

**TIPTON COUNTY COUNCIL MEETING: FEBRUARY 21, 2023**

**REGULAR SESSION**

The Tipton County Council Board met in Regular Session on Tuesday, February 21, 2023, at 6:30 p.m. in the 1st Floor Meeting Room, 101 E. Jefferson Street, Tipton, IN.

Present: Those in attendance were Jim Ashley, Jim Purvis, Joe Van Bibber, Jan Smith, Michael Terry, Brad Nichols, Kirk Retherford, and County Attorney, Mark Regnier.

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

**Approval of the Prior Meeting Minutes:**

Meeting Minutes for December 20, 2023, and December 27, 2023, and January 17, 2023, were tabled to the next meeting in order to give the Council the opportunity to review for approval. The motion was made by Jan Smith and seconded by Kirk Retherford.

**Additional Appropriations Resolution CC 2023-2:**

**First Reading of the Ordinance for Additional Appropriations before the Council.**

<b><u>RESOLUTION CC 2023-2 - ADDITIONAL APPROPRIATIONS</u></b>			
WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the 2023 annual budget, now			
BE IT RESOLVED by the County Council of Tipton County, Indiana, that for the expenses of the taxing unit, the following additional sums on money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:			
	<b>Additional Appropriations</b>	<b>Requested</b>	<b>Approved</b>
<b>FUND</b>	<b>FUND NAME:</b>		
<b>1000</b>	<b>COUNTY GENERAL - 068</b>		
21100	Office Supplies (1000.21100.000.068)	\$ 1,000.00	\$ 1,000.00
22000	Garage and Motor (1000.22000.000.068)	\$ 3,000.00	\$ 3,000.00
36000	Repair & Maint. Bldg /Prop. (1000.36000.000.068)	\$ 150,000.00	\$ 150,000.00
<b>1000</b>	<b>COUNTY GENERAL - 061</b>		
38900	Outside Prof. Svcs. (1000.31100.000.0061)	\$ 12,500.00	\$ 12,500.00
<b>1000</b>	<b>COUNTY GENERAL - 081</b>		
31100	Outside Prof. Services (1000.31100.000.0068)	\$ 30,000.00	\$ 30,000.00
<b>1112</b>	<b>EDIT</b>		
41098	BOT Project (1112.41098.000.000)	\$ 20,000.00	\$ 20,000.00
<b>1138</b>	<b>CUM. CAP DEVELOPMENT -</b>		
44200	Equipment (1138.44200.000.000)	\$ 200,000.00	\$ 200,000.00
<b>1176</b>	<b>MVH RESTRICTED - LOCAL R&amp;S:</b>		
27001	Highway Road Maintenance (1176.27001.000.532)	\$ 802,500.00	\$ 802,500.00
	<b>TOTAL ADDITIONAL APPROPRIATIONS FOR ALL FUNDS:</b>	<b>\$ 1,219,000.00</b>	<b>\$ 1,219,000.00</b>

**Tipton County Library:**

Jason Fields, from the Tipton County Library addressed the Council in regard to a request for additional appropriations. Although the Council does not oversee the Library budget, the Library utilizes the Council as an overview process. The Library does have a board for which they report. Jason discussed the need to appropriate cash funds for the project expense for the library in the sum of \$600,000. The Library will be required to advertise and upload their budget to the DLGF Website. Permission to advertise for an additional appropriation was made on a motion by Jim Purvis and seconded by Jan Smith. The motion carried. The Library does have its budget separate from the County and is responsible for advertising their additional appropriation as well as uploading the additional request into DLGF.

**Tipton County Commissioners Budget / Rich Vautaw:**

**County General (1000) Additional Appropriation Request, Resolution CC 2023-2:**

The County Commissioners addressed the Council with the need for the additional appropriation.

Rich Vautaw addressed the Council with the need for a budget for repair and maintenance in the sum of \$150,000 which would provide him with a 2023 budget for repairs in the county including several projects he has in process to date. These projects include Omni's Electrical Outlet Installation in the sum of \$1,075.00; Lashure Concrete Repair for the East and West Step Repair and the South Drain Installation in the sum of \$16,000; the Court House Thermostat Replacement for the entire building in the sum of \$82,597.50 which does not include the CAT5 cable required for installation. The Council stated that this project for Thermostats will need to be down by floor and break this cost out over time rather than replacing these at one time. The consideration of the thermostat replacements will be considered at approximately \$25,000, and phased in over time. Jim Purvis would like for Rich to obtain quotes for the thermostats to see if this project can be done for less. The Council will need to consider the cost of the CAT 5 cable. The Council would like to see a breakdown of project to equal the \$130,000 additional request. (This includes the \$19,680 roofing claim, totaling the \$150,000 request in 1000.36000.000.068 account line.

**Tipton County Commissioners Budget / Denny Henderson and Nancy Cline:**

**EDIT Fund – 1112 – Additional Appropriation Request, Resolution CC 2023-2:**

Commissioner Cline addressed the Council in regard to the additional request in the EDIT fund appropriation, account line, 1112.41098.000.000, in the sum of \$20,000. This is a request for attorney fees for the BOT Project and to allow for the Commissioners to move forward on the five-project discovery on the BOT Projects.

**Tipton County Highway Budget / Bret Morris:**

**MVH Unrestricted – 1176 – Additional Appropriation Request, Resolution CC 2023-2:**

County Highway Superintendent, Bret Morris, addressed the Council in regard to the additional appropriation of \$802,500 in account line 1176.27001.000.532, Highway Road Maintenance. Auditor Pickering stated that this was advertised prior and declined in early January; however, it was advertised as 1173 which is incorrect and should have been advertised as 1176. In retrospect, the prior Auditor, having overlooked the \$802,500 when uploading the budgets for 2023 into DLGF, this Additional is actually part of the original budget for the highway and not an additional appropriation, per se. This should have been included in the original budget for 2023. It will however, need to be advertised as Fund 1176, rather than 1173. If this appropriation is awarded to the Highway, once it is appropriated, then a transfer request will need to be done through the Council in order to fund the restricted highway fund 1173. Bret will come back to the county to process this transfer request after the appropriation is granted.

**Additional Appropriations Resolution CC 2023-2, Council Decision:**

\*CC 2023-2 – Additional Appropriations were submitted and approved by the Council to advertise for a public hearing on the additional appropriations as submitted and, on a motion made by Michael Terry and seconded by Jan Smith and as written above. The motion carried. (See later discussion regarding new additional appropriation requests by Council and Attorney Mark Regnier which adds to the additional appropriations ordinance)

**Transfer Resolution CC 2023-3:**

<b><u>RESOLUTION NO. CC 2023-3 TRANSFERS</u></b>						
WHEREAS, the County Council may approve the transfer of money from one major budget classification to another within a department or office, if the transfer does not require the expenditure of more money than the total amount set out in the budget as finally determined and if the transfer is approved at a regular public meeting and by the proper ordinance.						
BE IT RESOLVED, by the County Council of Tipton County, that it is desired and deemed necessary that the following transfers be made within the accounts of the designated funds as set out below:						
	<b>Transfer From</b>		<b>Transfer To</b>	<b>Requested</b>	<b>Approved</b>	
✓	<b>1000 COUNTY GENERAL</b>					
✓	<b>0002 AUDITOR</b>					
✓	21200 Official Records	1000	37100.000.002 Rentals	\$ 3,000.00	\$ 3,000.00	
✓	21200 Official Records	1000	44100.000.002 Furniture & Equip.	\$ 8,000.00	\$ 8,000.00	
				<b>\$ 11,000.00</b>	<b>\$ 11,000.00</b>	
✓	<b>1176 COUNTY HIGHWAY</b>					
✓	<b>0531 Maintenance &amp; Repair</b>					
✓	11311 Driver Operator	1173	11311.000.531	\$ 295,444.89	\$ 295,444.89	
✓	24100 Culvert & Tile	1173	24100.000.531	\$ 15,000.00	\$ 15,000.00	
✓	25000 Road Signs	1173	25000.000.531	\$ 20,000.00	\$ 20,000.00	
✓	36002 Rental of Equipment	1173	36002.000.531	\$ 10,000.00	\$ 10,000.00	
				<b>\$ 340,444.89</b>	<b>\$ 340,444.89</b>	
✓	<b>4508 Relinquishment of Old SR 28</b>					
✓	<b>0000</b> None	EDIT 1112	41079.000.000 CCMG Cr. Match	<b>\$ 200,000.00</b>	<b>DECLINED</b>	

**Tipton County Highway Budget / Bret Morris:**

Bret Morris addressed the Council with the explanation of his request for transfer. The entire transfer is requested due to the 2023 budget requests being required to be submitted in the 1176 fund. The budget requests cannot be directly budgeted into the restricted fund 1173 as it is a sub-fund of 1176. This being said, this transfer is specifically to transfer funds already appropriated from 1176 to 1173. The total amount of transfers in this Resolution for the highway is in the sum of \$340,444.89.

**Tipton County Auditor’s Office:**

County Auditor, Melissa Pickering requested a transfer within her budget from Official Records to Rentals and Furniture and Equipment. The reason for this request is to provide for a much-needed copier, in order to scan and upload documents to SBOA and DLGF which cannot be done from the desktop scanner as it jams and the old copier in the Auditor’s Office does not interface to allow scanning or printing in color for the Commissioners and Council. This request is for a lease agreement for an updated copier for a year, in the sum of \$3,000. The other transfer is to provide for much needed file cabinets and shelving in the Auditor’s Office.

**Tipton County Highway/Commissioners:**

There was discussion regarding the Transfer from Fund 4508 to Fund 1112. It was discussed that the original use of the fund 4508, Relinquishment per Ordinance BOC 2022-06, signed on December 19, 2022, specifies that the 4508 funds can only be used as directed per the Ordinance. The Ordinance states that the 4508 funds can only be used for the following purposes.

Ordinance 2022-06 noted below:

**ORDINANCE #BOC 2022- 06**

**AN ORDINANCE OF THE COMMISSIONERS OF TIPTON COUNTY, INDIANA  
ESTABLISHING A NON-REVERTING FUND FOR THE TIPTON  
COUNTY HIGHWAY DEPARTMENT'S USE FOR ROAD  
MAINTENANCE AND OPERATING EXPENSES**

**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 has agreed to take over maintenance (except ice treatment and snow plowing) of a portion of Indiana State Road 28 ("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") will pay the County, in the fall of 2022, 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 ("TCH"), solely for the purpose of maintaining those portions of State Road 28 roadways transferred from State maintenance to County maintenance and the Truck Route; and,

**WHEREAS**, the Fund shall be designated as the "Highway Non-Reverting Fund" ("the TCH Fund"); and

**WHEREAS**, deposit in the Fund shall consist of money received from the INDOT relinquishment of 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 TCH property, and miscellaneous receipts to be held and expended for operations of the TCH associated with the maintenance of those roads relinquished by the State and the Division Road truck route; and,

**WHEREAS**, money in the TCH 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 ("TCH") to be designated as the Highway Non-Reverting Fund ("the TCH Fund").
2. The County and the TCH may deposit into the TCH Fund, monies received from INDOT relinquishment, permit fees, donations, fines, reimbursement of insurance proceeds from damage to county machinery and infrastructure, reimbursement from the sale or disposition of surplus TCH property, and other miscellaneous receipts.

3. The monies in said Fund shall not revert each year to the county general fund nor any other fund but shall instead be kept in the TCH Fund from year to year.
4. The TCH Fund may only be used by the TCH for maintaining that portion of Division Road which has or will be designated as a Truck Route from U.S. 31 to State Road 19, and that portion of State Road 28 from County Road 300 West to County Road 560 West, which will, after formal transfer, hereafter be maintained by Tipton County.
5. Claims may be made from the TCH Fund by the County Engineer or the County Highway Superintendent.
6. This Ordinance shall become effective upon adoption by the Board of Commissioners.

It was decided by the Council that the transfer request from fund 4508 to fund 1112, was not appropriate for a proper transfer due to the Ordinance above in which is specifically describes the proper use of fund 4508; therefore, it is not proper to utilize these funds for reimbursement to the Edit Fund 1112 and is only to be used for the portion of Old St. Rd 28 in the relinquishment and that of Division Road. The Auditor will strike through the request for Transfer in this fund as declined.

See Excerpt from the prior Council Meeting Minutes Discussion from January 17, 2023 as below:

### **DEPARTMENT REPORTS**

#### **Highway Superintendent – Bret Morris:**

*County Highway Superintendent, Bret Morris, discussed the need for funding for two separate Community Crossing Matching Grant Applications. The first project: CCMG 2022-02 includes re-construction and re-surfacing of portions of CR550/560 West. The grant was awarded in 2022, but not completed due to poor weather conditions. Total cost of the project is \$1,335,057.50. The grant caps at \$1,000,000.00, leaving the required match of \$335,057.50. After much discussion, the council approved advertising for an additional appropriation in the amount of \$335,057, of which \$200,000.00 will come from the BOC EDIT fund (with their approval) and the balance of \$135,057.50 to be funded from Motor Vehicle Highway Fund (MVH) #1173. The project is currently in bid stage. Motion to advertise for funding of the additional appropriation was made by Mike Terry, second by Brad Nichols, with all in favor.*

*The next item was discussion of additional funding needed for CCMG Project #2023-01. The project includes 1” mill and 1.5” overlay of Old St RD. 28 from CR 560 W to 300 W, and work on a portion of CR 300 West.*

*The Old State Rd 28 portion cost is estimated at \$957,905.00. Grant amount, if awarded, is \$718,428.00, leaving a required match of \$239,476.00. Potential funding of work on Old St Rd 28 could come from relinquishment money received from INDOT or other sources.*

*Second portion of the project is wedge and level of 300 W from Old St Rd 28 to CR 300 S. Estimated cost is \$375,037.00. Grant amount would be \$281,278.00, leaving a required county match of \$93,759.00.*

*Final funding source has not been determined, but consensus of the council was to fund the project.*

*Motion was made by Jim Purvis and seconded by Mike Terry to authorize council president to sign the commitment letter to INDOT acknowledging intent to fund the project. Motioned carried with all in favor.*

*Bret submitted maps of the areas proposed as well as a commitment letter required for the match.*

#### **Transfer Resolution CC 2023-3, Council Decision:**

*\*CC 2023 – 3; Transfer Requests were submitted and approved by the Council with the exception of the Transfer from fund 4508 to the EDIT Fund 1112. The remaining transfers were approved as written above on a motion made by Michael Terry, and seconded by Jan Smith. The motion carried.*

**Amend Salary Ordinance CC 2023-3:**

<u>SALARY ORDINANCE NO. 2023-3 - SALARY ORDINANCE AMENDMENTS</u>				
AN ORDINANCE amending and increasing staffing and salary authorization to be paid county employees for the calendar year effective January 1, 2023, through December 31, 2023, as originally approved for the year 2023, except where otherwise noted.				
BE IT ORDAINED by the Tipton Council of Tipton County, Indiana that for the said fiscal year the following salary amendments are approved as additional changes to the basic salary ordinance for the same fiscal year. Necessary personal services appropriations have been approved previously to support the required expenditure of necessary funds.				
	<b>Salary Ordinance Amendments</b>		<b>Requested</b>	<b>Approved</b>
✓	<b>1000</b>	<b>FUND NAME:</b>		
✓	<b>068</b>	<b>Commissioners</b>		
✓	11042	Building Maintenance Superintendent	\$ 7,193.62	TABLED
✓	11305	Custodian	\$ 2,050.92	TABLED

**Salary Amendments CC 2023-3, Council Decision:**

\*CC 2023 –3; Salary Ordinance. The Auditor addressed the need for the Salary Ordinance Amendment as stated above. The Council felt that this was already appropriated in the November 15, 2022, meeting minutes. The Auditor will look back to see if this was advertised by the prior Auditor and not appropriated into the funds. The Salary Amendments will be tabled until the next meeting. Kirk Retherford made a motion to table the Salary Ordinance until the March Council Meeting. The motion was seconded by Jan Smith.

**NEW BUSINESS:**

**Abatement Request of Monoslope Barn by Gary David:**

Gary David addressed the Council with a request of an Abatement for a monoslope barn. He stated that he had paid a \$500.00 application fee. (This was explained to me by the prior Auditor that this fee was the sum of \$500 and is non-refundable) This is a new abatement process and therefore, the council will need to research this new process. Mr. David asked if he could begin on the barn prior to the abatement being granted. Jim Ashley stated that he should wait until the abatement process and the abatement addressed before he begins any work. Mr. David stated that the project is approximately \$200,000. Several Council members addressed the desire to review this new process in order to make an informed decision. Mr. David stated that if the Council does not proceed with the abatement, that he would like his money refunded to him. The Council would like to go through the statute and process before making any decisions. The Council would like to consult with Shannon Cassons in the Assessors Office. This abatement process will affect both the Assessor’s Office as well as the Auditor’s Office. There is a table by statute that requires a timeline as well as the process that will need to be reviewed. Michael Terry suggested that Veridis might be able to assist in this process. Commissioner Nancy Cline read the digest on the new abatements for local tax abatements under current law for equipment, technology equipment and agricultural equipment. Joe Vanbibber gave the Indiana Code for the new abatement 6-1.1-12.1-1.

**ADD ON TO THE ADDITIONAL APPROPRIATION ORDINANCE BY COUNCIL:**

**Additional \$12,500 for Council Commitment to Mark Holeman, Inc. from March 2022.**

Jim Ashley addressed an issue that was requested and advertised but never appropriated back in March of 2022. The Council made a commitment to pay for a study for the bicycle trail to Mark Holeman, Inc. in

the total sum of \$12,500. Two invoices have come into the Auditor’s Office for payment totaling \$4500. The Council does not currently have these funds in their budget. It was suggested that the Commissioners be asked to pay these invoices from their Edit 1112.41087 budget, although this was not intended to be paid from Commissioners budget nor is it the same trail project as is in the Edit Plan. If the Commissioners would agree to pay these two claims to Mark Holeman, Inc., it would be paid early than an additional appropriation can be requested. The Auditor will bring this to the next Commissioners Meeting for request. The Council asked that an additional appropriation be requested in the sum of \$12,500 and added to the additional appropriation ordinance, herein, and once advertised and gone through public hearing, approved by DLGF and appropriated, that the Council would then do a transfer from their County General Budget into the Edit Fund below to reimburse the Commissioners Edit Plan. The motion to add \$12,500 to the additional appropriation ordinance was made by Jim Purvis, and seconded by Brad Nichols. The motion carried. Auditor will add an additional request of \$12,500 in County General, Council budget, professional services 1000.31100.000.0061 for \$12,500 and once approved request a transfer of same to the Commissioners account line 1112.41087.000.000 as approved by the Council and if approved by the Commissioners to pay from Edit.

1000	General	31100	Outside Prof Services
1112	EDIT - Econ. Dev. Inc. Tax	41087	Trail Project #87

**ADD ON TO THE ADDITIONAL APPROPRIATION ORDINANCE BY COUNCIL:**

**Additional \$30,000 for Attorney Fees for Litigation:**

Mark Regnier stated that the Commissioners would need to have litigation fees in the sum of \$30,000 requested as an additional appropriation in regard to the Overlay Litigation. Mark Regnier stated that the legal counsel would most likely be Barnes and Thornburg representing the Commissioners in this legal litigation. This would need to be an additional appropriation to the commissioners’ legal counsel in the sum of \$30,000. Jim Purvis made a motion to advertise for an additional appropriation in the sum of \$30,000 for account line for the commissioners’ legal litigation. The motion was seconded by Jan Smith. The motion carried.

**County Board Appointment Follow-ups:**

The County Council addressed the two board appointments that were tabled with the Auditor; whereas, the Auditor stated that she followed up with Shannon Cassons as well Virginia Baker and Francis Letsinger and both Virginia and Francis desire to be reappointed to their boards as follows:

- Alcoholic Beverage Commission – Francis Letsinger
- PTABOA – Virginia Baker

A motion to reappoint Francis Letsinger and Virginia Baker to their respective boards was made by Jim Purvis. The motion was seconded by Jan Smith.

**OPEN DISCUSSION / PUBLIC COMMENTS:**

Denny Henderson discussed the contractual services with Abbie Smith and how monies are received and paid out. The funds are paid out 100% through the Edit Fund 1112. The city is billed for 50% for reimbursement and once received, the funds are receipted into the Edit Fund 1112 and then appropriated into the correct account line 1112.41085.000.000. This is required since the county pays out 100% to Abbie Smith, bills the City of Tipton for 50% and then receipts their payment into the Edit Fund and then appropriates the monies into the correct account line.

There being no further business, the meeting was adjourned on a motion made by Jim Purvis and seconded by Jim Ashley. The motion carried.

Tipton County Council

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James D. Ashley, President

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Michael Terry, 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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Joe Van Bibber, Member

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Jim Purvis, Member

Attest:

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Melissa Pickering, Auditor  
Tipton County Council Meeting: February 21, 2023.