

## COMMISSIONERS' MEETING

April 23, 2018

The Bartholomew County Commissioners met in regular session on April 23, 2018, in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz and Carl Lienhoop were present. County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also present.

Chairman Kleinhenz called the meeting to order and County Assessor Lew Wilson gave the invocation and led the Pledge of Allegiance.

The first order of business was the approval of the April 16, 2018, Commissioners' Meeting Minutes. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Flohr seconded the motion that passed unanimously.

Next was the approval of payroll. Commissioner Flohr motioned to approve the payroll. Commissioner Lienhoop seconded the motion which passed unanimously.

Chairman Kleinhenz read into the minutes the New Permit Report dated 4/16/18 through 4/21/18. Twenty (20) permits were issued with fees collected of \$2,359 and estimated construction costs of \$1,191,780.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; put up signs; picked up trees; picked up trash; crack-sealed on Base Road, 275E, 400E, 125S, 475E, 150S, 325W, and Westview Drive; replaced pipe at Harrison Lake; put in driveway pipes on Georgetown Road and 700S; fixed washout's on Enon Road and on 925E; placed stone under guard rail on Youthcamp; ditched on 950N, 400W and 930S; and ground stumps on 750N and in Taylorsville. He reported that Milestone had completed overlay work on 850S, Base Road, 350E, and 500E, roughly half the work carrying over from last year.

He also submitted the **Highway Monthly Crew Report** for March, 2018, which included the crew work, status of bridge and road projects for December and upcoming crew priorities for April, 2018.

After reviewing the bids for County Highway road materials, Hollander gave his recommendations on the **hot mix, cold mix, and liquid asphalt bids** opened last week. All bids were priced per ton. He recommended accepting the quotes from all three bidders for **hot mix**, to

use depending on location of jobsite. Commissioner Flohr moved to accept all three bids, per Hollander's recommendation. Commissioner Lienhoop seconded the motion that passed unanimously.

<i>Item Description</i>	<i>Dave O'Mara</i>	<i>Globe Asphalt</i>	<i>Milestone</i>
25 mm Base	\$45.00	\$42.00	\$45.50
19 mm Intermediate	\$45.00	--	\$47.00
12.5 mm Intermediate	\$47.00	\$44.00	\$48.00
12.5 mm Surface	\$48.00	\$46.00	\$48.00
9.5 mm Surface	\$49.00	\$48.00	\$49.75
HPCM 300	--	--	\$130.00

He also recommended accepting quotes from all three bidders for **liquid asphalt**. Chairman Kleinhenz motioned to accept the quotes from all three bidders. Commissioner Lienhoop seconded the motion that passed unanimously.

<i>Item Description</i>	<i>Terry Asphalt Materials, Inc.</i>			<i>Marathon Petroleum Co.</i>			<i>Asphalt Materials, Inc.</i>		
	<i>Job Site</i>	<i>Storage</i>	<i>Plant</i>	<i>Job Site</i>	<i>Storage</i>	<i>Plant</i>	<i>Job Site</i>	<i>Storage</i>	<i>Plant</i>
RS-2 (Chip & Seal)	\$340.34	\$340.34	--	\$347.80	\$334.00	--	\$393.08	\$393.08	--
AE-90 (Dura-Patcher)	\$390.32	\$390.32	--	\$347.80	\$334.00	--	\$393.08	\$393.08	--
AEP-L	\$328.44	--	\$295.12	\$347.80	--	\$348.00	\$393.08	--	\$432.00
AE-T (Tack Oil)	--	--	\$345.10	--	--	\$348.00	--	--	\$432.00
AE-90S (Chip & Seal)	461.72	461.72	--	--	--	--	\$465.08	\$465.08	--
AE-F (Fog Seal)	\$271.32	\$271.32	--	\$347.80	\$343.00	--	\$373.59	\$373.59	--

He recommended awarding to the lowest of two bidders, US Aggregates, for **cold mix**, used for patching. Commissioner Lienhoop motioned to accept the low bid from US Aggregates. Commissioner Flohr seconded the motion that passed unanimously.

<i>Item Description</i>	<i>US Aggregates</i>
AWP 300	\$92.00
#9 Pug Mill Mix	--
#11 Pug Mill Mix	--

Next was consideration of a professional services contract with United Consulting for the emergency replacement of **Bridge #296** on 800S in Wayne Township damaged by flooding which resulted in its immediate closing. To speed up the reopening, the commissioners had approved bypassing the bidding process last week and have Milestone begin the repair work without delay. The contract's not-to-exceed amount of \$12,500 covers project design, plan development and construction phase services. Commissioner Lienhoop motioned to sign the contract with United Consulting. Commissioner Flohr seconded the motion that passed unanimously.

Another bridge damaged with the last storm event was **Bridge #66** on 900E in Haw Creek Township, close to the Shelby County line. One of the wings gave out. The remainder of the bridge, built in the 1970's, is in adequate condition. Again, Hollander recommended bypassing the bidding process and jobbing out the emergency wing wall repair to Duncan Robertson under a cost-plus agreement as estimates are not readily available. Commissioner Flohr motioned to hire Duncan Robertson for the emergency bridge work. Commissioner Lienhoop seconded the motion that passed unanimously.

Hollander also submitted the **2017 Annual Operational Report for Local Roads and Streets** completed according to IC 8-17-4.1 for submission to the State Board of Accounts. Commissioner Kleinhenz motioned to accept the annual report. Commissioner Flohr seconded the motion that passed unanimously.

Hollander also presented a **letter to the County Surveyor, E.R. Gray**, requesting assistance in preparing plans, bid specifications, and legal descriptions for any needed easements for a county highway funded **Clifford drainage project along CR 250E**, east of the Town of Clifford. Commissioner Lienhoop motioned to sign the request letter. Commissioner Flohr seconded the motion that passed unanimously.

Next was the second reading of an **ordinance amending the official zoning map** of Bartholomew County for what is to be known as **Oxford North Rezoning (RZ-18-01)**. (*See attached.*) Planning Department Director Jeff Bergman presented a request for rezoning explained here in an excerpt taken from his memo to the commissioners, dated 4/10/18:

At its March 21, 2018 meeting, the Bartholomew County Plan Commission reviewed the above referenced application and forwarded it to the Board of County Commissioners with a favorable recommendation by a vote of 7 in favor and 0 opposed.

The requested rezoning involves 40.44 acres located east of US 31, northeast of its intersection with Bear Lane in the Taylorsville area. The same property was the subject of a development proposal in 2009. That proposal was by a developer of apartments and resulted in the current zoning on the property, a combination of regional commercial (11 acres) and multi-family residential (29.44 acres) districts, as well as a subdivision concept plan. The commitments attached to that 2009 rezoning and the subdivision concept plan established the extent and phasing of infrastructure improvements necessary to support the then-proposed development. That development has not occurred.

The current applicants, Franklin Snyder and Jim Ogilvie, now propose to again rezone the property for the purposes of (1) providing a larger area of commercial zoning (an additional 11.44 acres) and (2) amending the original rezoning commitments to allow a more flexible phasing of infrastructure improvements. The original infrastructure phasing had been based on the belief that the apartments would be developed first, with initial required improvements linked to development of the intended apartment location. The applicants now propose that the development of each lot included proportional improvements to infrastructure in the area, but those improvements are not dependent on the lots being developed in a specific order.

The rezoning, which is subject to approval by the Commissioners contains three commitments: (1) prohibiting direct access to the property from US 31, (2) providing Eastern Bartholomew Water Corporation the ability to monitor ground water in the area, which is near their drinking water supply wells, and (3) listing the required infrastructure improvements.

Also at its March 21 meeting, the Plan Commission approved corresponding revisions to the Oxford North Subdivision concept plan. The concept plan provides the details for the phased construction of the infrastructure improvements. That concept plan amendment was approved contingent upon the Commissioners' approval of the rezoning. The concept plan itself is not subject to the Commissioners' approval.

One neighboring property owner, Mr. David Tobias, spoke at the Plan Commission public hearing on this request. Mr. Tobias had noted that one of the rezoning commitments included the extension of 700 North across the north line of the rezoning area. Mr. Tobias' property also abuts 700 North and he sought confirmation that none of his property would be involved in the road extension. The Plan Commission confirmed that Mr. Tobias' property would not be involved.

#### END OF INSERT

Bergman went over Section 2 of the ordinance explaining the commitments for the use and development of the subject property, listed here.

- A. Access for development on the subject properties shall be from Bear Lane and 700 North and in no instance shall any direct access be obtained from US 31.
- B. The development of the subject properties shall be subject to the review and approval of Eastern Bartholomew Water Cooperation with regard to: (1) storm water runoff control

and (2) ground water pollution monitoring wells. This includes providing easements and agreements necessary for EBWC to access the monitoring wells.

- C. The development of the subject properties shall include the completion of public infrastructure that includes (1) the extension of Bear Lane to the east, (2) the extension of 700 North to the west, (3) the construction of a north-south road providing a connection between Bear Lane and 700 North, and (4) the construction of a pedestrian route from Mill Street in Taylorsville to the commercial development along US 31 and providing a direct link to any residential development. The details and phasing of these improvements shall be as stipulated by the Oxford North Major Subdivision Concept Plan.

Chairman Kleinhenz opened the meeting for public comment. One question was asked about the extension of 700N. He then closed the meeting. Commissioner Lienhoop moved to approve the rezoning ordinance on second reading. Commissioner Flohr seconded the motion that passed unanimously.

Next was consideration of a **Memorandum of Understanding with the Bartholomew County Circuit Court** (“MOU”). Court Reporter Tammy Johannesen presented the MOU regarding the administration of grant money, in the amount of \$25,000, received from IDOC to fund the JDAI coordinator’s salary. The JDAI coordinator will also be the court reporter for the new Family Recovery Court. The MOU provides for invoicing the county auditor’s office to reimburse county general for the amount of wages this person earned performing the JDAI coordinator duties using the grant money allocated for the coordinator’s salary. The funding period runs from 7/1/17 through 6/30/18. Chairman Kleinhenz motioned to approved the MOU with the circuit court. Commissioner Lienhoop seconded the motion that passed unanimously.

Next was an agreement for **legal services for the county plan commissions**. County Attorney Grant Tucker explained that the attorney who had provided the legal services for the past several decades has retired. Going forward there would be an annual contract between an individual contractor to represent the Bartholomew County Plan Commission, the Edinburgh Joint Plan Commission, and the Bartholomew County Board of Zoning Appeals. This year’s contract is with James A. Shoaf for \$1,500 per month and runs from 4/1/18 through 12/31/18, making the

compensation total \$13,500 for 2018. Commissioner Flohr made a motion to hire James A. Shoaf for legal representation. Commissioner Lienhoop seconded the motion that passed unanimously.

Next was the consideration to **waive permit fees** requested by Deputy Chief Andy Lay for the Columbus Fire Department for the construction of a new Public Service Training Facility for CFD. Inspections would still be required to assure adherence to code. Commissioner Lienhoop motioned to waive the permit fees. Commissioner Flohr seconded the motion that passed unanimously.

Last was a proposal from the auditor's office to purchase a fire-proof, locking safe to be used in compliance with internal controls and paid from the Endorsement Fee fund. Internet pricing was researched and obtained from (1) jet.com for \$1,459.54; (2) garage-organization.com for \$1,459.95; and (3) staples.com for \$1,724.79. Commissioner Flohr moved to accept the low quote from jet.com. Commissioner Lienhoop seconded the motion that passed unanimously.

The next Commissioners' Meeting will be held on Monday, April 30, 2018, at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY  
BOARD OF COMMISSIONERS

---

LARRY S. KLEINHENZ, CHAIRMAN

ATTEST:

---

RICHARD A. FLOHR, MEMBER

---

BARBARA J. HACKMAN

---

CARL H. LIENHOOP, MEMBER

ORDINANCE NO.: 03, 2018

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF BARTHOLOMEW COUNTY, INDIANA,  
REZONING THE SUBJECT PROPERTY AS FOLLOWS:**

- (1) +/-11.44 ACRES FROM RMc (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)  
TO CRc (COMMERCIAL: REGIONAL WITH COMMITMENTS),**
- (2) +/-11 ACRES FROM CRc (COMMERCIAL: REGIONAL WITH COMMITMENTS)  
TO CRc (COMMERCIAL: REGIONAL WITH AMENDED COMMITMENTS), AND**
- (3) +/-18 ACRES FROM RMc (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)  
TO RMc (RESIDENTIAL: MULTI-FAMILY WITH AMENDED COMMITMENTS)**

**To be known as the: Oxford North Rezoning  
Plan Commission Case No.: RZ-18-01**

**WHEREAS**, this rezoning was requested by Franklin Snyder and James Ogilvie and includes the consent of all owners of the subject property; and

**WHEREAS**, the Bartholomew County Plan Commission did on March 21, 2018 hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Board of Commissioners; and

**WHEREAS**, the Board of Commissioners has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

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

**SECTION 1: Official Zoning Map**

- A. The zoning classification of the following described real estate shall be changed from "RMc" (Residential: Multi-Family with commitments) to "CRc" (Commercial: Regional with commitments):

*A PART OF TRACT 1 AS SHOWN ON THE PLAT OF OXFORD NORTH DEVELOPMENT MAJOR SUBDIVISION FINAL PLAT - PHASE 1 RECORDED DECEMBER 11, 2009 AS INSTRUMENT NUMBER 2009-15052 IN PLAT BOOK "R", PAGE 219C AND DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1; THENCE NORTH 61°22'59" EAST A DISTANCE OF 68.09 FEET; THENCE SOUTH 29°28'36" EAST A DISTANCE OF 40.97 FEET; THENCE NORTH 89°43'09" EAST A DISTANCE OF 20.21 FEET; THENCE NORTH 01°48'24" WEST A DISTANCE OF 1547.84 FEET TO THE NORTH LINE OF SAID TRACT 1; THENCE SOUTH 88°05'15" WEST ALONG SAID NORTH LINE A DISTANCE OF 580.53 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 398.01 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 2775.00 FEET, A TANGENT OF 199.35 FEET, A DELTA ANGLE OF 8°13'04", AND A CHORD BEARING AND DISTANCE OF SOUTH 04°49'15" EAST 397.67 FEET TO THE PC OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 588.22 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 525.00 FEET, A TANGENT OF 329.30 FEET, A DELTA ANGLE OF 64°11'43", AND A CHORD BEARING AND DISTANCE OF SOUTH 41°01'38" EAST 557.93 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 157.45 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 175.00 FEET, A TANGENT OF 84.50 FEET, A DELTA ANGLE OF 51°32'56", AND A CHORD BEARING AND DISTANCE OF SOUTH 47°21'01" EAST 152.19; THENCE SOUTH 65°02'25" WEST A DISTANCE OF 1.95 FEET; THENCE SOUTH 01°48'24" EAST A DISTANCE OF 603.95 FEET TO THE POINT OF BEGINNING CONTAINING 11.44 ACRES, MORE OR LESS, AND SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS OF WAY.*

- B. The zoning classification of the following described real estate shall be changed from "CRc" (Commercial: Regional with commitments) to "CRc" (Commercial: Regional with amended commitments):

*TRACT 2 OF "OXFORD NORTH DEVELOPMENT MAJOR SUBDIVISION FINAL PLAT - PHASE 1" AS RECORDED IN PLAT BOOK "R", PAGE 219C, IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA, CONTAINING 11.00 ACRES MORE OR LESS.*

- C. The zoning classification of the following described real estate shall be changed from "RMc" (Residential: Multi-Family with commitments) to "RMc" (Residential: Multi-Family with amended commitments):

*TRACT 1 IN "OXFORD NORTH DEVELOPMENT MAJOR SUBDIVISION FINAL PLAT - PHASE 1" AS RECORDED IN PLAT BOOK "R", PAGE 219C, IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA.*

*EXCEPT:*

*A PART OF TRACT 1 AS SHOWN ON THE PLAT OF OXFORD NORTH DEVELOPMENT MAJOR SUBDIVISION FINAL PLAT - PHASE 1 RECORDED DECEMBER 11, 2009 AS INSTRUMENT NUMBER 2009-15052 IN PLAT BOOK "R", PAGE 219C AND DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1; THENCE NORTH 61°22'59" EAST A DISTANCE OF 68.09 FEET; THENCE SOUTH 29°28'36" EAST A DISTANCE OF 40.97 FEET; THENCE NORTH 89°43'09" EAST A DISTANCE OF 20.21 FEET; THENCE NORTH 01°48'24" WEST A DISTANCE OF 1547.84 FEET TO THE NORTH LINE OF SAID TRACT 1; THENCE SOUTH 88°05'15" WEST ALONG SAID NORTH LINE A DISTANCE OF 580.53 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 398.01 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 2775.00 FEET, A TANGENT OF 199.35 FEET, A DELTA ANGLE OF 8°13'04", AND A CHORD BEARING AND DISTANCE OF SOUTH 04°49'15" EAST 397.67 FEET TO THE PC OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 588.22 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 525.00 FEET, A TANGENT OF 329.30 FEET, A DELTA ANGLE OF 64°11'43" AND A CHORD BEARING AND DISTANCE OF SOUTH 41°01'38" EAST 557.93 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 157.45 FEET TO THE PT THEREOF, SAID CURVE HAVING A RADIUS OF 175.00 FEET, TANGENT OF 84.50 FEET, A DELTA ANGLE OF 51°32'56", AND A CHORD BEARING AND DISTANCE OF SOUTH 4°21'01" EAST 152.19; THENCE SOUTH 65°02'25" WEST A DISTANCE OF 1.95 FEET; THENCE SOUTH 01°48'2" EAST A DISTANCE OF 603.95 FEET TO THE POINT OF BEGINNING CONTAINING 11.44 ACRES, MORE OR LESS, AND SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS OF WAY.*

*CONTAINING AFTER SAID EXCEPTION 18.15 ACRES.*

## **SECTION 2: Commitments**

The use and development of the subject property shall be subject to the following commitments:

- A. Access for development on the subject properties shall be from Bear Lane and 700 North and in no instance shall any direct access be obtained from US 31.
- B. The development of the subject properties shall be subject to the review and approval of Eastern Bartholomew Water Cooperation with regard to: (1) storm water runoff control and (2) ground water pollution monitoring wells. This includes providing easements and agreements necessary for EBWC to access the monitoring wells.
- C. The development of the subject properties shall include the completion of public infrastructure that includes (1) the extension of Bear Lane to the east, (2) the extension of 700 North to the west, (3) the construction of a north-south road providing a connection between Bear Lane and 700 North, and (4) the construction of a pedestrian route from Mill Street in Taylorsville to the commercial development along US 31 and providing a direct link to any residential development. The details and phasing of these improvements shall be as stipulated by the Oxford North Major Subdivision Concept Plan.



### SECTION 3: Repealer

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

### SECTION 4: Severability

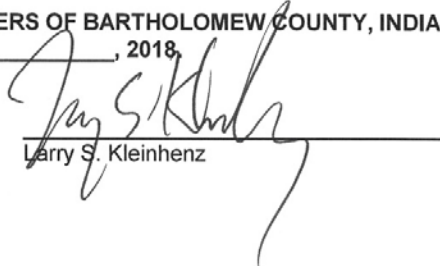
If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

### SECTION 5: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

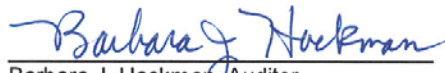
PASSED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA ON  
FIRST READING THIS 16<sup>th</sup> DAY OF April, 2018.

  
Carl H. Lienhoop

  
Larry S. Kleinhenz

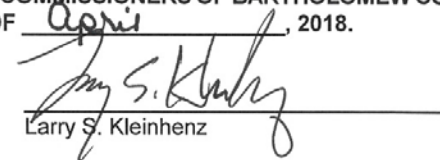
  
Richard A. Flohr

### ATTEST:

  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY,  
INDIANA ON SECOND READING THIS 23<sup>rd</sup> DAY OF April, 2018.

  
Carl H. Lienhoop

  
Larry S. Kleinhenz

  
Richard A. Flohr

### ATTEST:

  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana



