

COMMISSIONERS' MEETING

December 26, 2018

The Bartholomew County Commissioners met in regular session on December 26, 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 minutes for the 12/17/18 Commissioners' Meeting. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Flohr seconded the motion that passed unanimously.

Next was the approval of bi-weekly claims. Commissioner Flohr motioned to approve the claims. Commissioner Lienhoop seconded the motion which passed unanimously.

Chairman Kleinhenz read the **Animal Control Report** for November, 2018. There were 59 cases, 16 animals were picked up, 98 audits, 1 violation, 1 fine, 1 bite case, 2 door hangers placed, 2 reclaimed animals, and 4 traps loaned to the public. The two vans traveled a total of 2,272 miles. The report was submitted and signed by Animal Control Officer Mark Case. Chairman Kleinhenz motioned to accept the report. Commissioner Lienhoop seconded the motion that passed unanimously.

Chairman Kleinhenz read into the minutes the New Permit Report dated 12/17/18 through 12/21/18. Thirty-seven (37) permits were issued with fees collected of \$3,673 and estimated construction costs of \$780,953.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; stoned shoulders along 500W, 500E, and Talley Road; mowed in German and Clay Townships; crack-sealed in Newbern, Oak Hills, Forest Lake, and Lake Columbine; fixed holes on Blessing Road; and ground stumps.

Hollander then submitted the County **Highway Monthly Financial Report** dated November 30, 2018, which included the Financial Report, Budget Status Report and Revenue Comparisons for the Highway Fund, Local Roads/Street Fund and the Cumulative Bridge Fund.

Hollander also presented an interlocal **Agreement for Cooperative Action between the City of Columbus and Bartholomew County** for the Talley Road (Bridge) Project. Partial content of the agreement is inserted here.

Insert

THIS AGREEMENT, made and entered into as of this 26th day of December 2018, by and between the Board of Public Works and Safety of the City of Columbus, Indiana, hereinafter referred to as "Columbus" and the Board of Commissioners of Bartholomew County, Indiana, hereinafter referred to as "County".

WITNESSETH THAT.:

WHEREAS, Columbus has undertaken a project to improve Talley Road between Rocky Ford Road and 25th Street; and

WHEREAS, currently Bridge #103 does not possess an adequate opening to accommodate the design year storm water flow; and

WHEREAS, the County is generally responsible for the operation, maintenance, and improvement of bridges on County, Town, and City roadways within Bartholomew County; and

WHEREAS, it will be expedient and efficient to add bridge improvement design to the existing roadway improvement design contract;

NOW, THEREFORE, BE IT RESOLVED, that the County and Columbus agree that:

Columbus has included the scope of services necessary to complete preliminary engineering for improvements to Bridge #103 in its contract for "Project No. 1701323 and 1800008, Des. No. 1701323 and 1800008, a project for pavement repair or rehabilitation on Talley Road, North of 25th Street and south of Rocky Ford Road, and bridge replacement for Bridge #103 on Talley Road, approximately 0.41 miles north of 25th Street, in the City of Columbus, Bartholomew County, Indiana" EDS #A249-18- L170096 -dated April 23, 2018. Columbus will pay for all bridge engineering as shown on invoices for DES. No. 1800008 provided by Janssen & Spaans Engineers, Inc., as indicated by the contract from Janssen & Spaans, Inc. dated May 1, 2018. The County will reimburse Columbus 20% of the total invoice amount, and Columbus will retain the 80% reimbursement eligible through the Columbus Area Metropolitan Planning Organization (CAMPO).

Columbus will pay for all preliminary engineering associated with roadway construction as shown on invoices for DES. No. 1701323 provided by Janssen & Spaans Engineering, Inc.

End of Insert

Commissioner Lienhoop motioned to sign the Talley Road cooperative action agreement. Commissioner Flohr seconded the motion that passed unanimously.

Director Anita Biehle submitted three quotes for the purchase of **one (1) dishwasher and one (1) walk-in cooler for the Youth Services Center.**

Zesco Products (Indianapolis)	\$52,403.50
Edward Don & Co. (Woodridge, IL)	\$52,768.46
C&T Design & Equipment (Indianapolis)	\$56,655.40

Commissioner Lienhoop made a motion to award to Zesco with the low bid. Commissioner Flohr seconded the motion that passed unanimously.

Next was the consideration of **two renewal agreements for professional appraisal services** for the Assessor's Office. The **Don R. Scheidt & Co.** contract set a not-to-exceed amount of \$46,000 for the contract year running from 1/1/19 through 12/31/19. Contract rates per hour are \$65 for brokers, \$95 for appraisers, and \$125 for appraisers with designations. Hourly rates for commercial work are \$300 for any MAI designated appraiser; and \$175 to \$250 for any associate not designated by the Appraisal Institute.

The second agreement for appraisal services was with **Integra Realty Resources**. The contract set a not-to-exceed amount of \$35,000 for the contract year running from 1/1/19 through 12/31/19. The rate for consultative, review or valuation services would be \$200/hr. The charges for testimony by David Hall would be \$300/hour and \$350/hour for Michael Lady's testimony. With the recommendation of County Assessor Lew Wilson, Commissioner Lienhoop motioned to renew both agreements for appraisal services. Chairman Kleinhenz seconded the motion that passed unanimously.

The next two agenda items were **Memorandums of Understanding ("MOU") for School Resource Officers ("SRO")**. The first **MOU was with the Flat Rock-Hawcreek School Corporation ("FRHC")**, Bartholomew County, and the Bartholomew County Sheriff's Office. The SRO will be a full-time employee of the Sheriff and receive county salary and benefits. The Sheriff's Office will assign a deputy to work every day that school is in session from 7:30am to 3:30pm. FRHC will reimburse the county \$45,000 for the SRO's salary in the 2019 calendar year. Commissioner Flohr moved to sign the MOU for an SRO at FRHC. Commissioner Lienhoop seconded the motion that passed unanimously.

A second **MOU with Bartholomew County School Corporation** (“BCSC”) carried the same general terms, services, and legal contingencies, except that BCSC will reimburse the full amount of salary and benefits of the SRO to the county. Additionally, the term of the BCSC MOU will run from 1/1/19 through the 2020 Spring Semester and include summer break. The SRO hours will be 7:30am to 3:30pm. Commissioner Lienhoop motioned to sign the MOU for an SRO at BCSC. Commissioner Flohr seconded the motion that passed unanimously.

Next was the second reading of an **Ordinance to Restrict Home Addresses** on Bartholomew County’s property website (*See attached.*) Enactment of the ordinance will bring the county into compliance with *IC 36-1-8.5: Restricted Addresses*. The code gives certain individuals (“covered persons”) the right to request redaction of their home address from county public access website(s) that require no registration, subscription, or creation of a user account in order to search said website (e.g., website managed by the county’s GIS department). Covered person, under this code is defined as: (1) a judge, (2) a law enforcement officer, (3) a victim of domestic violence, or (4) a public official. Requests and fees will be accepted and assessed at the Auditor’s Office. Chairman Kleinhenz opened the meeting for public comment. There were opinions expressed that public officials’ contact information should not be restricted. There was also questioning about the necessity of the statute and its ineffectiveness in safeguarding personal information when it can be easily obtained from other sources. Ultimately, however, passing the ordinance is required to bring the county up to Indiana code. The meeting was then closed. Commissioner Lienhoop motioned to pass the ordinance in accordance with IC 36-1-8.5, on second reading. Commissioner Flohr seconded the motion that passed unanimously.

To facilitate the proceedings of next week’s first commissioners’ meeting of 2019, County Auditor Barbara Hackman asked for motions to take **nominations for chairman/president of the Board of Commissioners in 2019**. Commissioner Lienhoop motioned to nominate Commissioner Rick Flohr to chair the board. Chairman Kleinhenz seconded the motion. Chairman Kleinhenz moved to close the nominations and Commissioner Lienhoop seconded the motion that passed with a majority vote.

In observance of New Year's Eve and New Year's Day, the county offices will be closed Monday and Tuesday of next week. The next Commissioners' Meeting will be held on **Wednesday, January 2, 2019**, 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. 2018- 07

**AN ORDINANCE TO RESTRICT HOME ADDRESSES ON
BARTHOLOMEW COUNTY'S PROPERTY WEB SITE**

WHEREAS, the Board of Commissioners of Bartholomew County is required to establish a policy for County departments to comply with requirements of IC 36-1-8.5 specifically related to "Covered Persons" and the publically accessible property website, managed by the Bartholomew County GIS Department; and

WHEREAS, IC 36-1-8.5 provides a means for an individual defined as a "covered person" to submit a written request to have their home address restricted from disclosure on a public property data base web site. The restricted information will not be made available to a member of the general public; and

WHEREAS, according to Indiana Code 36-1-8.5, only those individuals providing information or verification required by this policy to be classified as a covered person as defined below are eligible.

- a judge;
- a law enforcement officer;
- a victim of domestic violence; or
- a public official

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA, THAT:

The following policy defines the procedure used for processing requests.

1.0 Definitions

1.1 Judge (IC 36-1-8.5-3)

- (1) a judge of the supreme court, court of appeals, tax court, circuit court superior Court, municipal court, county court, federal court, or small claims court; or
- (2) a magistrate, commissioner, or juvenile referee of a court

1.2 (2) Law Enforcement Officer *(IC 36-1-8.5-4)*

- (1) a police officer (including correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of the persons specified in subdivision (1);
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission, or
- (6) an enforcement officer of the securities division of the office of the secretary of state

1.3 Victim of Domestic Violence *(IC 36-1-8.5-6)*

- (1) a victim of domestic violence who is certified as a program participant in the address confidentiality program established by the attorney general under I.C. 5-26.5-2

1.4 Public Official *(IC 36-1-8.5-4.5)*

- (1) an individual who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government. The actual criteria are as follows:
 - a. a position for which the duties include performance of some sovereign power for the public's benefit;
 - b. are continuing;
 - c. are created by law instead of by contract.

1.5 Public Property Database Web Site *(IC 36-1-8.5-5)*

An Internet web site that:

- (1) is available to the general public over the Internet;
- (2) does not require registration, subscription, or the creation of a user name and password to search the web site; and
- (3) connects a covered person's home address to the covered person's name, so that a search of the web site for the covered person's name discloses the covered person's home address.

Additional definitions and clarifications can be found by visiting the website for the Indiana General Assembly and searching for section 36-1-8.5.

2.0 Duty to Comply *(IC 36-1-8.5-7)*

The duty to prevent disclosure of an address as it falls under 36-1-8.5 rests upon the Bartholomew County Auditor's Office regarding the Bartholomew County web site. The process to comply with the code is outlined below.

2.1 Submit a Written Request

1. A covered person who wants to restrict access to the covered person's home address by means of a public property data base web site must submit a written request to the Bartholomew County Auditor's Office.
2. The written request shall be submitted on the Address Restriction Form obtained from the Bartholomew County Auditor's Office.
3. Individuals that have moved and are still covered according to statute must submit a new request and fee.
4. Written requests are valid for up to one calendar year and must be resubmitted each year at no additional fee. It is the responsibility of the covered person to renew their request within the first month of the New Year.

2.2 Information or Verification Required for Processing Written Request

The following describes what information or verification is required for a covered person's written request to be processed. The Auditor's Office will verify that submission is valid and requestor is covered according to 36-1-8.5.

1. **A judge** – Provide a signed letter in paper copy stating current or previous employment status as:
 - (1) A judge of the supreme court, court of appeals, tax court, circuit court, superior court, municipal court, county court, or small claims court; or
 - (2) a magistrate, commissioner, or juvenile referee of a court.
2. **A law enforcement officer** – Provide a signed letter in paper copy stating current or previous employment status as:
 - (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
 - (2) a deputy of any of the persons specified in subdivision (1);
 - (3) an investigator for a prosecuting attorney or for the inspector general;
 - (4) a conservation officer;
 - (5) an enforcement officer of the alcohol and tobacco commission; or
 - (6) an enforcement officer of the securities division of the office of the secretary of state.

3. **A victim of domestic violence** – Provide paper copy of proof of program participation of Attorney General address confidentiality program.
4. **A public official** – Provide signed letter in paper copy stating current or previous service as a public official who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government.

2.3 Person or Department to Receive and Process Written Request

Written requests regarding the redaction of a home address on the Bartholomew County website shall be received and processed by the Bartholomew County Auditor's Office. If a written request for redaction of a home address is denied by the Auditor's Office, the applicant may appeal to the Board of Commissioners.

2.4 Fee Structure

The following fee structure applies to applicants making a written request under IC 36-1-8.5.

1. **Initial Request** – a \$50 per parcel fee will be assessed for individual requests.
2. **Additional Requests** – A \$50 per parcel fee will be assessed for any changes to the title of the parcel or relocation of the covered person.
3. **Annual Renewal of Initial Request** – there is no fee assessed for the annual renewal of an individual's previous request.
4. **Deposits** – all fees collected will be deposited to the County General Fund.

3.0 Result of Changes to Access of Property Information

The process of restricting home addresses on the Bartholomew County web site will have the following consequences.

3.1 The Bartholomew County Web Site

Requests to restrict access to home addresses affect either one or possibly multiple parcels that may display the home address. A parcel's State Key Parcel Identification Number (PIN) will be added to a built-in suppression list. The act of adding a parcel's PIN number to the suppression list will redact all the information available for the affected parcel(s). Performing a search on suppressed PINs will return no search results nor display the parcel's location on the map.

3.2 Internal County Property Record Databases

Property information stored on internal county databases will still exist and be made available to the public per request, unless blocked by state statute.

4.0 Immunity and Litigation Proceedings *(IC 36-1-8.5-12)*

It is the intention of Bartholomew County to comply with the intent of the code to not make property information associated with a home address accessible by means of removing the link between name and parcel information.

Bartholomew County may not be held liable for failure to timely restrict disclosure of an address under this chapter unless Bartholomew County's act or omission constitutes gross negligence or willful or wanton misconduct.

5.0 Reversal of Privacy Settings *(IC 36-1-8.5-9)*

The public access of removed information can only be done at the request of the original covered person. Per the code, an individual may request reinstatement of their excluded information.

Should any changes to the title of a covered parcel be made; the existing residence will be removed from the list of confidential properties. A new request will need to be made in order to have the parcel covered again.

6.0 Confidentiality *(IC 36-1-8.5-11)*

All requests made to the Bartholomew County Auditor's Office by a covered person are confidential.

7.0 Excluded Properties

This policy is in effect for requestor's primary residence only per IC 36-1-8.5-7. If the requestor owns or is involved in additional properties that utilize the primary home address as the mailing address, they will be displayed. If the requestor wishes to have those addresses removed as well, the \$50 fee will apply to each submission.

8.0 Amendments

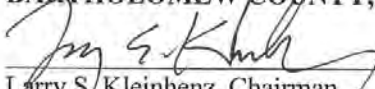
Bartholomew County reserves the right to amend or revise the contents of this policy as deemed suitable.

9.0 Effective Date

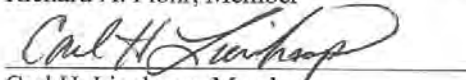
This Ordinance shall be effective immediately upon its passage.

PASSED ON FIRST READING THIS 17th DAY OF November, 2018.


**BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA**


Larry S. Kleinhenz, Chairman


Richard A. Flohr, Member

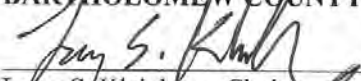

Carl H. Lienhoop, Member

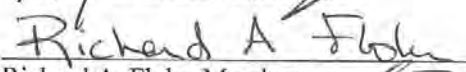
ATTEST:

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

PASSED ON SECOND READING AND ADOPTED THIS 26th DAY OF
November, 2018.

**BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA**


Larry S. Kleinhenz, Chairman


Richard A. Flohr, Member


Carl H. Lienhoop, Member

ATTEST:

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