

**COMMISSIONER'S MEETING**  
**July 29, 2013**

The Bartholomew County Commissioners met in regular session on July 29, 2013 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 a.m. Commissioners Larry Kleinhenz and Rick Flohr and County Attorney J. Grant Tucker were also in attendance. Chairman Lienhoop gave the Invocation and led the Pledge of Allegiance. County Auditor Barbara Hackman was unable to attend today's meeting so Chief Deputy Auditor Sandy Beatty attended.

Commissioner Kleinhenz made a motion to approve the July 22, 2013 minutes. Commissioner Flohr seconded the motion that passed unanimously.

The Commissioners' Claims were presented for approval. Commissioner Flohr made a motion to approve the Commissioners' Claims as presented. Commissioner Kleinhenz seconded the motion that passed unanimously.

Chairman Lienhoop read the New Permits Report from 7/22/2013 to 7/26/2013. Twenty-eight (28) permits had been issued with a fee amount of \$2,075 and a valuation amount of \$931,876.

County Highway Engineer Danny Hollander distributed the Monthly Financial Report for June 2013.

Engineer Hollander presented the following striping quotes for roads that have been chip and sealed that were previously striped as well as roads that have been fading that have not been done in a while:

<i>GridLock Traffic Systems</i>	<b>\$34,474.83</b>
<i>RoadSafe Traffic Systems</i>	<b>\$49,689.06</b>
<i>Indiana Sign &amp; Barracade</i>	<b>\$39,639.58</b>

Chairman Lienhoop made a motion to approve the low proposal in the amount of \$34,474.83 from GridLock Traffic Systems. Commissioner Kleinhenz seconded the motion that passed unanimously.

Engineer Hollander presented a City/County Utility Reimbursement Agreement and a Subordination Agreement with Enterprise TE Products Pipeline Company LLC for the 600 N. projects. This will release their easement for the County to work within County right-of-way. The amount of the reimbursable agreement is \$95,841. Commissioner Flohr made a motion to approve the City/County Utility Reimbursement Agreement and a Subordination Agreement with Enterprise TE Products Pipeline Company LLC in the amount of \$95,841. Commissioner Kleinhenz seconded the motion that passed unanimously.

Engineer Hollander gave the weekly crew report. Last week, they patched roads, mowed in Harrison, Wayne & Hawcreek Township. They replaced pipes on Stafford Road, wedged at Grandview Lake, Sawmill Road and on 675 W. They milled roads for overlay including The Meadows, Dawson Street and Mt. Healthy Road. Milestone paved on 450 E., 275 N. and the Meadows.

Commissioner Kleinhenz asked what the plan is for 325 W. Engineer Hollander said that the legal descriptions are being completed now and most of it will be widening. He stated that they would overlay the whole thing and will straighten the curves. Commissioner Kleinhenz requested that they do most of this project in-house.

Chief Deputy Auditor Sandy Beatty presented the Form 144's to the Commissioners' for their approval. Commissioner Kleinhenz made a motion to accept the Form 144's for the 2014 Budget. Commissioner Flohr seconded the motion that passed unanimously.

Commissioner Kleinhenz presented the Animal Control Report for the month of June 2013. Sixty-six animals were picked up, 2 bite cases, 5 animals reclaimed and 3,930 miles logged. Commissioner Kleinhenz made a motion to accept the Animal Control Report for the month of June 2013. Commissioner Flohr seconded the motion that passed unanimously.

Commissioner Flohr presented the Clerk's Report for the month of June 2013. Commissioner Flohr made a motion to accept the Clerk's Report for the month of June 2013. Commissioner Kleinhenz seconded the motion that passed unanimously.

County Councilman Bill Lentz was present to discuss the drainage issue for the proposed Cook-Layman Regulated Drain. Attorney Tucker advised that since Chairman Lienhoop is a member of the drainage board, it would be best for him to excuse himself; Chairman Lienhoop stepped out at this time. Mr. Lentz made note to the following bullet

points in the Statute concerning drains. The objections may be for one (1) or more of the following causes:

- *The costs, damages and expenses of the proposed reconstruction will exceed the benefits that will result to the owners of all land benefited.*
- *The objector is the owner of land assessed as benefited and the benefits assessed against his land are excessive.*
- *The objector is the owner of land damaged by the reconstruction.*

Mr. Lentz presented the following concerns he has:

## Cook-Layman Regulated Drain

### Concerns:

- Area in question does not flood every year.
- No guarantee that the proposed project will be successful.
- Other new tiles in the same area have not always worked.
- Many believe this is the water table; a tile cannot drain the water table.
- Big tile could bring more water down on other land owners.
- Many believe that there will be no difference to their land if the tile is put in or not.
- The ground is very sandy and gravelly; ground water goes down very quickly.
- What if bids come in lower than the taxed amount?
- There should not be a maintenance fee that one pays every year on a tile that is buried in the ground.
- The proposed right-of-way or easement is 150 feet where the tile is located. Will I lose partial control of that ground? If so, why aren't I compensated instead of being taxed \$1100 an acre?
- This area already has very high taxes compared to most of the state and other parts of Bartholomew County. If a property owner is unable to pay these taxes, his or her farm and home will go to a tax sale. Many have expressed concerns that this could happen to them.
- Unlike other property taxes, this tax is not subject to the 1%, 2%, or 3% property tax caps and has very few safeguards.
- The drainage board is non-elective; therefore, this gives the tax payer very little recourse.
- Government should exist to make our lives better. This tax, however, creates an insurmountable burden with no guarantees of beneficial results.

Ken Vieth, a Hope resident, presented his opinion of why the Cook-Layman Regulated Drain should not be placed:

July 29, 2013

Bartholomew County Commissioners and Drainage Board

Subject: Proposed Cook-Layman Regulated Drain

The following represents the observations of Kenneth W. Vieth, Jr., owner of about 120 acres along Marr Road and at 150E/750N and a house with an adjoining lot on 800 N. These parcels of land and buildings have been accessed excessive construction fees totaling over USD\$31,000 for the proposed Cook-Layman Regulated Drain (CLRD). The proposed CLRD offers no benefit to these properties or provides no solution to any perceived water drainage problems.

The "slew" or low lying land area has been farmed every year since purchase in 1984 except 2008, the year of the five hundred year flood. The water table in the slew was higher than the ground during the entire planting window: No drain would have worked. In all of the other years, crops have been planted, sometimes some with minimal replanting, and harvested with wetness of little concern. The concern is not "too much water," but too little water since the soil is for the most part a sandy mix. All of the farm ground is irrigated because of this fact. When we lose yield (bushels per acre), it is because of insufficient water during the growing season, not because of too much water.

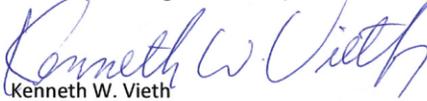
The proposed CLRD barely touches any of this farm land so if excessive water were a major concern, impacting the yield of the farm, it will be of almost of no benefit, possibly helping to drain one to two acres (drains 50 feet of either side of drain line???) . To make the proposed CLRD work for this farm land (if drainage was a major concern), additional drain tiles would have to be laid and tied to the CLRD, again at a major cost with no benefit: This has not even been a topic of discussion over all these years, but irrigation has been and continues to be so.

Concerning the 20 acres at 150E and 750N, there is not even a slight possibility of providing relief. Similarly, the homestead property and the house and lot on 800N will be charged for what benefits? There is no opportunity to recover the accessed construction fees while there is no benefit. Any water that may enter basements of homes in this area comes from the rising of the aquifer, not surface water. The proposed CLRD cannot drain the aquifer, the source of water for irrigation.

It is imperative that a benefits-loss or damages comparison be made. If I am forced to sign up for the CLRD and it saved me earnings from two acres every four years, \$200 net profit per acre per year calculates to an average of \$100 savings per year. At a cost of over \$31,000, I will have a payback in 310 years or even longer if the cost of money is included.

In summary, if I made financial decisions like the proposed CLRD over my lifetime, I would be broke, out of the farming business today. The proposed CLRD will generate a huge, very negative return on investment for the Vieth properties if allowed to proceed. Further, since houses are included in the assessment, why aren't the homes in the Riverview area (North of 800N at Marr Road) part of the assessment? Also, are there any options to drain to other rivers, creeks or drainage ditches close to "real" perceived need? The proposed CLRD seems to have been designed to possibly benefit a few at the expense of the majority of the affected property owners. The Kenneth Vieth vote on the project is "NO."

Thank you for giving me this opportunity to voice my views and concerns about the proposed Cook-Layman Regulated Drain, Bartholomew County, Indiana.

  
Kenneth W. Vieth

11545 North Marr Road  
Columbus, Indiana 47203

Jay Shoaf, a farmer in Hope, spoke against the drain. He suggested draining the water from 800 N. to Sydney, which is a creek that runs north of there. He said it would be feasible, but not sure about the cost. Commissioner Kleinhenz said that this is something that needs to be pointed out in a Drainage Board meeting.

Mike Hoover, a resident of Hope, was present on behalf of his mother, was concerned with the hardship situation with his neighbor, who is struggling to pay her bills and would not benefit at all from this drain.

Taxpayer Toni Ping asked if the drain goes through, would the property owners have a 10% penalty if they do not pay for the drain on the property tax statement. Attorney Tucker stated that it is “added” to the taxes and you can pay it when you get the bill or you can pay it over a period of 5 years including interest (set by Statute).

Attorney Tucker said that everyone that spoke today needs to attend the next Drainage Board Meeting on Monday, August 19 @ 6:30 p.m. if they want their concerns considered by the Drainage Board.

Taxpayer Mike Lovelace asked, if the Drainage Board votes to go ahead with this drain, can the property owners still take it to court. Attorney Tucker said, yes, they could.

There being no other business, the meeting was adjourned by Commissioner Kleinhenz at 11:01 a.m. The next Commissioners’ meeting will be on Monday, August 5, 2013 at 10:00 a.m. in the Commissioners’ Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL H. LIENHOOP, CHAIRMAN

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LARRY S. KLEINHENZ, MEMBER

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RICHARD A. FLOHR, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR