

County Council Meeting

1-16-18

Present: Beth Roach, James Ashley, Emily Wilson, Jeff Hoover, Helen Tragesser, Denny Henderson, Jim Leffler

Others Present: James Mullins, Lou Ann Millett, Roberta Heizman, Lindsey Ogden, Brent Snow, Mark Regnier, Vicky Boyd

The meeting was open with the Pledge of Allegiance

Organization

Motion by Councilman Leffler to nominate Beth Roach as President and Helen Tragesser as Vice President. Second by Councilwoman Wilson. Motion carries. Motion by Councilman Hoover to close nominations. Second by Councilman Ashley. Motion carries.

New Chairs

President Roach expressed thanks to Jeff Hoover for assembling the new chairs.

Amendment to the Agenda

Motion by Councilman Hoover to add discussion of Ordinances CC2017-03 and CC2017-05 to the agenda. Second by Councilman Henderson. Motion carries.

Request to Advertise for Additional Appropriations:

Health Department requested permission to advertise for \$24,016.28 to purchase vaccines.

Motion by Councilman Leffler to approve advertisement for additional appropriations for Health department in the amount of \$24,016.28. Second by Councilwoman Wilson. Motion carries.

Encore requested an additional \$5,000.00 in support of their programs from the Board of Commissioners.

Motion by Councilman Leffler to approve to advertise for additional appropriations for Encore in the amount of \$5,000.00. Second by Councilwoman Tragesser. Motion carries.

Surveyor Henderson requested advertising for an additional appropriation of \$3,134.00 for Pictometry services.

Motion by Councilman Henderson to approve to advertise for additional appropriations for the Surveyor, in amount of \$3,134.00. Second by Councilman Leffler. Motion carries.

Auditor Townsend requested advertising for an additional appropriation, in the amount of \$30,000 for the Adult Guardianship (VASIA) Program (Fund 9117). It will be funded by \$15,000 from the Indiana Supreme Court, \$5,000 from the Board of Commissioners and \$10,000 from local donations.

Motion by Councilman Leffler to approve advertising for additional appropriations for Adult Guardianship (VASIA), in the amount of \$30,000.00. Second by Councilman Henderson. Motion carries.

Board of Commissioners requested advertising for additional appropriations for the Jail (Fund 9200), in the amount of \$75,000.

Motion by Councilman Leffler to approve advertising for additional appropriations for the Jail Fund, in amount of \$200,000. Second by Councilwoman Tragesser. Motion carries.

Resolution CC2018-01 Transfer

RESOLUTION # CC2018 – 01

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS.

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>FUND-DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General – Circuit Court	Earned Employee Benefits 1000.17000.000.0232	Small Claims Referee 1000.11206.000.0232	\$173.08
TOTAL			\$173.08

Approved this 16th day of January, 2018

TIPTON COUNTY COUNCIL

Beth Roach, President

Helen Tragesser, Vice-President

James D. Ashley, member

Dennis Henderson, member

Jeff Hoover, member

James F. Leffler, member

Attest:

Emily Wilson, member
Prepared by: Mark R. Regnier
Tipton County Attorney;
GRAHAM, REGNIER, FARRER & WILSON, P.C.
120 S. West Street
Tipton, Indiana 46072

Gregg A. Townsend, Tipton County Auditor

Motion by Councilman Hoover to accept Resolution CC2018-01, as presented, for transfer from General-Circuit Court Earned Employee Benefits to Small Claims Referee, in amount of \$173.08. Second by Councilman Henderson. Motion carries.

Ordinance CC2018-01 Amended 2017 Salary Ordinance

Motion by Councilman Leffler to approve Ordinance CC2018-01 Amended 2017 Salary Ordinance. Second by Councilman Henderson. Motion carries.

Ordinance CC2018-02 Amended 2018 Salary Ordinance

Motion by Councilwoman Wilson to approve Ordinance CC2018-02 Amended 2018 Salary Ordinance. Second by Councilman Henderson. Motion carries.

Ordinance CC2017-03

ORDINANCE NO. CC-2017-03

APPROVING TRANSFER AND ACQUISITION OF COUNTY PROPERTY

WHEREAS, the Board of Commissioners of Tipton County, Indiana (“BOC”) and the City of Tipton, Indiana (“City”), did previously adopted substantially identical resolutions providing for exchange of real property through the transfer by the County to the City of its interest in certain real property and the transfer by the City to the County of its interest in certain real property (hereafter the “Transfers”); and,

WHEREAS, by the adoption of identical resolutions, the BOC transferred to the City, pursuant to deed recorded on the 13th day of October, 2015, in Book 177, page 715, in the Office of the Recorder, Tipton County, Indiana, the following described real estate located in Tipton County, Indiana, to-wit:

(see Exhibit A attached)

and,

WHEREAS, by substantially similar resolutions, the City did, on the 13th day of October, 2015, at Book 177, page 720 in the Office of the Recorder, Tipton County, Indiana, transfer to the County, the following described real estate located in Tipton County, Indiana, to-wit:

(see Exhibit B attached)

and,

WHEREAS, IC 36-2-2-20, provides: The county executive may make orders concerning county property, including orders for:

(1) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and (2) the acquisition of land for a public square and the maintenance of that square. However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction; and,

WHEREAS, the BOC proceeded in good faith on the advice of counsel in effectuating the Transfers, however litigation has been commenced in a court of law that challenges the validity of the Transfers; and,

WHEREAS, because of pending litigation, the BOC does not concede that IC 36-2-2-20 applied to the Transfers of October 13, 2015, however, the BOC did, on or about February 21, 2017, enact Ordinance No. BOC 2107-01, "AN ORDINANCE ESTABLISHING PURCHASING RULES AND POLICIES FOR TIPTON COUNTY, INDIANA", in which the BOC adopted in general, the provisions contained in IC 36-2-2-20, and in order to avoid further costly and time consuming legal proceedings which are not in the best interests of the residents and taxpayers of the County, the BOC has requested that the Tipton County Council adopt an ordinance in accordance with IC 36-2-2-20 approving the Transfers.

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

Section 1. The County Council, pursuant to IC 36-2-2-20 (to the extent it applies) and pursuant to BOC 2107-01, hereby approves and ratifies the Transfers set forth herein above, pursuant to which the County and City each transferred to the other, certain real property within the County.

Section 2. This ordinance shall be effective from and after passage.

Adopted this _____ day of _____, 2017, by a vote of _____ ayes and _____ nays.

TIPTON COUNTY COUNCIL:

Beth Roach, President

Helen Tragesser, Vice President

Dennis Henderson, Member

James D. Ashley, Member

Jeff Hoover, Member

James F. Leffler, Member

Emily Wilson, Member

ATTEST:

Gregg A. Townsend
Tipton County Auditor

Motion by Councilman Ashley to approve CC2017-03 & Ordinance CC2017-05, as written, with first reading. Second Councilwoman Tragesser. Motion approved with only Councilman Leffler voting in opposition.

Executive Session – To discuss litigation

An Executive Session, with the Board of Commissioners, regarding litigation was set for February 6, 2018 at 7 pm.

Ordinance CC2017-05

**ORDINANCE NO. CC2017-05
ORDINANCE OF THE TIPTON COUNTY
COUNCIL APPROVING TRANSFER OF REAL PROPERTY**

WHEREAS, the Board of Commissioners of the County (“BOC”) and the Tipton County Redevelopment Commission (“RDC”) have previously adopted substantially identical resolutions pursuant to IC 36-1-11-8 providing for the transfer of two (2) parcels of real property (the transfers are herein after collectively referred to as the “Transfers”), which real property is described as follows:

A part of the Southwest Quarter of Section 7, Township 21 North, Range 4 East in Cicero Township, Tipton County, Indiana, being more particularly described as follows:
Commencing at the northeast corner of said Southwest Quarter; thence South 00 degrees 49 minutes 04 seconds East (Indiana State Plane Coordinate System — East Zone) along the East line of said Quarter a distance of 1670.65 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 49 minutes 04 seconds East along said East line a distance of 606.76 feet; thence North 89 degrees 31 minutes 47 seconds West a distance of 214.46 feet; thence South 01 degrees 16 minutes 48 seconds East a distance of 235.35 feet to the north right-of-way line of State Road 28 per a right-of-way and parcel plat prepared by U.S.I. Consultants on July 6, 2007; thence North 84 degrees 12 minutes 17 seconds West along said right-of-way a distance of 58.40 feet; thence continuing along said north right-of-way line, North 89 degrees 28 minutes 18 seconds West a distance of 112.41 feet to the east right-of-way line for County Road 560 West; thence North 00 degrees 28 minutes 00 seconds East along said east line, a distance of 836.29 feet; thence South 89 degrees 32 minutes 00 seconds East a distance of 364.24 feet to the Point of Beginning, containing 6.05 acres, more or less;

ALSO,

A part of the Northwest Quarter of Section 7, Township 21 North, Range 4 East of the Second Principal Meridian, Tipton County, Indiana, described as follows:
Commencing at the Southeast corner of said Northwest Quarter, thence South 88 degrees 20 minutes 17 seconds West (Indiana State Plane Coordinate System - East Zone) along the South line of said Northwest Quarter, a distance of 521.26 feet to the Point of Beginning; thence continuing South 88 degrees 20 minutes 17 seconds West along said South line, a distance of 101.90 feet; thence North 00 degrees 42 minutes 55 seconds West a distance of 1311.75 feet to the South line of the North Half of said Northwest Quarter; thence North 88 degrees 29 minutes 31 seconds East along said South line, a distance of 583.59 feet to the beginning of a 850.00 foot radius curve to the right, being subtended by a chord bearing of South 15 degrees 02 minutes 35 second West with a distance of 447.55 feet; thence Southwesterly along said curve a distance of 452.88 feet; thence South 30 degrees 18 minutes 25 seconds West a distance of 407.02 feet to the beginning of a 1049.86 foot radius curve to the left, being subtended by a chord bearing of South 15 degrees 23 minutes 09 second West with a distance of 504.69 feet; thence Southeasterly along said curve a distance of 546.84 feet; thence South 00 degrees 28 minutes 11 seconds West a distance of 19.14 feet to the Point of Beginning, containing 10.05 acres, more or

less; and,

WHEREAS, IC 36-2-2-20 provides that the Board of Commissioners may make orders concerning county property, including orders for: (i) the sale of the County’s public buildings and the acquisition of land in the County seat on which to build new public buildings; and (ii) the acquisition of land for a public square and the maintenance of that square, and requires the County Council to approve such transactions whenever the value of the real property exceeds \$1,000; and,

WHEREAS, the BOC proceeded in good faith on the advice of counsel in effectuating the Transfers, which occurred on the 20th day of July, 2016, and the 25th day of May, 2016, however, thereafter, two (2) lawsuits were filed in court that challenged the validity of the Transfers; and,

WHEREAS, regardless of whether or not IC 36-2-2-20 applied at the time of the Transfers, the BOC has in 2017, adopted a county ordinance to provide for compliance with IC 36-2-2-20 in the sale of purchase of any real property, and is requesting that the County Council adopt an ordinance in accordance with IC 36-2-2-20, ratifying the prior Transfers in order to reduce costly and time consuming legal proceedings which are not in the best interests of the residents and taxpayers of the County.

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

Section 1. The County Council, pursuant to IC 36-2-2-20 (to the extent that it may have applied at the time of the original Transfers), hereby approves and ratifies the two (2) Transfers of real property which are described herein above, and occurred on the 20th day of July, 2016 and the 25th day of May, 2016, respectfully, wherein the BOC transferred such real estate to the RDC, a department of the County, in order to promote and encourage economic development.

Section 2. This ordinance shall be effective from and after passage.

Adopted this ____ day of _____, 2017, by a vote of _____ ayes and _____ nays.

TIPTON COUNTY COUNCIL:

Beth Roach, President

Helen Tragesser, Vice President

Dennis Henderson, Member

James D. Ashley, Member

James F. Leffler, Member

Jeff Hoover, Member

Emily Wilson, Member

ATTEST:

Gregg A. Townsend
Tipton County Auditor

Prepared by: Mark R. Regnier
Tipton County Attorney;
GRAHAM, REGNIER, FARRER & WILSON, P.C.
120 S. West Street
Tipton, Indiana 46072

Motion by Councilman Henderson to approve Ordinance CC2017-05 (East side of 31) on first reading. Second by Councilman Ashley. Motion carries, with Councilman Leffler abstaining.

Minutes for December 27, 2017

Motion by Councilman Henderson to approve minutes for December 27, 2017, with corrections. Second by Councilman Leffler. Motion carries. Jim Ashley did not vote as he was absent from that meeting.

The Council entertained public comments

Motion by Councilman Henderson to adjourn meeting. Second by Councilman Hoover. Motion carries.

Approved this 20th day of February, 2018

Beth Roach, President

Helen Tragesser, Vice President

Dennis Henderson, member

Jeff Hoover, member

James F. Leffler, member

James D. Ashley, member

Emily Wilson, member

Attest:

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