

## Tipton County Council Meeting

8-16 -2022

Present: Jim Ashley, Jim Purvis, Brad Nichols, Jan Smith, Butch Harpel, Mike Terry, Kirk Retherford

The Council meeting was opened by Jim Ashley with the Pledge of Allegiance.

Motion by Jim Purvis to move Plan Commission to first item. Second by Kirk Retherford.

Motion carries

### **Resolution CC2022-20 Additional Appropriation – Plan Commission – Steve Niblick**

#### ADDITIONAL APPROPRIATION RESOLUTION CC2022-20

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>1000 General 0079 Planning Commission</b>		
30011 Litigation/Enforcement	<u>\$25,000.00</u>	
30000 Services & Charges	\$25,000.00	
Total for Fund	\$25,000.00	\$25,000.00

Adopted and dated this 16th day of August, 2022

#### TIPTON COUNTY COUNCIL

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James D. Ashley

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Jim Purvis

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Janice L. Smith

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Michael Terry

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Butch Harpel

\_\_\_\_\_  
Kirk Retherford

Attest:

\_\_\_\_\_  
Brad Nichols

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

Prepared by: Mark R. Regnier

Tipton County Attorney;

MARK R. REGNIER, ATTORNEY AT LAW.

120 S. West Street

Tipton, Indiana 46072

Brad Nichols asked if a firm had been selected, to which Steve Niblick replied, Bose, McKinney, and Evans and stated that David Smith had reviewed the bill.

Jim Ashley opened the Public Hearing. There was no comment.

Motion by Mike Terry to close the public hearing. Second by Jan Smith. Motion carried.

Motion by Jim Purvis to accept Additional Appropriation CC2022-20, in the amount of \$25,000.

Second by Mike Terry. Motion carried.

### **Resolution CC2022-17 Additional Appropriation – Sheriff Inmate Transport**

#### ADDITIONAL APPROPRIATION RESOLUTION CC2022-17

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>1000 General 0005 Sheriff</b>		
22000 Garage & Motor	<u>\$10,000.00</u>	
20000 Supplies	\$10,000.00	
Total for Fund	\$10,000.00	\$10,000.00

Adopted and dated this 16th day of August, 2022

#### TIPTON COUNTY COUNCIL

\_\_\_\_\_  
James D. Ashley

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Jim Purvis

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Janice L. Smith

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Michael Terry

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Butch Harpel

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Kirk Retherford

Attest:

\_\_\_\_\_  
Brad Nichols

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

Prepared by: Mark R. Regnier

Tipton County Attorney;

MARK R. REGNIER, ATTORNEY AT LAW.

120 S. West Street

Tipton, Indiana 46072

Jim Ashley opened the Public Hearing. Nancy Cline stated that inflation has increased costs and we don't want to be late paying bills.

Motion by Jim Purvis to close the public hearing. Second by Jan Smith. Motion carried.

Motion by Brad Nichols to approve Additional Appropriation CC2022-17, in the amount of \$10,000. Second by Jan Smith. Jim Purvis stated that it is not a question of paying or not paying. It is a matter of managing a budget. He stated that he doesn't want to budget for fluff. Motion carried, four to one, with Jim Purvis voting in the negative and Jim Ashley not voting.

#### Resolution CC2022-18 Additional Appropriation – Jail Inmate Meals

#### ADDITIONAL APPROPRIATION RESOLUTION CC2022-18

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>1000 General 0380 Jail</b>		
39001 Prisoner Meals	<u>\$10,000.00</u>	
30000 Services & Charges	\$10,000.00	
Total for Fund	\$10,000.00	\$10,000.00

Adopted and dated this 16th day of August, 2022

TIPTON COUNTY COUNCIL

James D. Ashley

Jim Purvis

Janice L. Smith

Michael Terry

Butch Harpel

Kirk Retherford

Attest:

Brad Nichols

Gregg A. Townsend, Secretary and County Auditor

Prepared by: Mark R. Regnier

Tipton County Attorney;

MARK R. REGNIER, ATTORNEY AT LAW.

120 S. West Street

Tipton, Indiana 46072

Jim Ashley opened the Public Hearing. There was no public comment.

Motion by Jim Purvis to close the public hearing. Second by Mike Terry. Motion carried.

Jim Purvis stated that they are "right on budget." Jim Ashley asked if the fee was changing.

Sheriff Frawley stated that he is charging \$40 per day, and that it is not an option. We must feed the inmates. Brad Nichols and Sheriff Frawley stated that outside vendors have raised their prices; in some cases, prices have doubled.

Motion by Mike Terry to approve Additional Appropriation CC2022-18. Second by Mike Terry.

Motion carried, with Jim Purvis voting in the negative.

**Request to Advertise for a \$25,000 Additional Appropriation in CAGIT SPECIAL LEGISLATION JUSTICE CENTER, Utilities and Transfer \$20,000 From Deputy to Overtime**

Motion by Mike Terry to advertise for a 25,000 additional appropriation for utilities. Second by Jan Smith. Motion carried.

Motion by Brad Nichols to transfer \$20,000 from Deputy to Overtime. Second by Kirk Retherford. Motion carried.

**Resolution CC2022-21 Additional Appropriation – Health Department**

ADDITIONAL APPROPRIATION RESOLUTION CC2022-21

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>1159 Health</b>		
17300 Employee Group Medical	<u>\$52,341.64</u>	
10000 Personal Services	\$52,341.64	
Total for Fund	\$52,341.64	\$52,341.64

Adopted and dated this 16th day of August, 2022

TIPTON COUNTY COUNCIL

\_\_\_\_\_  
James D. Ashley

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Janice L. Smith

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Butch Harpel

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Brad Nichols

Prepared by: Mark R. Regnier

Tipton County Attorney;

MARK R. REGNIER, ATTORNEY AT LAW.

120 S. West Street

Tipton, Indiana 46072

Lindsay Ogden stated that she had checked the ledger and only needed \$36,876.64.

Jim Ashley opened the Public Hearing. There was no public comment.

Motion by Mike Terry to close the public hearing. Second by Jan Smith. Motion carried.

Motion by Brad Nichols to approve additional appropriation CC2022-21, in the amount of \$36,876.64. Second by Jan Smith. Motion carried.

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Jim Purvis

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Michael Terry

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Kirk Retherford

Attest:

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

**Resolution CC2022-19 Additional Appropriation – Commissioners – Earned Employee Benefits**

**ADDITIONAL APPROPRIATION RESOLUTION CC2022-19**

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>1000 General 0068 Commissioners</b>		
17000 Earned Employee Benefits	<u>\$30,000.00</u>	
10000 Personal Services	\$30,000.00	
Total for Fund	\$30,000.00	\$30,000.00

Adopted and dated this 27th day of September, 2022

TIPTON COUNTY COUNCIL

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James D. Ashley

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Janice L. Smith

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Butch Harpel

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Brad Nichols

Prepared by: Mark R. Regnier

\_\_\_\_\_  
Jim Purvis

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Michael Terry

\_\_\_\_\_  
Kirk Retherford

Attest:

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

Tipton County Attorney;  
MARK R. REGNIER, ATTORNEY AT LAW.  
120 S. West Street  
Tipton, Indiana 46072

Jim Ashley opened the Public Hearing. There was no public comment.  
Motion by Mike Terry to close the public hearing. Second by Jan Smith. Motion carried.  
Motion by Jim Purvis to table to the next meeting. Second by Mike Terry. Motion carried..

### **Resolution CC2022-23 Additional Appropriation – Health Insurance Reserve**

#### **ADDITIONAL APPROPRIATION RESOLUTION CC2022-23**

Whereas, It has been determined that it is now necessary to appropriate more money in other funds than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it resolved by the County Council of Tipton County, Tipton, Indiana; that for the expenses of the taxing units listed below; the following sums of money are hereby additionally appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<b>Fund Name:</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
<b>5101 Health Insurance Reserve</b>		
17300 Employee Group Medical	<u>\$550,000.00</u>	
10000 Personal Services	\$550,000.00	
Total for Fund	\$550,000.00	\$550,000.00

Adopted and dated this 16th day of August, 2022

#### **TIPTON COUNTY COUNCIL**

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James D. Ashley

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Jim Purvis

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Janice L. Smith

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Michael Terry

\_\_\_\_\_  
Butch Harpel

\_\_\_\_\_  
Kirk Retherford  
Attest:

\_\_\_\_\_  
Brad Nichols  
Prepared by: Mark R. Regnier  
Tipton County Attorney;  
MARK R. REGNIER, ATTORNEY AT LAW.  
120 S. West Street  
Tipton, Indiana 46072

\_\_\_\_\_  
Gregg A. Townsend, Secretary and County Auditor

Jim Ashley asked Tracey Powell to address the request. There had been \$567,000 appropriated for employee health insurance for 2022. The Commissioners added vision, dental, and increased life insurance and reduced the employee out-of-pocket expense.  
Jim Purvis stated that self-funding is funding, but not fully covering claims and fixed costs.  
Jim Ashley opened the Public Hearing. There was no public comment.  
Motion by Jim Purvis to close the public hearing. Second by Jan Smith. Motion carried.

Motion by Jim Purvis to approve additional appropriation CC2022-23, in the amount of \$550,000.00. Second by Kirk Retherford. Motion carried.

**Resolution CC2022-24 Transfer – Joint Dispatch**

**RESOLUTION # CC2022-24**

**A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.**

**WHEREAS**, it has been determined that it is now necessary to transfer monies from one appropriation category to another or from one personal services line to another;

**NOW THEREFORE, BE IT RESOLVED**, by the Tipton County Council, Tipton, Indiana, the following transfers are allowed:

<u><b>FUND-DEPARTMENT</b></u>	<u><b>FROM</b></u>	<u><b>TO</b></u>	<u><b>AMOUNT</b></u>
	Radio	Maint. Building/Equipment	
Joint Dispatch	1222.44301.000.0000	1222.36200.000.0000	\$4,570.00
TOTAL			\$4,570.00

Approved this 16th day of August, 2022  
**TIPTON COUNTY COUNCIL**

\_\_\_\_\_  
James D. Ashley, President

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Jim Purvis, Vice-President

\_\_\_\_\_  
Jan Smith, member

\_\_\_\_\_  
Michael Terry, member

\_\_\_\_\_  
Kirk Retherford, member

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Butch Harpel, member  
Attest:

\_\_\_\_\_  
Brad Nichols, member  
Prepared by: Mark R. Regnier  
Tipton County Attorney

\_\_\_\_\_  
Gregg A. Townsend, Tipton County Auditor

Motion by Brad Nichols to accept and approve Resolution CC2022-24, transfer, in the amount of \$4,570.00. Second by Jan Smith. Motion carried.

**Commitment Letter to INDOT for the Community Connections Matching Grant Project**

Motion by Mike Terry to approve Jim Ashley to sign a letter of commitment for the County Highway Department. Second by Jan Smith. Motion carried.

**INDOT Parcels 13 and 14 Along US31 North of Loves**

Jim Ankrum stated that if the land were used for a water tower, the tower would be 150 feet tall and there is 300 feet to the edge of pavement at the northeast corner. Tracey Powell checked with INDOT. It is out of their clear way. Jason Henderson stated that there is a utility easement on three sides that could provide access. Brad Nichols stated that he doubted the Federal Highway would allow a water tower, but he stated that Mr. Campbell has stated that he is willing to do a land swap, so he is in favor of it.

**Ordinance CC2022-24 (Number corrected to CC2022-07)**

ORDINANCE #CC 2022-07

**AN ORDINANCE OF THE COUNTY COUNCIL OF TIPTON COUNTY INDIANA  
APPROVING THE ACQUISITION OF INDOT PARCELS 5923- 13 & 14  
AT OR NEAR U.S. 31 AND STATE ROAD 28**

**WHEREAS**, the Indiana Department of Transportation (“INDOT”) is currently the owner of Parcels 5923- 13 & 14 (“INDOT Parcels”) at or near the intersection of U.S. 31 and State Road 28 in Tipton County, Indiana (“County”), which two (2) Parcels are more particularly described on Exhibit A attached; and,

**WHEREAS**, it is the intent of Tipton County, Indiana by and through its Board of County Commissioners (“Commissioners”) to acquire the INDOT Parcels; and,

**WHEREAS**, INDOT has offered the INDOT Parcels to the County for the combined sum of Eleven Thousand Eight Hundred Dollars (\$11,800.00); and,

**WHEREAS**, INDOT will require that a member of the Commissioners have authority to sign all documents necessary to complete the purchase of the INDOT Parcels.

**NOW THEREFORE BE IT ORDAINED** that the Tipton County Council now approves the purchase of the two (2) INDOT Parcels 5923- 13 & 14 and more particularly described on Exhibit A attached hereto, for the total sum of Eleven Thousand Eight Hundred Dollars (\$11,800.00).

**BE IT FURTHER ORDAINED** that the County Council now authorizes Dennis L. Henderson, President of the Tipton County Board of Commissioner, to sign all documents on behalf of the County in order to complete the purchase of the INDOT Parcels described herein.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COUNTY COUNCIL BY:

James D. Ashley, President

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Jim Purvis

\_\_\_\_\_  
Michael Terry

\_\_\_\_\_  
Jan Smith

\_\_\_\_\_  
Kirk Retherford

\_\_\_\_\_  
Butch Harpel

\_\_\_\_\_  
Brad Nichols

ATTEST:

\_\_\_\_\_  
Gregg A. Townsend  
Tipton County Auditor

Prepared by:  
Mark R. Regnier  
Tipton County Attorney  
120 South West St.  
Tipton, Indiana 46072  
765-675-2211  
[markregnieratty@gmail.com](mailto:markregnieratty@gmail.com)

I affirm under the penalties for perjury that I have redacted each social security number in this document, unless required by law. Mark R. Regnier  
Motion by Jim Purvis to approve Ordinance CC2022-08 on first reading. Second by Kirk Retherford. Motion carried.  
Ordinance CC2022-08 was read into the record by County Attorney Mark Regnier.  
Motion by Mike Terry to approve Ordinance CC2022-08, as read by Mark Regnier.  
Second by Jan Smith. Motion carried.

**Ordinance CC2022-08 IMPA Purchase of County Owned Land in Industrial Park ( Number Corrected from CC2022-25 to CC2022-08)**

**ORDINANCE CC-2022-08**

**AN ORDINANCE OF THE TIPTON COUNTY COUNCIL OF TIPTON COUNTY INDIANA APPROVING SALE OF COUNTY REAL ESTATE**

**WHEREAS**, the Board of Commissioners of Tipton County, Indiana (hereafter “COMMISSIONERS”) and the City of Tipton, Indiana (hereafter the “CITY”) did on the \_\_\_\_ day of November, 2020, jointly purchase (City 4/7’s and County (3/7’s) approximately sixty (60) acres of vacant real estate at or near Northgate Industrial Park in Tipton, Indiana, which real estate is more particularly described as shown on the attached legal description, marked as Exhibit A (hereafter the “60 acres”); and,

**WHEREAS**, the COMMISSIONERS, the CITY, and the Indiana Municipal Power Agency (hereafter “IMPA”) have or will all adopt substantially identical resolutions providing for the sale of approximately 7.401 acres of the real estate, which is partially described on Exhibit B attached hereto, through the transfer from the COMMISSIONERS and the CITY of its interest in the 7.401 acres to IMPA for purposes of constructing a solar park; and,

**WHEREAS**, the COMMISSIONERS, the CITY, and the IMPA are all political subdivisions for purposes of purchasing guidelines, and all qualify under Indiana Code (“IC”) Section 36-1-11-8 to transfer the 7.401 acres for any amount of consideration and upon terms agreed to by all; and,

**WHEREAS**, by the adoption identical resolutions, the COMMISSIONERS and the CITY will transfer to IMPA, pursuant to a deed to be recorded in the office of the Recorder, Tipton County, Indiana, approximately 7.401 acres from the sixty (60) acre parcel, with the exact legal description to be provided after survey of the parcel prior to closing on the sale; and,

**WHEREAS**, the COMMISSIONERS previously adopted the language of IC 36-2-2-20 which requires an ordinance of the Tipton County Council (hereafter “Council”) in order to sell or purchase real estate with a value of One Thousand Dollars (\$1,000.00) or more.

**NOW, THEREFORE, BE IT ORDAINED BY THE TIPTON COUNTY COUNCIL:**

Section 1. That the County’s sale of its 3/7 interest in approximately 7.401 acres to IMPA for the construction of a solar park, which 7.401 acres is partially described on Exhibit B attached, for the sum of Twelve Thousand Dollars (\$12,000.00) per acre, minus the County’s prorated portion of the closing expenses, is now hereby approved.

Section 2. The County Council does furthermore authorize County Attorney, Mark R. Regnier to prepare all other documents necessary to complete the sale of the 7.401 acres described herein, including but not limited to a deed of conveyance, and deliver said deed to IMPA at closing in exchange for the County’s pro rata share of the sale proceeds.

Section 3. This ordinance shall be effective from and after passage.  
Passed and Adopted this \_\_\_\_ day of August, 2022.

**TIPTON COUNTY COUNCIL:**



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James D. Ashley, President

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Jim Purvis

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Michael Terry

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Jan Smith

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Kirk Retherford

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Butch Harpel

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Brad Nichols

ATTEST:

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Gregg A. Townsend  
Tipton County Auditor  
Prepared by:

Mark R. Regnier  
Tipton County Attorney  
120 South West Street  
Tipton, Indiana 46072  
[markregnieratty@gmail.com](mailto:markregnieratty@gmail.com)

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Mark R. Regnier

Jim Ashley opened the public hearing for Ordinance CC2022-08. County Attorney stated that all parties to the transaction are political subdivisions of the State of Indiana, and as such, are allowed to negotiate the price, which is \$12,000 per acre.

Motion by Jim Purvis to pass Ordinance CC2022-08 on first reading. Second by Kirk Retherford. Discussion ensued concerning two readings of the ordinance. A vote was called. Motion failed 5 to 1, with Jan Smith voting yea,

Ordinance CC2022-08 was read into the record by County Attorney Mark Regnier.

Motion by Brad Nichols to approve the first reading of Ordinance CC2022-08, as presented. Second by Mike Terry. Motion carried.

### **Minutes for June 21, 2022**

Motion by Jim Purvis to accept the minutes for June 21, 2022. Second by Jan Smith. Motion carried.

### **Minutes for July 19, 2022**

Motion by Jim Purvis to accept the meeting minutes for July 19, 2022. Second by Kirk Retherford. Motion carried.

**Public Comment**

Bob Edinger asked if a water tower is allowed under the US 31 overlay. Jim Purvis responded that the utility easement is broad, so yes, it is.

Motion by Jim Purvis to adjourn the meeting. Second by Jan Smith. Motion carried.

Approved this 15th day of November, 2022

Tipton County Council

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James D. Ashley, President

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Jim Purvis, Vice President

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Kirk Retherford, member

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Brad Nichols, member

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Jan Smith, member

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Butch Harpel, member

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Michael Terry, member

Attest:

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Gregg A. Townsend, Tipton County Auditor  
Secretary to the Tipton County Council