

## **TIPTON COUNTY BOARD OF COMMISSIONERS' MEETING: MARCH 27, 2023**

### **REGULAR MEETING**

The Tipton County Board of Commissioners met in Regular Sessions on Monday, March 27, 2023, 9:00 a.m.. Those in attendance were Dennis Henderson, Tracey Powell, Nancy Cline, and County Attorney, Mark Regnier.

The meeting was opened with a word of prayer by Pastor, Steve Brown and the Pledge of Allegiance was led by Commissioner Henderson.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The Executive Meeting Minutes of February 13, 2023, were approved on a motion made by Commissioner Nancy Cline and seconded by Commissioner Powell. The motion carried.

The Regular Meeting Minutes of February 13, 2023, February 27, 2023, and March 13, 2023 were tabled on a motion made by Commissioner Nancy Cline and seconded by Commissioner Tracy 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 \$209,945.71 for payment on March 31, 2023, were submitted and approved as presented on a motion by Commissioner Nancy Cline. The motion was seconded by Tracey Powell, and the motion carried.

**Operating Claims:** The Commissioners' Operating claims for payment on March 27, 2023, in the amount of 113,758.03, were submitted and approved as presented on a motion by Commissioner Tracey Powell. The motion was seconded by Commissioner Nancy Cline, and the motion carried. Early Docket #1 for payment on March 15, 2023, in the amount of \$435.00, was submitted and approved as presented on a motion by Commissioner Tracey Powell. The motion was seconded by Commissioner Cline, and the motion carried. Early Docket #2 for payment on March 16, 2023, in the sum of \$4,440.71, was submitted and approved as presented on a motion by Commissioner Nancy Cline. The motion was seconded by Commissioner Powell, and the motion carried.

### **IN THE MATTER OF DEPARTMENT BUSINESS AND REPORTS:**

#### **Tipton County Highway:**

Highway Superintendent, Bret Morris discussed the notice from INDOT restricting traffic on or after Monday, April 3, 2023. Traffic will move to the new part of U.S. 31.

Pell Community Office hours will be from 1:00 – 3:00 p.m. on April 17<sup>th</sup> at the Cicero township fire department located at 750 Development Drive.

The 550 highway dump truck has arrived. He would like to surplus Truck 20. Bret would like to know if he should auction Truck 20 or take sealed bids. Commissioner Powell would like to wait until Enterprise provides a bid package to consider having them list truck 20 for sale.

**County Highway Engineer:**

Highway Engineer, Phil Beer presented form 96 for the CCMG Grant. The lowest bid came in \$926,046. By E&B Paving. This project will begin in late May of 2023. The Commissioners addressed the revised Ordinance for the Non-Reverting Fund. The commissioners adopted and signed the revised Ordinance 2023-06.

**County Attorney:**

County Attorney, Mark Regnier read Resolution CC 2023-05, A Resolution Authorizing The Immediate Payment of Claims Approved by The Tipton County Drainage Board. The Resolution, adopted this date, was made on a motion by Commissioner Nancy Cline and seconded by Commissioner Tracey Powell. The motion carried. The Resolution is as follows:

**TIPTON COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2023 -05**

**A RESOLUTION AUTHORIZING THE IMMEDIATE PAYMENT OF  
CLAIMS APPROVED BY THE TIPTON COUNTY DRAINAGE BOARD**

**WHEREAS**, the Tipton County Board of Commissioners, (hereinafter referred to as “Commissioners”) was established pursuant to I.C. 36-2-2 *et seq.*;

**WHEREAS**, the Commissioners hold duly noticed meetings (approximately every two weeks) by which they are charged with the approval of all claims against the county;

**WHEREAS**, the three (3) Commissioners serve as the Tipton County Drainage Board, (hereinafter referred to as “Board”) which was established pursuant to I.C. 36-9-27-5 *et seq.*;

**WHEREAS**, the Board holds one meeting a month, which occurs after a regular Commissioners meeting.

**WHEREAS**, Indiana Code § 36-9-27-44 establishes a non-reverting fund for each regulated drain in Tipton County; and that each fund can only be used for the individual drain it is assigned to.

**WHEREAS**, the delay in the payment to contractors who wish to perform work on the regulated drains is impactful enough that it can result in higher pricing to cover the cost of carrying the debt, and less competition for said work which might limit the best use of drainage assessment dollars.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners as follows:

The benefit to the Citizens of Tipton County to allow the immediate payment of claims approved by the Tipton County Drainage Board to the contractors who have performed the work is measurable, and now respectfully request that the Tipton County Auditor transmit the payment for the work once approved claims are presented to her office.

This resolution is effective upon its adoption.

Resolved and adopted this 27th day of March, 2023.

**TIPTON COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Dennis Henderson

By: \_\_\_\_\_  
Nancy Cline

By: \_\_\_\_\_  
Tracey Powell

ATTEST: \_\_\_\_\_  
Melissa Pickering, Tipton County Auditor

**County Attorney:**

County Attorney, Mark Regnier read Resolution CC 2023-04, An Amended Resolution replacing Resolution CC 2023-01, Re-establishing the County Asset Threshold to \$5,000. The Resolution, adopted this date, was made on a motion by Commissioner Tracey Powell and seconded by Commissioner Nancy Cline. The motion carried. The Resolution is as follows:

**RESOLUTION # BOC 2023-04**

A RESOLUTION OF THE TIPTON COUNTY INDIANA BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE 2023-01, WHICH LOWERED THE COUNTY’S CAPITAL ASSET THRESHOLD FROM \$25,000 TO \$5,000. THIS AMENDMENT RE-ESTABLISHES THE COUNTY’S CAPITAL ASSET THRESHOLD FROM \$5,000 TO AMEND BACK TO \$25,000. THIS ORDINANCE SUPERCEDES ANY PRIOR RESOLUTION REGARDING THE COUNTY’S CAPITAL ASSET POLICY.

**WHEREAS**, this Resolution Re-establishes the current Capital Asset Threshold (hereinafter the “threshold”) in Tipton County, Indiana (hereafter, the “County”) to Twenty-Five Thousand Dollars (\$25,000); and,

**WHEREAS**, lowering the threshold is improper and is not conducive with the Capital Asset Threshold for the County.

**NOW THEREFORE BE IS RESOLVED**, that the Tipton County Board of County Commissioners now approves the amended Resolution to replace any prior Resolution regarding the Capital Asset Policy of the County and sets it in the amount of (\$25,000), effective the date approved below.

BE IT RESOLVED, this 27<sup>th</sup> day of MARCH, 2023.

BOARD OF COMMISSIONERS:

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DENNY L. HENDERSON, President

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TRACEY POWELL, Vice-President

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NANCY CLINE, Member

ATTEST:

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MELISSA D. PICKERING, Auditor

Prepared by:

Mark Regnier

Tipton County Attorney

120 South West Street

Tipton, IN 46072

765-675-2211

[markregnieratty@gmail.com](mailto:markregnieratty@gmail.com)

I affirm under penalties of perjury that I have redacted each social security number in this document, unless required by law. Mark R. Regnier

**Tipton County Sheriff:**

Sheriff, Mathew Tebbe addressed the Commissioners with a request to enter into a memorandum of understanding with Tri-Central School Corporation for an SRO. He has obtained City of Tipton's SRO MOU to draft one for Tipton County with Tri-Central. Sheriff Tebbe addressed the total cost of the SRO position of \$53,550 with Tri-Central paying 71% for this position. The scheduling of the SRO would be coordinated between Tri-Central and the Tipton County Sheriff. Commissioner Tracey Powell would like for Sheriff Tebbe to present the request for funding of the SRO to the Council. There was further discussion regarding the SRO position at Tri-Central.

Sheriff Tebbe addressed the roof at the jail.

**County Maintenance Supervisor:**

Rich Vautaw addressed the roof at the jail that was done by LeMaster. Rich spoke with someone from LeMaster requesting that they walk the roof with him in order to determine why it was not done to specifications. Rich gave a list of department projects that he felt needed priority. The Commissioners will need to decide which projects take priority. Commissioner Nancy Cline made a motion for Rich to proceed with Lashure Concrete for a pour on the east & west steps and the south door drain in the sum of \$16,000. Commissioner Tracey Powell seconded the motion, and the motion carried.

Rich will contact Perfection Group regarding duct work assembly in the courthouse attic. He will inform the Commissioner once he has a confirmed price.

Commissioner Tracey Powell would like Rich to contact OMNI Electric regarding lighting.

Commissioner Nancy Cline would like to prioritize the thermostat replacement in the courthouse.

### **OLD BUSINESS:**

**ARP Funds:** Tabled

**Tipton County Employee Handbook:** Tabled

**Mowing Bids:** Tabled

**Contracts:** Tabled

### **Quote for Horton's Spring Flower Planters:**

The quote from Horton's in the sum of \$1,795, was approved on a motion made by Commissioner Tracey Powell and seconded by Commissioner Nancy Cline. The motion carried.

### **PUBLIC COMMENT:**

Public comment from Tom McKinney, West Division Road inquired about the ground located on U.S. 31. He would like to farm the ground for Bona Vista charity. Mark will address the contract with INDOT which may be some time before it comes through. A motion to allow Tom McKinney to farm the 60 acres, commonly known as the Old Stroup Property, for charity was made on a motion by Commissioner Nancy Cline. The motion was seconded by Commissioner Tracey Powell, and the motion carried. Commissioner Tracey Powell made a motion to close public comment. Commissioner Nancy Cline seconded the motion, and the motion carried.

### **ATTORNEY COMMENTS:**

Attorney, Mark Regnier presented the Ordinance, 2023-03, Imposing a Temporary Moratorium on the Issuance of Permits for Mineral Extraction, that was approved by the Commissioners. The Ordinance is as follows:

#### **ORDINANCE NO. 2023 - 03**

#### **AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR MINERAL EXTRACTION**

WHEREAS, the current Tipton County Zoning Ordinance does not adequately or fully address Mineral Extraction; and

WHEREAS, the Tipton County Plan Commission and the Board of Commissioners recognize the potentially significant impact and effect upon existing land uses, and upon the future development of land uses in an orderly, efficient, and desirable manner within the County; and

WHEREAS, the Tipton County Plan Commission and the Board of Commissioners recognize that it is appropriate and desirable to adopt an ordinance, or to adopt amendments to the Zoning

Ordinance, which govern the usage, permissible location, installation, operation, maintenance, decommissioning, and drainage requirements for Mineral Extraction, as permitted by Indiana law; and

WHEREAS, the Board of Commissioners has requested the Tipton County Plan Commission to research, investigate and draft certain amendments to the Zoning Ordinance; and

WHEREAS, this will include the adoption of an ordinance or amendments addressing regulations for the installation and use of land for Mineral Extraction, to be presented to the Board of Commissioners for its consideration within the next six (6) months; and

WHEREAS, Tipton County Plan Commission finds that establishing clear rules governing the usage, permissible location, installation, operation, maintenance, decommissioning, and drainage requirements for Mineral Extraction is essential for the preservation and protection of the public health and safety as permitted by Indiana law; and

WHEREAS, the Tipton County Plan Commission finds that the best way to preserve the public health and safety of the citizens of Tipton County is to impose a temporary moratorium on improvement location permits for Mineral Extraction pending adoption of the proposed ordinance or amendments.

WHEREAS, the Tipton County Plan Commission finds that the moratorium is necessary to enable the Commission to prepare, adopt and recommend an ordinance or amendments governing Mineral Extraction that incorporates and considers:

- (1) the comprehensive plan;
- (2) the current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

IT IS THEREFORE ORDAINED:

1. No improvement location permits shall be issued allowing construction of any Mineral Extraction until the Plan Commission recommends and the Board of Commissioners adopts an ordinance or amendments regulating the installation of Mineral Extraction.

For the purposes of this moratorium ordinance, "Mineral Extraction" is defined as mining or quarrying and removal of earth materials. Mineral extraction also includes the storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and similar materials and rock crushing, screening, blending, washing, loading, and conveyor facilities."

2. This moratorium Ordinance shall expire upon adoption of an ordinance regulating or amending the installation of Mineral Extraction, or \_\_\_\_\_, 20\_\_\_\_\_, whichever first occurs.
3. This ordinance shall take effect as provided by the procedures in I.C. 36-7-4-607.

Approved, with a favorable recommendation, by a majority vote of the Tipton County Plan Commission on February 2, 2023.

This Ordinance shall be in full force and effective upon passage by the Board of Commissioners of Tipton County and its publications as provided by law.

DULY ADOPTED on this 27<sup>th</sup> day of March, 2023, by the Tipton County Board of Commissioners of Tipton County, Indiana.

BOARD OF COMMISSIONERS  
OF TIPTON COUNTY, INDIANA

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Dennis Henderson – President

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Nancy Cline

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Tracey Powell

ATTEST:

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Melissa Pickering – Tipton County Auditor

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.

Prepared by Steve Niblick, Tipton Plan Department Executive Director

Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners

**ATTORNEY COMMENTS:**

Attorney, Mark Regnier addressed the Ordinance 2023-05, Regulating Tattoo and Body Piercing Establishments. Mark will review this and read in full at the next regular meeting of the Commissioners.

**COMMISSIONERS COMMENTS:**

Commissioner Nancy Cline addressed the Fairgrounds and the possible intention of hiring a Fairground marketer or manager.

Commissioner Nancy Cline addressed the plan proposal by the City of Tipton for a downtown greenspace. There is phase one, phase two and phase three of the cities project and would like the community to be informed regarding this project. This project also involves county property which may include parking around the Courthouse, Diana Theatre as well as other businesses.

Abbie Smith addressed the Commissioners regarding the City of Tipton's Greenspace Plan. The city is currently reviewing a parking study with consideration to this space. The greenspace will be maintained by the city parks' department. She addressed the amenities that will fill the area for the greenspace.

**ADJOURNMENT:**

The meeting was adjourned.

Approved this \_\_\_\_\_, day of \_\_\_\_\_, 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 27, 2023.