

TIPTON COUNTY BOARD OF COMMISSIONERS' MEETING: MARCH 13, 2023

The Tipton County Board of Commissioners met in Regular Sessions on Monday, March 13, 2023, 9:00 a.m. Those in attendance included, Dennis Henderson, Tracey Powell, Nancy Cline was not present.

The meeting was opened with a word of prayer and the Pledge of Allegiance by Reverend Brown.

Commissioner Powell made a motion to amend the agenda to include Councilman Ashley. Nancy Cline seconded the motion, and the motion carried.

IN THE MATTER OF APPROVAL OF MINUTES:

The Regular Meeting Minutes of February 13, Executive Meeting Minutes of February 13, 2023, and the Regular Meeting Minutes of February 27, 2023, were tabled on a motion made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

IN THE MATTER OF CLAIMS AND REPORTS:

The Payroll and Operating Claims were presented as follows:

Payroll Claims: The Commissioners' Payroll claims in the amount of \$215,275.11, presented for payment on March 17, 2023, were submitted and approved as presented on a motion by Commissioner Powell. The motion was seconded by Commissioner Cline, and the motion carried.

Operating Claims: The Commissioners' Operating claims for payment on March 13, 2023, pre-run #1 \$4,644; Early #1 \$234,022.83; Early #2 \$3,781.24; Early #3 \$307.04; and Regular Docket \$293,836.91. Commissioner Powell requested the claim for Nichols Funeral Home in the sum of \$1500., to be removed from the docket. The Regular Docket claims in the sum of \$292,336.91 were approved by Commissioner Powell, and seconded by Commissioner Cline. The motion carried.

IN THE MATTER OF DEPARTMENT BUSINESS AND REPORTS:

Councilman, Jim Ashley:

The project was awarded in 2022; however, was not completed in 2022. The funds for this project reverted back into EDIT. He stated that appropriations for the matching Grant were not appropriated for 2023 to do this project. The project in total requires a total of \$335,000. He stated that the council approved \$200,000 to come from the EDIT Fund, with the approval of the Commissioners, and \$135,000 to come from the highway department. Commissioner Powell stated that there was no rollback to the EDIT Fund from 2022 as the money for this was utilized from the salt barn account line. Commissioner Powell would like reimbursement for the salt barn from the relinquishment fund 4508. Councilman Ashley stated that the Council was not in the position to negotiate and to be blunt, if the Commissioners chose to move an appropriation in their EDIT Fund that the council would not be required to provide an additional appropriation. He stated that this puts the Council in the position of being a bank teller. Commissioner Cline stated that the original decision by the Commissioners was to refund the EDIT line with the relinquishment fund once those funds came in. There was further discussion between Councilman Ashley and the Commissioners. Commissioner Powell stated his concerns. Attorney, Mark Regnier stated that he has made an amendment to the relinquishment fund ordinance to include the salt barn. This may provide for the movement of funds from the relinquishment fund to the Edit Fund.

Tipton County Highway Engineer:

Highway Engineer, Phil Beer addressed the bids for the 2022-02 CCMG Project. The Commissioners opened the three bids. They are as follows:

Baumgartner Asphalt - \$1,018,621.30

E&B Paving - \$926,046.00

Midwest Paving, LLC - \$967,188.69

Phil Beer asked that he be allowed to take the bids under advisement and report back to the Board. He stated that the state has authorized \$1,000,000., and that the match by the county will be less than expected. Commissioner Powell made the motion to allow Phil Beer to take the bids under advisement. Commissioner Cline seconded the motion, and the motion carried.

Commissioner Cline asked how the BOT Program was coming along. Phil Beer stated that he is waiting on Envoy's proposal and then he will get with Bondry Consultants and the committee to work through the process.

Commissioner Henderson stated that in Bret Morris' highway report that it reflects the removal of trees at 900 West, where there was previously an issue with an accident. Phil stated that they are also working on additional signage at this location.

County Maintenance Superintendent:

County Maintenance Superintendent, Rich Vautaw stated that he has checked on the generator from Omni and that it has been pushed back to September.

He addressed the roofing at the Jail and that he met with a contractor on Friday to address the issue. He stated that the prior contractor related the damage to storm damage and is currently addressing this issue as well as advice from several contractors to repair the roof. There is a leak in one of the skylights which they have repaired. Although PSI was the general contractor, Bowman does not accept the liability of the current roofing issue. Sheriff Tebbe stated that he contact PSI and they contacted Bowman and they related the damage to storm damage. He does not agree. The metal lip on the roofing is bent. Attorney, Mark Regnier requested a push with the company to honor their work and pursue the issue with Bowman. Attorney, Mark Regnier asked Rich Vautaw if the roof was currently leaking. He stated that it is not. Commissioner Cline stated that if it is not storm damage then insurance will not cover it.

Sheriff's Department:

Sheriff Matte Tebbe discussed the bids for the new Sheriff's vehicle and decided to go with the purchase of the 2022 Dodge in the sum of \$39,181.00. Sheriff Tebbe stated that the department has the funds in their department to go ahead and pay for the vehicle. Commissioner Powell made a motion to allow the Sheriff's department to purchase the 2022 Dodge as stated above. Commissioner Cline seconded the motion, and the motion carried.

Sheriff Tebbe is also going to pay off a loan on the 2021 vehicle with Encompass with funds from their budget.

The Sheriff's department has hired a new jail commander. He interviewed four different individuals and feels the new commander is very knowledgeable and is starting on Monday.

He has also replaced the jail commander with someone internally.

Treasurer's Report:

Gregg Townsend submitted his monthly report for the Commissioner's review.

NEW BUSINESS

The Commissioners opened and read the mowing bids. Auditor Pickering was asked to enter the mowing bids in a spreadsheet for the department to review. The mowing bids are as follows:

NAME	LOCATION	LAWN MAINT	FERTILIZATION	FALL CLEAN UP	TOTAL
Cage Company	Tipton Co Jail	\$375.00			\$375.00
Cage Company	Tipton Highway Garage	\$65-26 AVG=\$1690.00	4X\$121.98=\$487.92	\$250.00	\$2,427.92
Cage Company	Courthouse	\$125-26 AVE=\$3250.00	4X\$102.72=\$410.88	\$650.00	\$4,310.88
Cage Company	New Jail	\$375-26 AVE=\$9750.00	4X\$1717.35=\$6869.40	\$750.00	\$17,369.40
Cage Company	Dr.Park	\$185-26 AVE=\$4810.00	4X\$372.36=\$1489.44	\$650.00	\$6,949.44
Cage Company	Old Jail	\$85-26 AVE=\$2210.00	4X\$92.02=\$368.08	\$250.00	\$2,828.08
					Total \$34,260.72
Envy Turf	Tipton Co Jail	\$550-28 AVE=\$15,400.00	30X135.00=\$4050.00		\$19,450 DISCOUNT -\$972.50
					NEW TOTAL \$18,477.50
Larry's Lawnmowing	Tipton Highway Garage	\$75 per Mow	INCLUDED		Spoke with Larry \$75 per mow/fertizer
Larry's Lawnmowing	Old Jail	\$75 per Mow	INCLUDED		Spoke with Larry \$75 per mow/fertizer
Lawn Tech	Dr. Park	\$140 per mow or \$3640 Annually	NOT INCLUDED	INCLUDED	\$3,640.00
Lawn Tech	Tipton Co Jail	\$600 per mow or \$15,650 Annually	NOT INCLUDED	INCLUDED	\$15,650.00
					Total \$19,290.00
William Louthen	Old Jail	\$70.00			
William Louthen	Courthouse	\$70.00			
					Total \$140.00
Pro-Turf	Old Jail	26 AVE=\$2210	4X\$86=\$344.00	\$250.00	\$2,804.00
Pro-Turf	Tipton Highway Garage	26 AVE=\$1690	4X\$114=\$456.00	\$250.00	\$2,396.00
Pro-Turf	Courthouse	26 AVE=\$3250	4X\$96=\$384.00	\$650.00	\$4,284.00
Pro-Turf	Dr.Park	26 AVE=\$4810	4X\$348=\$1392.00	\$650.00	\$6,852.00
Pro-Turf	New Jail	26 Ave=\$9750	4X\$1605=\$6420.00	\$750.00	\$16,920.00
					TOTAL \$33,256.00

Quote for Horton's Spring Flower Planters:

The Commissioners have funding in their Edit Fund 41048, courthouse renovation. This is where the planting have come from in the past. Commissioner Cline stated that this should come out of the same fund as the mowing. Commissioner Cline made a motion to table the quote for Horton's bid for the courthouse flowers. Commissioner Powell seconded the motion, and the motion carried. Auditor Pickering will check on the account line where the mowing and the flowers have come from in the past.

Progressive Auto Claim:

Tabled – per Attorney, Mark Regnier, this is being resolved and no action by the Commissioners is required.

Old Jail Utilities:

Auditor Pickering wanted to know if there was a need to keep utilities on at the old Jail since we are still paying for this. It was stated that there is still a cooler in the old building and this utility is required at this facility. This cooler is for overflow. The utilities will be left on and we will continue paying for this.

OLD BUSINESS:

Attorney Comments:

Attorney, Mark Regnier did the reading of the Resolution BOC 2023-03, Excess Surplus. A list of items for disposal is attached to the resolution. The resolution is as follows:

BOC RESOLUTION 2023-3

RESOLUTION OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA DESIGNATING CERTAIN TANGIBLE PROPERTY AS SURPLUS PROPERTY FOR PURPOSES OF DISPOSAL

WHEREAS, Indiana Code ("IC") Section 5-22-22-1 and its subparts, provide for the disposition of tangible surplus property by the county executive under certain conditions; and,

WHEREAS, the Board of Commissioners of Tipton County, Indiana (hereafter "Commissioners") have determined that certain items of tangible personal property have no value, or a combined value of less than Five Thousand Dollars (\$5,000.00); and,

WHEREAS, the Commissioners have determined that the list of tangible personal property attached hereto and marked as Exhibit A, is surplus property with an aggregate value of less than Five Thousand Dollars (\$5,000.00); and,

WHEREAS, IC Section 5-22-22-6 provides for sale or transfer of property with a value of less than Five Thousand Dollars (\$5,000.00), and IC 5-22-22-8 provides that property is worthless if the costs of sale and transportation exceed the value of the property; and,

WHEREAS, the Commissioners have determined that the costs of advertising, sale, and transportation of the property listed on Exhibit A, exceeds the value of the property itself, and is therefore not financially practical to conduct an auction or public sale of said property, or employ a licensed auctioneer to dispose of the property.

NOW THEREFORE BE IT RESOLVED:

Section 1. That the property listed on Exhibit A, attached hereto, is determined to be surplus property, having an aggregate value of less than \$5,000.00, and that the Tipton County Auditor is now authorized to dispose of and or transfer such property for little or no consideration to whomever the Auditor determines can best use said property.

Section 2. This Resolution is effective upon its passage.

BE IT SO RESOLVED THIS _____ DAY OF MARCH, 2023.

TIPTON COUNTY BOARD OF COMMISSIONERS BY:

Dennis Henderson
President

Tracey Powell
Vice President

Nancy Cline
Board Member

ATTEST:

Melissa D. Pickering,
Tipton County Auditor

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

I have taken reasonable care to redact each social security number in this document, unless required by law. Mark R. Regnier

Auditor's Office Tangible Surplus Property

In keeping with the Resolution for Surplus Property, I have at the discretion of the County Attorney, offered said surplus property to other county offices to be utilized in their county office and were not claimed are listed as follows:

File Cabinets (Dented, marked up and or damaged)	Qty 5
Old Chairs (Missing arms, broken springs, worn out)	Qty 6
Old outdated, non-working printers	Qty 2
Plastic bins, paper trays	Qty 6
Old pull blinds, worn and dirty	Qty 3
Old, outdated copier stockpiled from Plan Commission	Qty 1
Desks	Qty 4
Old, dirty binders	Qty 10
Old wood cabinet (not antique) plywood based	Qty 1
Old Table	Qty 1
White laminate small cabinet	Qty 1
Old used ink cartridges	Multiple boxes
Old, outdated scanners and printers (yellowed aged)	Qty 4
Old microfilm screens discarded by Recorder's Office	Qty 2
Box misc. items, old toaster, pencil holder, basket	1 Box
Old pencil sharpener	Qty 1
Old Dirty Rugs	Qty 2

Most items herein were discarded by other offices prior to being stored in said records room and were not claimed as usable by any other county offices prior to this Resolution for Surplus items. The research room is, therefore, being cleaned out to allow researchers adequate accessibility to search Auditor's records books without danger or trip hazards.

Melissa D. Pickering, Auditor of Tipton County

Commissioner Cline made a motion to approve Resolution, 2022-3, Property as Surplus. Commissioner Powell seconded the motion, and the motion carried.

Attorney, Mark Regnier revised Ordinance 2023-05, Old SR 28, Non-Reverting Fund to include the salt barn. This replaced 2022-14. Commissioner Cline requested a change in the language, but not limited to, and have this omitted from the ordinance. That language being changed, Attorney, Mark Regnier requested a motion to adopt the updated ordinance 2023-05. Commissioner Cline asked if this also includes 550 and 560. Attorney Regnier stated that county roads 550 and 560 is not currently included in this amendment to the ordinance below. The funds to maintenance county roads 550 and 560 will need to come from another source.

Commissioner Powell made a motion to approve Ordinance 2023-05, on the first reading with the change as requested. Seconded by Commissioner Cline. The motion carried.

Commissioner Powell made a motion to suspend the rules regarding the second reading and approve the second reading. The motion was seconded by Commissioner Cline, and the motion carried.

Commissioner Powell made a motion to adopt Ordinance 2023-05 with changes as stated above. The motion was seconded by Commissioner Cline, and the motion carried.

ORDINANCE BOC 2023-05

AN ORDINANCE OF THE COMMISSIONERS OF TIPTON COUNTY, INDIANA AMENDING
ORDINANCE BOC 2022-06 AND BOC 2022-14 ESTABLISHING A NON-REVERTING FUND TO BE USED BY
THE TIPTON COUNTY HIGHWAY DEPARTMENT FOR ROAD MAINTENANCE
OF OLD STATE ROAD 28 AND TRUCK ROUTE

WHEREAS, Tipton County, Indiana ("the County"), may, pursuant to Indiana Code Section 36-1-3 (Home Rule), enact ordinances for the effective governance of its departments; and

WHEREAS, in the fall of 2022, the County took over maintenance (except ice treatment and snow plowing) of a portion of Indiana State Road 28 in Tipton County, Indiana, that runs between County Road 300 West and County Road 560 West, and to upgrade and maintain Division Road that runs between the U.S. 31 and Indiana State Road 19, as a truck route ("Truck Route"), and in return, the Indiana Department of Transportation ("INDOT") shall pay the County, the sum of Four Million Four Hundred Forty-one Thousand One Hundred Twenty-five Dollars (\$4,441,125.00), to offset the County's cost of future maintenance of said roadways; and,

WHEREAS, the Board of Commissioners of Tipton County ("Commissioners") desire to establish a non-reverting fund for the deposit of the INDOT relinquishment money and other funds, which shall be used by the Tipton County Highway Department ("County Highway"), solely for the purpose of maintaining Old State Road 28 and the Truck Route, and to reimburse any prior expenditures made in contemplation of the INDOT relinquishment, including reimbursement for construction of a salt barn at the County Highway Garage; and,

WHEREAS, the funds shall be designated as the County Highway Non-Reverting Fund (or the "Fund"); and

WHEREAS, deposits in the Fund shall consist of money received from the INDOT relinquishment of State Road 28, permit fees, donations, fines, reimbursement of insurance proceeds from damaged roads and other infrastructure, including but not limited to signs and guardrails, reimbursement from the sale or disposal of surplus County Highway property, and miscellaneous receipts to be held and expended for operations of the County Highway associated only with the maintenance of Old State Road 28 and the Truck Route; and,

WHEREAS, money in the Fund shall not revert to the County general fund nor any other fund at the end of each year but shall instead be held over in the Fund from year to year.

NOW THEREFORE, BE IT ORDAINED AND ADOPTED BY THE TIPTON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

1. There is established a non-reverting fund to be utilized by the Tipton County Highway Department (the "Fund").
2. The County may deposit into the Fund, monies received from the INDOT relinquishment, and may deposit other funds such as permit fees, donations, fines, reimbursement of insurance proceeds from damage to county machinery and infrastructure, reimbursement from the sale or disposition of surplus County Highway property, and other miscellaneous receipts.
3. The monies in the Fund shall not revert each year to the county general fund nor any other fund but shall instead be kept in the Fund from year to year.
4. The Fund may only be used by the County Highway for reimbursement of costs for construction of a salt barn at the County Highway Garage which was done in anticipation of the INDOT relinquishment; to maintain that portion of Division Road which has or will be designated as a Truck Route from U.S. 31 to State Road 19, and to maintain that portion of what was formerly known as Indiana State Road 28, now Old State Road 28 which runs from County Road 300 West to County Road 560 West, and which will, hereafter be maintained by Tipton County; and,
5. Claims may be made from the Fund by the County Engineer or the Count Highway Superintendent.
6. Any part of Ordinance BOC 2022-06 or BOC 2022-14 inconsistent with this Ordinance shall be null and void.
7. This Ordinance shall become effective upon adoption by the Board of Commissioners.

Passed and adopted this _____ day of _____, 2023.

Tipton County Board of Commissioners by:

Dennis L. Henderson, President

Tracey Powell, Vice President

Nancy E. Cline, Member

Attest:

Melissa Pickering
Tipton County Auditor

Prepared by:

Mark R. Regnier #13757-80
Attorney at Law
120 South West St.
Tipton, Indiana 46072
765-675-2211
markregnieratty@gmail.com

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

Resolution 2023-06- Regarding Tattoo and body Piercings:

Attorney, Mark Regnier tabled this Resolution until the next regular BOC Meeting. Motion to table BOC Ordinance 2023-06 until next meeting was made by Commissioner Cline. The motion was seconded by Commissioner Powell, and the motion carried.

Contracts for TK Elevator and American Elevator:

Attorney Regnier discussed the two elevator contracts currently in effect. American Elevator repaired the elevator and provided a warranty until September of 2023. The Board needs to address the two contracts to make a decision regarding which contract the county should proceed with. The Commissioners would like for Attorney Regnier to determine the cost of terminating the contract with TK and provides updates at the next regular BOC Meeting. TK Elevator was to suspend the contract for a term. Mark will follow-up and report at the next meeting.

Commissioner Powell:

Commissioner Powell discussed the USDA and the RFP for a company to come in to determine the cost of a company to come in and bid supplying broadband for the rural community. Tracey Powell would like for Abbie Smith to be involved in the process or rural broadband and an RFP. Tracey Powell made a motion, seconded by Nancy Cline. The motion carried.

Commissioner Cline:

Commissioner Cline met with the ambulance service for this year. They want to get started now. She also met with the Fair Board and addressed concerns and the BOT Project. They discussed the potential of a marketing manager at the Fairground Board. Rich Vautaw is addressing repairs at the Fairgrounds as well. April 3rd, the Fair Board will meet at 7:00 p.m.

Commission Powell:

Commissioner Powell addressed the need for the ARPA Funds for the City Utility. Jim Ankrum addressed this as well and stated that he, Tammy Clark and Auditor Pickering met in discussion in regard to the ARPA Funds being deposited into the City Account so that funds could be tracked. Commissioner Powell would like to wait until the funds are needed from the county before submitting to the City the 1 million from the ARPA Funds. The county has earmarked 1 million from the ARPA Funds. The county will still need to address where the other .5 million will be funded from. Jim Ankrum needs to confirm with North Central Region as to whom will pay for each area of the project. Commissioner Cline asked about an interlocal agreement for this project which will be funded partly by the city and partly by the county from ARPA Funds. Commissioner Cline wanted to know where the .5 million will come from. Councilman Ashley stated that the Council did make an agreement with the city that they would fund the .5 million. He also felt that there should be an agreement between the city and county for this project. Councilman Ashley also wanted to address the refund of monies should the project not cost the total sum as expected. Mark Regnier will meet with Jim Ankrum regarding an agreement between the city and county for this project.

County Highway Engineer, Phil Beer:

Phil Beer stated that he has reviewed the bids for CCMG 2023-02. He agrees that E&B Paving had their bid in order in the sum of \$926,046.00. He would recommend approving the E&B Paving. Commissioner Cline made a motion to approve the bid and have the Commissioners sign. Commissioner Powell seconded the motion, and the motion carried.

Abbie Smith:

Abbie Smith addressed the Opioid Epidemic and the Opioid Funds at the request of Commissioner Powell. She stated that she would like to speak with local government to invest and spend these funds. She would like to look at an investment plan for our community. She will reach out to other communities and draft

an RFP. Commissioner would like to get a plan together. Commissioner Cline stated that there is a committee that addresses the Opioid Funds and that she sits on this committee with Tracy Regnier. They identify how best to spend these funds and work in direct relation with these funds. Commissioner Powell would like to have Abbie Smith work with Tracy Regnier on the Opioid Funds. Auditor Pickering addressed three vouchers requested by the drug free fund. Abbie Smith offered her time to assist with the Opioid Funds. Commissioner Henderson suggested Abbie Smith get with Tracy Regnier to see what she may need in regard to the Opioid Funds.

Lisa Willis-Gidley-Drug Free Fund:

Lisa is with the Drug Free Counsel. These funds come from Community Corrections and the Courts imposed fine of drug interdiction fees. These funds have been frozen for several years and has since been opened up for the communities to utilize for drug free programs and services. She has submitted three vouchers to the Auditor's Office for payment from Fund 1148-Drug Free Fund. The vouchers were submitted with the Grant Proposal. Lisa stated that there are three categories required to be submitted for utilization in their grant proposals. Lisa would like to propose that once the grant is approved by the State that she present to the Council for payment. Commissioner Powell made a motion to approve the payment of the three vouchers. Commissioner Cline seconded the motion, and the motion carried.

Council Mike Terry:

Mike would like to reserve the Courthouse lawn for May 20th for the Tipton on Tap Event. There will be 30-40 vendors at this event. The last two events were successful. They hired two officers to walk around at the event. The event will be from 1-6 pm on May 20, 2023.

Commissioner Powell made a motion to approve the use of the courthouse grounds for this event. Commissioner Cline seconded the motion, and the motion carried.

Public Comment:

A realtor with Century 21 thanked the commissioners for their services. He is working on the Campbell crossing site. They are looking to employ individuals in Tipton County. This business would be located near the intersection of SR 28 and US 31. He would like to address the adjoining property owned by the County. He would like to work with the county.

Candi Haynes addressed the Board with the issue of the grinder pump and the sewer project at West Elwood. The property owners were forced to go on the sewer system in Elwood; however, the contractors have stalled the project, cut into their existing sewer lines and offered no resolution nor communication. She now has sewage in her yard in which her primary business is also located. The property is covered in mud and the sewage issue is ongoing with a foul odor and no resolution being offered by the contractor, the City of Elwood, or Tipton County.

Mark Regnier stated that he recalls the conversation with her months prior. Mrs. Haynes would like to know why Tipton County's Health Department is not involved and is not allowed to inspect the project. Mark Regnier stated that there was a funding issue and he is addressing this with the entities involved. She would like an answer to the issue.

Jim Ashley stated he understands the frustrations and that there needs to be some type of compromise with Tipton County and City of Elwood. This is a potential health issue. If this is not resolved, then the Council may need to take additional appropriation to get this resolved. Commissioner Cline agrees that something needs to be addressed to resolve this issue.

Brian Haskett-lives at property 600 division road, fence being built and does not want the fence. He feels the adjoining owner is stealing his farmland property. They had put a deer blind for his wife and the

neighbor took it down. Attorney, Mark Regnier stated this would be legal action to file in court. The county wouldn't be involved since the county doesn't own the property.

Commissioner Nancy Cline made a motion to close public comment. The motion was seconded by Commissioner Tracey Powell, and the motion carried.

Adjournment:

There being no further business, the meeting was adjourned at 11:30 a.m., on a motion made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

Approved this 13th, day of March 2023.

Dennis Henderson, President

Nancy Cline, Vice President

Tracey Powell, Commissioner

Attest:

Melissa Pickering, Tipton County Auditor and
Secretary to the Board of Commissioners
Meeting Minutes of March 13, 2023.