

COMMISSIONERS' MEETING
February 13, 2012

The Bartholomew County Commissioners met in regular session on February 13, 2012 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Larry Kleinhenz called the meeting to order at 10:00 am. Commissioner Carl Lienhoop, Commissioner Paul Franke, Auditor Barbara J. Hackman, and County Attorney J. Grant Tucker were also in attendance. E911 Director Ed Reuter gave the Invocation and led the Pledge of Allegiance.

Next, the minutes of the February 6, 2012 meeting were approved unanimously on a motion by Commissioner Lienhoop and seconded by Commissioner Franke.

The Voucher Claims were presented for approval. Commissioner Franke made a motion to approve the Voucher Claims. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, Chairman Kleinhenz read the New Permits Report from 2/06/2012 to 2/10/2012. Twenty-five (25) building permits were issued with a fee amount of \$3,688.00 and a valuation amount of \$2,005,590.00.

County Highway Engineer Danny Hollander presented the Commissioners with the Bartholomew County Highway Monthly Report for January 2012, as well as the Annual Road Program Report for 2011.

Next, Engineer Hollander presented the Commissioners with the Consideration of an On-Call Agreement with DLZ Indiana, LLC of Indianapolis, Indiana. The original

agreement with DLZ was for 2011, but there is money left that was not used, so the Commissioners would like to extend the termination date to December 31, 2012 with a not to exceed contract amount of fifteen thousand dollars (\$15,000.00). This was the amount that was agreed upon in the 2011 contract. Engineer Hollander added that DLZ will continue to honor the 2011 costs. Chairman Kleinhenz said this agreement will be used to help the County with permitting pertaining to, as well as the study of the Southern Crossing Bridge. Commissioner Franke made a motion to approve extending this agreement until December 31, 2012 with DLZ Indiana, LLC at a cost not to exceed \$15,000.00. Chairman Kleinhenz seconded the motion that passed unanimously.

Next, Engineer Hollander presented the Commissioners with the Weekly Crew Report. Last week the Highway Crew put up signs, mowed in Sandcreek and Jackson Townships, hauled fourteen (14) loads of dirt to 325 West, ground stumps on 400 South, cut trees on 400 South, 200 South, and Deaver Road, ditched on 200 West and 550 West, graded and placed stone along 700 South, patched roads, picked up trash, and sanded roads.

Commissioner Franke mentioned that the Commissioners received a letter from Bartholomew County resident Benjamin Fogt of 134 South Oxford Place. Mr. Fogt is requesting that the Commissioners and Highway Department put up a three-way stop at the intersection of 250 East and Wembley Drive. There is a house on the south corner that has overgrown shrubs that inhibits the view at this intersection. The Commissioners asked Engineer Hollander to clear the overgrowth first. If this does not solve the

problem, then the Commissioners will discuss other solutions, such as adding a three-way stop.

Chairman Kleinhenz asked Engineer Hollander for a quick update on Possum Glory Bridge. Engineer Hollander said that the Highway Department made temporary fixes to this bridge to get it back open.

Next, Senior Planner for the Planning Department Thom Weintraut presented the Commissioners with the Consideration of a Resolution to Rename County Road 350 East between 25th Street and County Road 250 North.

RESOLUTION NO: 2012-02

**RESOLUTION TO RENAME COUNTY ROAD 350 EAST BETWEEN 25TH STREET
AND COUNTY ROAD 250 NORTH**

WHEREAS, on February 13th, 2012 the Board of Commissioners of Bartholomew County, Indiana held a meeting to consider the renaming of County Road 350 East between 25th Street and County Road 250 North, and

WHEREAS, the Board of Commissioners received comments and a recommendation from the Street Renaming Committee of the Bartholomew County Plan Commission; and

WHEREAS, the Board of County Commissioners used due regard to public safety, convenient way finding, historical names and events; and

WHEREAS, the Board of County Commissioners acted as prescribed by Section 5-155(c) of the Bartholomew County Code and IC 36-7-4-405; and

WHEREAS, the Board of Commissioners recognizes that its action represents a recommendation to the Plan Commission of Bartholomew County, Indiana, which will be responsible for final action on this matter.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Bartholomew County, Indiana, as follows:

County Road 350 East between 25th Street and County Road 250 North is recommended to be renamed to Bonnell Road

**PASSED AND ADOPTED BY THE BARTHOLOMEW COUNTY BOARD OF
COMMISSIONERS THIS 13th DAY OF FEBRUARY, 2012 BY A VOTE OF 3 IN
FAVOR AND 0 OPPOSED.**

S/s Larry S. Kleinhenz
Larry S. Kleinhenz, Chairman

S/s Paul Franke
Paul Franke, Member

S/s Carl H. Lienhoop
Carl H. Lienhoop, Member

ATTEST:

By: S/s Barbara J. Hackman
Barbara J. Hackman, Auditor of
Bartholomew County, Indiana

Mr. Weintraut explained that the County Street Renaming Committee has reviewed this request. This Committee consists of the County Engineer, the Sheriff, the Chief Code Enforcement Officer, the Planning Director, the Emergency Operations Center Director, etc. that would have to administer these changes. Before the comprehensive road numbering, County Road 350 East was known as Bonnell Road. There are currently three (3) addresses located on this one section of County Road 350 East in Clay Township. County Road 350 East does not go continuously through the County, but rather has sections in Columbus, Sandcreek, Flatrock, and Clay Townships.

The Street Renaming Committee met on December 7, 2011 and made an unfavorable recommendation to change the name of County Road 350 East due to public safety concerns because renaming existing county roads with non-numerical names could

cause confusion and create an issue with locating properties. Secondly, doing away with the numerical names of county roads eliminates the ability to know your location from town (way finding). Third, the committee also expressed concerns that this may prompt other residents to seek to rename their roads and undue the numbering system that is so valuable for public safety, way finding, and emergency response.

If the Commissioners approve this name change, then this consideration would go before the Planning Committee for approval. The Plan Commission would send out letters of public notice, as well as advertise the name change in the newspaper.

Commissioner Lienhoop said that the Commissioners do not take renaming roads lightly, and it is the opinion of the Commissioners that County Road 350 East will eventually be annexed by the City of Columbus, so it will be named instead of numbered. Finally, there is only a church and two (2) unoccupied residences on this section of 350 East, so it would not be an inconvenience to anyone. Therefore, Commissioner Lienhoop said that he is in favor of renaming County Road 350 East to Bonnell Road.

Bartholomew County resident Tom Bonnell approached the Commissioners and said that back in the early 1900s, this road was built by his great-great grandfather to bring electricity to the farm community. Therefore, Mr. Bonnell would like this historic name brought back to this road. Chairman Kleinhenz added that back in the 1970s the phone book showed resident addresses along this section of county road as Bonnell Road. Bartholomew County resident John Dishinger reminded the Commissioners that this is not just a simple renaming. The County GIS, County maps, etc. will need to be redone if

the name of County Road 350 East is changed to Bonnell Road. Chairman Kleinhenz said that this road will be annexed by the City and the name will be changed anyway.

Commissioner Lienhoop made a motion to approve renaming County Road 350 East to Bonnell Road. Commissioner Franke seconded the motion that passed unanimously.

Next, Bartholomew County resident and business owner of Brown's Auto & Equipment Repair Terry Brown along with acquaintance, Natalie Colbert, came before the Commissioners to request assistance with the Louisville & Indiana (L & I) Railroad because the railroad wants to erect a fence along the boundary line, which is 105 feet from the center of the track. Once the railroad staked those boundaries, the right-of-way cuts about a third of the way through Mr. Brown's business. Other businesses are affected too because they lie along this right-of-way too. However, Mr. Brown has a plat that shows this land as being abandoned railroad property.

Mr. Brown and other business owners took L & I to court and won in 2009, but the railroad appealed the decision. Recently, the case was tried again, and the Judge sided with the railroad. The business owners have appealed this ruling. Meanwhile, L & I Railroad is offering those businesses the option to lease the space that is located on L & I property or they have the right to vacate the property. Mr. Brown and other business owners have been in business several years and paying a lease for property they thought was theirs is unreasonable, and moving their businesses is out of the question. Therefore, Mr. Brown is requesting that the Commissioners help in this situation and answer several

questions including: Does the railroad really own this property? Does the railroad pay taxes? Mr. Brown said that the railroad could take this both north and south and would affect even more businesses.

Commissioner Lienhoop asked Auditor Hackman if the railroad pays property taxes. Auditor Hackman said yes. Chairman Kleinhenz asked Attorney J. Grant Tucker what the procedure is for abandoned right-of-ways. Attorney Tucker said that if the Commissioners abandon the right-of-way, then the property reverts back to the property owners. The Commissioners asked County Attorney J. Grant Tucker his opinion on the matter, and he said the Commissioners have no jurisdiction on the matter because a decision has been made by the courts.

Mr. Weintraut said the Planning Department knows about this situation and the real question is: How was this right-of-way purchased or obtained? Mr. Weintraut said the Planning Department has talked with the Surveyor's Office, but the Planning Department has not done the research needed to answer this question. Commissioner Lienhoop said the Commissioners cannot do much to help, but he suggested that Mr. Brown contact the Planning Department, Code Enforcement/Zoning Offices, and the Auditor's Office to help research the right-of-way and gather the information needed to aid in his fight.

Next, Chairman Kleinhenz presented the Consideration of a Resolution Adopting a Capital Improvement Plan for Utilization of Economic Development Income or CEDIT for 2012. The CEDIT amount for 2012 is \$1,329,045.00. By Statute the Commissioners

have to create a two (2) year CEDIT plan. The breakdown of the CEDIT money for 2012 is shown in Resolution 2012-03 below.

RESOLUTION NO. 2012-03

**RESOLUTION ADOPTING A CAPITAL IMPROVEMENT
PLAN FOR UTILIZATION OF ECONOMIC DEVELOPMENT
INCOME TAX FUNDS**

WHEREAS, The Bartholomew County Council did previously adopt an Economic Development Income Tax (“EDIT”); and

WHEREAS, Bartholomew County is expected to receive a portion of the funds raised through the adoption of the EDIT; and

WHEREAS, State law requires that each unit of local government that receives EDIT funds must have a Capital Improvement Plan in place detailing how those funds will be utilized before spending any of the EDIT Funds; and

WHEREAS, The Board of Commissioners of Bartholomew County, Indiana “COMMISSIONERS” have formulated a Capital Improvement Plan for the utilization of the portion of the EDIT funds that the County will receive and wish to formally adopt the Capital Improvement Plan; and

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA** to adopt The following Capital Improvement Plan for the utilization during calendar years 2012 and 2013 of the county’s portion of the EDIT funds:

1. Up to the sum of Six Hundred Thousand Five Hundred and Five Dollars (\$600,505.00) will be utilized during calendar year 2012 for public safety purposes. It is anticipated that up to One Hundred Sixty-Nine Thousand Dollars (\$169,000.00) will be utilized to purchase cars and radio's for the Sheriff's Department and that up to Four Hundred Thirty-One Thousand Five Hundred Five Dollars (\$431,505.00) will be utilized to assist in paying the County portion of the Emergency Operations Center Expense. For calendar year 2013, the amount of funds utilized for public safety purposes will be adjusted based upon EDIT funds anticipated.

2. Up to the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) will be deposited into an Economic Development Fund in calendar years 2012 and 2013 to be utilized for future economic development projects.

3. Up to the sum of Fourteen Thousand Dollars (\$14,000.00) will be used to obtain two (2) seats on the Columbus Economic Development Board in calendar years 2012 and 2013. One membership shall be utilized by a Bartholomew County Commissioner and one membership shall be utilized by a Bartholomew County Council member.

4. Up to the sum of Four Hundred Sixty-Four Thousand Five Hundred and Forty Dollars (\$464,540.00) will be utilized during calendar year 2012 for general maintenance and repair of county roads. For calendar year 2013, the amount of funds utilized for general maintenance and repair of county roads will be adjusted based upon the EDIT funds anticipated.

5. Of the amount referred to in paragraph four (4) above, up to the sum of Three Hundred Thousand Dollars (\$300,000.00) may be utilized during calendar year 2012 and 2013 on the following specific projects:

- A. Up to One Hundred Thousand Dollars (\$100,000.00) on improvements to Whitehorse Rd.
- B. Up to One Hundred Thousand Dollars (\$100,000.00) on improvements to Old Nashville/Baker Hollow Rd.
- C. Up to One Hundred Thousand Dollars (\$100,000.00) on efforts to protect and/or stabilize the Southern Crossing Bridge.

6. Upon passage of this resolution and proper appropriation by the Bartholomew County Council, the Bartholomew County Auditor is authorized to distribute the County's portion of the EDIT Funds consistent with the provision of this Capital Improvement Plan.

7. That this Resolution and Capital Improvement Plan shall be effective immediately upon its passage.

BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA

S/s Larry S. Kleinhenz
Larry S. Kleinhenz, Chairman

S/s Paul Franke -- NAY
Paul Franke, Member

S/s Carl H. Lienhoop
Carl H. Lienhoop, Member

ATTEST:

By: S/s Barbara J. Hackman
Barbara J. Hackman, Auditor of
Bartholomew County, Indiana

Chairman Kleinhenz said that \$346,919.00 of 2011 CEDIT money was unspent, so the Commissioners will be asking the County Council to re-appropriate that money for 2012, so it can be used for overlay of roads.

Commissioner Franke said that he objects to the line that states, "For calendar year 2013, the amount of funds utilized for public safety purposes will be adjusted based upon EDIT funds anticipated." Commissioner Franke said that a specific dollar amount should be given because for 2012 \$431,505.00 has been specified for the E911 shortfall. Commissioner Franke is not sure what the legislature might pass to increase surcharges collected from 911 calls. E911 Director Ed Reuter said that there are two (2) bills that increase the surcharge on 911 calls. The Senate bill will increase the surcharge for all devices calling 911 to one dollar (\$1.00) per device; whereas, the House bill will increase the surcharge for all devices calling 911 to seventy-five cents (75¢). Director Reuter said that the Senate bill is the bill that governments are hoping will pass because the current surcharge is constantly changing with the number of landlines declining, so E911 does not know the worst case scenario for the E911 shortfall. Chairman Kleinhenz asked if the

increase in a surcharge for E911 calls will balance the 911 Budget. Director Reuter said that it will not balance the budget but will stop the bleeding.

Commissioner Franke said that the E911 Center is something that the County has to prepare to fund, but the Sheriff's Department should not be funded from the CEDIT funds. The CEDIT fund was passed instead of the Wheel Tax so the County would have money to repair the roads of Bartholomew County, but the County Council is asking to use CEDIT money for the budget and this should stop. Commissioner Franke said he could not support item #1 in this 2012 CEDIT plan the way it is written. Commissioner Franke would not have a problem leaving \$431,505.00 that will assist in paying for the E911 for 2013, but the Sheriff's Department should not receive any of the CEDIT funds. They should find funds out of the General Fund or learn to live with less because road improvements are very important projects. Chairman Kleinhenz said that the Commissioners need to work with the County Council because they have a budget to balance too.

Commissioner Lienhoop said he was with the State Commissioners last week and they are in favor of the Senate bill because the House bill will collect less in surcharges for E911 calls from devices. The Senate bill will stop the bleeding but will not make up the entire E911 shortfall. Chairman Kleinhenz mentioned that if a bill is going to be passed, then why not make the surcharge an amount that will balance the 911 budgets.

Commissioner Lienhoop asked if the CEDIT Plan could be amended in January 2013. Auditor Hackman and Attorney Tucker said that this plan can be amended.

Attorney Tucker also said that he understood Commissioner Franke's point, but the language in the CEDIT plan says "up to the sum of". However, Commissioner Franke would like a specific amount added to the CEDIT plan to send a message to the Council to wean them off of the CEDIT money.

Commissioner Lienhoop made a motion to approve Resolution 2012-03 adopting a capital improvement plan for utilization of economic development income tax funds for 2012-2013. Chairman Kleinhenz seconded the motion that passed on a vote of 2:1 with Commissioner Franke voting against the motion.

The next item on the agenda was the Consideration of an Ordinance Amending Ordinance 2001-10 Authorizing Payment of Certain Claims in Advance of Board Allowance on 1st Reading as shown below.

**ORDINANCE AMENDING ORDINANCE #2001-10 AUTHORIZING PAYMENT
OF CERTAIN CLAIMS IN ADVANCE OF BOARD ALLOWANCE**

WHEREAS, the Board of Commissioners of Bartholomew County ("Commissioners") did, on December 3, 2001, adopt Ordinance No. 2001-10 which authorized the payment of certain claims in advance of approval of said claim by the Board of Commissioners; and

WHEREAS, the Commissioners have been made aware that at least one vendor or supplier of goods and/or services to the County is willing to offer a discount from the amount invoiced for payment made within a stated number of days from the invoice date; and

WHEREAS, the Commissioners believe it to be a prudent decision to take such action as is necessary to take advantage of any offered discount even if it means paying said amount prior to approval of said claim by the Board of Commissioners; and

WHEREAS, the Commissioners herein wish to amend Ordinance No. 2001-10 in order to authorize payments to be made in order to receive a discount from the amount billed or invoiced.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Bartholomew County, Indiana as follows:

SECTION 1.

Ordinance 2001-10 is hereby amended, revised and changed as follows:

SECTION 2.

Paragraph one of Ordinance 2001-10 is amended to add a subsection 0, which reads as follows:

o. Payments made in order to receive a discounted price for goods or services provided to the County.

SECTION 3.

Ordinance 2001-10 shall remain unchanged in all other respects.

SECTION 4.

This Ordinance shall be effective immediately upon its passage.

PASSED ON FIRST READING THIS 13th DAY OF FEBRUARY, 2012.

BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA

S/s Larry S. Kleinhenz
Larry S. Kleinhenz, Chairman

S/s Paul Franke
Paul Franke, Member

S/s Carl H. Lienhoop
Carl H. Lienhoop, Member

ATTEST:

By: S/s Barbara J. Hackman
Barbara J. Hackman, Auditor of
Bartholomew County, Indiana

County Attorney J. Grant Tucker explained this ordinance amends ordinance 2001-10 to authorize payments made in order to receive a discounted price for goods or services provided to the County. Chairman Kleinhenz said the specific claim would be from Gordon Food Service who offered the County a one percent (1%) discount if the payment was made within ten (10) days of receipt. Auditor Hackman said this would save the County approximately \$3,000.00 a year.

Chairman Kleinhenz opened a public hearing. County Council member Jorge Morales asked where the food will be served. The food will be served at the Jail and the Youth Services Center. Hearing no comments, Chairman Kleinhenz closed the public hearing. Commissioner Franke made a motion to approve this ordinance on 1st reading for authorizing payment of certain claims in advance of the Board allowance. Commissioner Lienhoop seconded the motion that passed unanimously.

Next, Chairman Kleinhenz presented an overview of the January 2012 Veteran's Monthly Report. In January, the Veteran's Office had 41 personal interviews (in office and in person), had 11 claims and applications filed (for veterans, spouses, widows, and children), received 52 questions and referrals for information and counseling services, received 111 incoming telephone calls, and made 22 outgoing telephone calls, and made 15 trips to the VA Medical Center. Chairman Kleinhenz made a motion to accept the January 2012 Veteran's Monthly Report. Commissioner Franke seconded the motion that passed unanimously.

The January 2012 Clerk's Monthly report was presented for approval by Commissioner Lienhoop. Finding the report to be in order, Commissioner Lienhoop made a motion to approve the January 2012 Clerk's Monthly Report. Commissioner Franke seconded the motion that passed unanimously.

There being no other business, the meeting was adjourned by Chairman Kleinhenz at 11:05 am. The next Commissioner's meeting will be on Monday, February 20, 2012 at 10:00 am in the Commissioner's Chambers.

BARTHOLOMEW COUNTY
COMMISSIONERS

LARRY S. KLEINHENZ, CHAIRMAN

PAUL FRANKE, MEMBER

CARL H. LIENHOOP, MEMBER

ATTEST:

BARBARA J. HACKMAN, AUDITOR