.01 B.