

COMMISSIONER'S MEETING
June 25, 2012

The Bartholomew County Commissioners met in regular session on June 25, 2012 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Larry Kleinhenz called the meeting to order at 10:00 am. Commissioners Carl Lienhoop and Paul Franke, Auditor Barb Hackman, and County Attorney J. Grant Tucker were also in attendance. Chairman Kleinhenz gave the Invocation and led the Pledge of Allegiance.

Next, Commissioner Lienhoop made a motion to approve the June 18, 2012 minutes. Commissioner Franke seconded the motion that passed unanimously.

The Payroll Claims were presented for approval. Commissioner Franke made a motion to approve the Payroll Claims as presented. Commissioner Lienhoop seconded the motion that passed unanimously.

Next, Chairman Kleinhenz read the New Permits Report from 6/18/2012 to 6/22/2012. Twenty-nine (29) building permits were issued with a fee amount of \$2,600.00 and a valuation amount of \$1,129.903.

County Highway Engineer Danny Hollander gave the weekly crew report. They put up signs, mowed in Clay, Ohio Township, Flatrock and Harrison Townships, replaced pipes on 500 W. and Old Nashville Road, bermed roads for overlay, grinded roads for overlay, patched roads, worked on log jam on 800 S. and picked up trash.

Chairman Kleinhenz asked Engineer Hollander when 500 W. would be overlaid. He told him that they were working with Milestone Contractors on some of the roads, but did not think they had started on 500 W.

Commissioner Franke told Engineer Hollander that it was brought to the Commissioners' attention that Darla Shelton was upset with the Highway Department. She has asked several times to have evergreen trees trimmed or removed on 450 S. right down from Sprague Road. Engineer Hollander said that they were supposed to be removed by the developer when they built the subdivision, but he transferred the responsibility to the property owner because the lots were sold before the subdivision was built. Engineer Hollander said that they (Highway Department) would take care of it.

Commissioner Franke also told Engineer Hollander that there is a curve sign on Spray Road that is twisted and flat on the ground.

Commissioner Franke also asked Engineer Hollander about the shot rock project and how it was coming along. Engineer Hollander told him that they were waiting on the phone company that has a fiber optic line that needs to be removed. He said that he has been in contact with the phone company who told him a month ago that it would only be a week.

Chairman Kleinhenz asked Engineer Hollander to make note that there is a water leak on 500 W. He said that has called the water company, but he felt if the Highway Department called them, they may act faster.

Commissioner Lienhoop mentioned to Engineer Hollander that he had gotten a request from Ray Burbrink to close a county road to let a center pivot go over it. When the Commissioners discussed it at first, they felt it may be more of a permanent situation and that if they wanted to grant him permission, they may want to have him plant, at his expense, gates for flood waters. Mr. Burbrink has informed Commissioner Lienhoop that he has purchased a center pivot for that should it be installed in the next two weeks. Commissioner Lienhoop feels Mr. Burbrink wants permission to run the long center pivot around once or twice to keep the crop alive until the new center pivot gets installed. Commissioner Lienhoop wants to make sure that the County does not have any liability and that the road is shut so that no one drives through during the night. This property is above the Henry Breeding Farm on 100 W. Chairman Kleinhenz suggested that all three of them (the Commissioners) go look at this.

The next item on the agenda was the consideration of an **Ordinance Amending Ordinance No. 2009-12 Pertaining to the Bartholomew County Personnel Policy for Purpose of Adopting and Implementing an Anti-Nepotism Policy on second reading.** Attorney Tucker explained that the State Legislature passed the anti-nepotism law and insisted that units of local government adopt one of their own. Office Holders and Departments Heads are not to hire relatives. It has to be in place by the end of this year because the Commissioners, as the executive, have to certify that it is in place and that we are following it. It also applies to purchasing. The County cannot purchase from relatives without filling out a disclosure statement. Chairman Kleinhenz opened the

Public Hearing. Hearing no comments, Chairman Kleinhenz closed the Public Hearing. Commissioner Franke asked if the entire Sheriff's Department was exempt. Attorney Tucker explained that it is just the Matron that is exempt. There is also an exemption for the Coroner. Commissioner Lienhoop said that Bartholomew County has been following some sort of anti-nepotism policy already. Commissioner Lienhoop made a motion to approve the following ordinance on second reading. Commissioner Franke seconded the motion that passed unanimously.

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-12
PERTAINING TO THE BARTHOLOMEW COUNTY PERSONNEL
POLICY FOR PURPOSES OF ADOPTING AND IMPLEMENTING
AN ANTI-NEPOTISM POLICY**

WHEREAS, Bartholomew County did, on the 19th day of October, 2009 adopt Ordinance No. 2009-12 which established an amended, revised and updated Bartholomew County Personnel Policy; and

WHEREAS, due to recent changes in State law it has become necessary to update and amend the Bartholomew County Personnel Policy to comply with the change in Indiana Law that requires units of local government to adopt and implement an anti-nepotism policy that is consistent with the provision of Indiana law;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA AS FOLLOWS:**

SECTION 1: Ordinance 2009-12 is hereby amended, revised and changed to add and include the following:

BARTHOLOMEW COUNTY ANTI-NEPOTISM POLICY:

- a. **Purpose:** Decision about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and

contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by Bartholomew County in a position in which a relative, as defined in this Section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by Bartholomew County for goods, services, and public works projects.

b. **Definitions.**

(1) **Break in Employment.** Termination, retirement, or resignation of an employee from Bartholomew County. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by Bartholomew County without loss of payroll time.

(2) **County.** Bartholomew County and its boards and departments.

(3) **Direct Line of Supervision.** An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the County Commissioners or County Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.

(4) **Elected Official.** The County Commissioners and Members of the County Council.

(5) **Employed.** An individual who works for or is appointed to any department, office or board of the County on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

(6) **Relative.** For the purposes of this Section, the term includes any of the following:

(a) Spouse;

(b) Parent or step-parent;

(c) Child or step-child (includes an adopted child);

- (d) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
- (e) Niece or nephew;
- (f) Aunt or uncle;
- (g) Daughter-in-law or son-in-law; and
- (h) Sister-in-law or brother-in-law.

c. Employment Policy.

- (1) Individuals who are relatives, as defined in subsection b. above, of existing employees may not be employed by the County in a position that results in one (1) relative being in the direct line of supervision of the other relative.
- (2) An individual who is employed by the County on July 1, 2012, is not subject to this anti-nepotism policy unless the individual has a break in employment, as defined herein, with the County.
- (3) If an individual is employed by the county and the individual's relative begins serving a term of elected office, the individual may continue his/her employment with the County and retain his/her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.
- (4) While an individual who is employed by the County and the individual's relative begins serving a term of elected office may continue his/her employment with the County, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.
- (5) This policy shall not prevent a sheriff's spouse from being employed as jail matron and being in the Sheriff's direct line of supervision nor shall this policy prohibit an individual: who served as coroner, who is currently ineligible to serve as coroner under Article 6 Section 2(b) of the Indiana Constitution; who, as coroner received certification under I.C. 36-2-14-22.3; and whose successor in office is a relative of the individual from being hired as a deputy coroner and being in the coroner's direct line of supervision.

d. **Contracting Policy.** The County may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest only if:

- (1) The elected official files with the County a full disclosure which must be:
 - (a) In writing; and
 - (b) Describe the contract or purchase to be made by the County; and
 - (c) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects; and
 - (d) Be affirmed under penalty of perjury; and
 - (e) Be submitted to the Board of County Commissioners prior to final action; and
 - (f) Be filed with the County Clerk and the State Board of Accounts within fifteen (15) days of final action.
- (2) The appropriate County board or department:
 - (a) Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or
 - (b) Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.
- (3) The County satisfies all other requirements of Indiana's public purchasing (I.C. §5-22) or public works projects (I.C. § 36-1-12) statutes.
- (4) The elected official complies with disclosure provisions of I.C. § 35-44-1-3.

e. **Submission of Compliance Statements.** In addition to any other disclosures or certifications required by this Section, the following actions must be taken:

- (1) The annual report filed by the County with the State Board of Accounts under

I.C. §5-11-13-1 must include a County Commissioner's statement that the County has implemented an anti-nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

- (2) On or before December 31st of each year, each elected officer shall submit to the County Commissioner's a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the County's anti-nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

SECTION 2. All existing employment policies, employee handbooks, and all ordinances or parts of ordinances to the extent that the same are in conflict with the provisions of this ordinance are hereby repealed; however, to the extent not inconsistent with the provisions of this ordinance, Ordinance No. 2009-12 shall remain unchanged in all other respects.

SECTION 3. This Ordinance and the corresponding changes to the Bartholomew County Personnel Policy shall be effective July 1, 2012,

PASSED ON FIRST READING THIS 18th DAY OF JUNE, 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

PASSED ON SECOND READING THIS 25th DAY OF JUNE, 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

Chairman Kleinhenz read the following “**Proclamation on Open Burn Ban**”:

**BARTHOLOMEW COUNTY
In the
STATE OF INDIANA**

PROCLAMATION

WHEREAS: Bartholomew County has experienced a prolonged period of abnormally dry weather resulting in a serious fire risk; and

WHEREAS: Indiana Law, specifically I.C. 10-4-1 et.Seq., authorizes local fire chiefs to require that open burning be discontinued if the open burning is determined to constitute a hazardous condition; and

WHEREAS: By Executive Order dated June 20, 2012, the Bartholomew County Fire Chief’s Association did “resolve and request that there be no open burning or

discarding of matches, ashes or burning materials from vehicles within the confines of Bartholomew County, Indiana”; and

WHEREAS: The Bartholomew County Commissioners have reviewed the Executive Order of the Fire Chief’s Association and believe its terms and conditions to be necessary and appropriate.

NOW THEREFORE, We, the Bartholomew County Commissioners DO HEREBY ADOPT The Executive Order of the Bartholomew County Fire Chief’s Association and do hereby attach a copy of said Executive Order hereto and incorporate its terms the same as if they were contained herein and urge all county residents to support this order.

IN WITNESS WHEREOF, we have
hereunto set our hand this 25th day of
June 2012

S/s Larry S. Kleinhenz
Chairman
County Commissioner

S/s Carl H. Lienhoop
Member
County Commissioner

Paul Franke
Member
County Commissioner

Paul Minus, from the Republic, asked if the Proclamation included fireworks. Auditor Hackman answered that if the fireworks are exempt 5 days prior to July 4th and five days after July 4th. Commissioner Lienhoop asked Attorney Tucker if the Governor could issue an Executive Order and supersede the time period on the fireworks if it did not rain and Attorney Tucker stated that he did not know. Commissioner Franke made a motion to sign the above “**Proclamation on Open Burn Ban**”. Commissioner Lienhoop seconded the motion that passed unanimously. Chairman Kleinhenz also stated that he would ask the Sheriff’s Department to help enforce it.

Heather Siesel, with the Recycling Center, handed the Commissioners an overview of the things that they collected from the Tox-away Event on May 12, 2012. This is the second annual event that the Recycling Center has held and it is for hard to dispose of items such as household chemicals, electronics, appliances, tires and televisions. They collected 33 tons of materials that did not make it to the landfill that day. They have had 2,669 cars in April and 2,891 cars in May visit the Recycling Center. The residential cardboard numbers for April and May have been up. She said that in April and May, she did 25 separate educational events, in which 2,801 people were affected. The largest part of those numbers is the health and safety fairs that she has been invited to by Cummins. She has also done many in-classroom presentations as school was letting out. She highlighted some upcoming events such as partnering with MS4 at the Bartholomew County 4-H Fair to raffle off a rain barrel that is painted by a local artist as well they are working with White River Broadcasting to hand out some promotional items. They are going to hold a photo contest to reduce reuse recycle photo contest and a reuse art activity for kids' day.

Commissioner Lienhoop read the Veterans Monthly Report for the month of May 2012. There were six (6) personal interviews (in office, in person), four (4) claims & application files (for veterans, spouses, widows & children) and 15 information & counseling services. Commissioner Lienhoop made a motion to accept the Veterans Report for the month of May 2012. Commissioner Franke seconded the motion that passed unanimously.

Chairman Kleinhenz read the Animal Control Monthly Report for the month of May 2012. There were 75 animals picked up, 4 violations, 3 fines, 4 bite cases, 3 animals reclaimed and 4,279 total miles logged. Chairman Kleinhenz made a motion to accept the Animal Control Monthly Report for the month of May 2012. Commissioner Franke seconded the motion that passed unanimously.

Under miscellaneous was the consideration of Appointments to the Emergency Ambulance Service Board. Chairman Kleinhenz explained that City Council found an old ordinance creating a board to oversee and make recommendations concerning ambulance services in the County, so there has been a renewed interest in that board and the County Commissioners have two (2) appointment to the board. Commissioner Franke read the two (2) appointments to the board: Larry Fisher and Carl Lienhoop. Commissioner Franke made a motion to appoint Larry Fisher and Carl Lienhoop to the Emergency Ambulance Service Board. Chairman Kleinhenz seconded the motion that passed unanimously.

Also under miscellaneous, Commissioner Franke read a Memorandum to the Bartholomew County Board of Zoning Appeals from the Bartholomew County Commissioners that was presented to the Commissioners by the Planning Department. This is regarding the B/DS-12-02: Heritage Heights. Commissioner Franke made a motion to sign the following Memorandum. Commissioner Lienhoop seconded the motion that passed unanimously.

MEMORANDUM

TO: Bartholomew County Board of Zoning Appeals
FROM: Bartholomew County Commissioners
DATE: June 25, 2012
RE: B/DS-12-02: Heritage Heights

Heritage Heights is proposing to increase the area and the height of the sign located in the median of Henry Lakes Boulevard. The proposal exceeds the maximum area of a development entry sign by 16 square feet for a total of 48 square feet and exceeds the maximum height of a development entry sign by 4 feet for a total of 10 feet (Zoning Ordinance Table 10.1).

The sign is located in Bartholomew County's right-of-way, but we feel that the Bartholomew County Board of Zoning Appeals should review this request as they would other signs which request a Development Standards Variance from the Bartholomew County Zoning Ordinance.

S/s Larry S. Kleinhenz
Larry S. Kleinhenz

S/s Carl Lienhoop
Carl Lienhoop

S/s Paul Franke
Paul Franke

Chairman Kleinhenz recognized Republican Commissioner Candidate Rick Flohr in today's meeting.

There being no other business, the meeting was adjourned by Chairman Kleinhenz at 10:46 a.m. The next Commissioners' meeting will be on Monday, July 2nd, 2012 at 10:00 a.m. in the Commissioners' Chambers.

BARTHOLOMEW COUNTY
COMMISSIONERS

LARRY S. KLEINHENZ, CHAIRMAN

PAUL FRANKE, MEMBER

CARL H. LIENHOOP, MEMBER

ATTEST:

BARBARA J. HACKMAN, AUDITOR