

COMMISSIONER'S MEETING
April 22, 2013

The Bartholomew County Commissioners met in regular session on April 22, 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, Rick Flohr, County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance. Chief Deputy Assessor Rita Carr gave the prayer and led the Pledge of Allegiance.

Commissioner Kleinhenz made a motion to approve the April 15, 2013 minutes. Chairman Lienhoop seconded the motion that passed unanimously.

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

Chairman Lienhoop read the New Permits Report from 4/15/2013 to 4/19/2013. Twenty-eight (28) permits had been issued with a fee amount of \$3,251.00 and a valuation amount of \$2,480,255.

County Highway Engineer Danny Hollander gave the following recommendations on hot mix, cold mix and liquid asphalt bids that were opened in last week's meeting:

Liquid Asphalt *Terry Asphalt Materials, Inc. & Asphalt Materials, Inc.*

Commissioner Kleinhenz made a motion to accept the bids from both Terry Asphalt Materials, Inc. & Asphalt Materials, Inc. for liquid asphalt with the intent of

purchasing from the low bidder. Commissioner Flohr seconded the motion that passed unanimously.

Hot Mix *Milestone Contractors, L.P. & Globe Asphalt Paving Co., Inc.*

Commissioner Kleinhenz made a motion to accept both Milestone Contractors, L.P. & Globe Asphalt Paving Co., Inc. for hot mix materials. Commissioner Flohr seconded the motion that passed unanimously.

Cold Mix *U.S. Aggregates, Inc.*

Chairman Lienhoop made a motion to accept the bid from U.S. Aggregates, Inc. for cold mix materials. Commissioner Kleinhenz seconded the motion that passed unanimously.

Engineer Hollander presented quotes for the following bridge repairs:

Azalia Road Bridge (cracking)

<i>Force Construction</i>	<i>\$45,501.32</i> <i>(wanted to replace whole joint)</i>
<i>Milestone Contractors, LP</i>	<i>\$16,320.00</i>

Commissioner Kleinhenz made a motion to accept the low bid from Milestone Contractors, L.P. in the amount of \$16,320.00 for the Azalia Road Bridge repair. Commissioner Flohr seconded the motion that passed unanimously.

Indianapolis Road Bridge (joint issues)

<i>Force Construction</i>	<i>\$27,876.10</i>
<i>Milestone Contractors, LP</i>	<i>\$28,920.00</i>

Commissioner Kleinhenz made a motion to accept the low bid from Force Construction in the amount of \$27,876.10 for the Indianapolis Road Bridge repair. Chairman Lienhoop seconded the motion that passed unanimously.

8th & 10th Street Bridge (joint issues & really bad shape)
Milestone Contractors, LP \$47,740.00
Force Construction Co. \$90,579.00

Commissioner Kleinhenz made a motion to accept the low bid from Milestone Contractors, LP in the amount of \$47,740.00 for the repairs of the 8th and 10th Street Bridges. Chairman Lienhoop seconded the motion that passed unanimously.

Engineer Hollander gave the weekly crew report. Last week, they put up signs, ran ditcher in German Township, swept bridges, put in pipe on 675 W. and 50 N., ditched on 650 S., ditched and placed field entrance pipes on 475 W., 500 E., and 600 S., patched roads, unplugged pipes and attended a chain saw safety meeting.

Information Technology Director Jim Hartsook presented the following items from this morning's Data Board Meeting:

(1) Ratification Items:

Code Enforcement software - \$4,338.20 – budgeted out of 03-60 account

Price change from previous month's agreement, \$2,100 was approved for ESRI license & this quote was for 2 licenses, which was discounted and only one license was purchased, which made the County's share \$2,300 – budgeted out of 03-60 account.

Annual maintenance w/39 Degrees North - \$19,683.36 – budgeted out of 03-60 account

Network area storage - \$1,139.99 – budgeted out of the 04-43 account

Helpdesk software licensing for County maintenance and Jail maintenance - \$3,800 – 04-43 account

Commissioner Kleinhenz made a motion to approve the ratification items.

Commissioner Flohr seconded the motion that passed unanimously.

- (2) VMware annual support licensing for servers, view servers & site recovery manager - \$19,743 – budgeted out of 03-60 account.*
- (3) Surveyor document imaging proposal for Docuware and professional services - \$5,850.*
- (4) Matrix integration training proposal for on sight 2-day switch training – not to exceed \$8,000.*
- (5) CIM for HDMI converters and cabling - \$2,310 for the 3 large courtrooms for video arraignment project.*

Commissioner Flohr made a motion to approve the above listed items from this morning's Data Board meeting. Commissioner Kleinhenz seconded the motion that passed unanimously.

County resident Rusty Richards was present to discuss the 2nd Amendment Preservation Ordinance. Mr. Richards explained that he has concerns about recent events and the possibility of federal legislation that may restrict citizens from obtaining and possessing firearms and that such legislation would arguably be in violation of the United States Constitution. He is asking that the Commissioners make a statement to the state and federal legislatures and to the citizens of Bartholomew County that legislation resulting in deprivation of constitutional rights will not be enforced in Bartholomew County. He stated that he was not the first person to suggest this and there are a few counties across the country that have done this. He stated that Franklin County was the first county in Indiana to adopt this ordinance and Johnson County is in the process of adopting the ordinance.

Commissioner Scott McDonough, from Franklin County, stated that majority of Franklin County residents were wanting to see the Franklin County Commissioners take some sort of action to reaffirm to the citizens that their second amendment rights were going to be protected and they were not going to stand by if there were unconstitutional encroachments into the states or counties by the federal government in an attempt to enforce any type of additional executive orders. He stated that the federal government, including the President and the Supreme Court, are limited in their powers as defined to them by the constitution. If they attempt to legislate beyond the constitution, it is state's rights to defy said attempts. The question is "*do the counties have the same right by lieu of being under the state's umbrella?*" Commissioner McDonough stated that his feeling is until the state says the counties do not have that right, he feels counties can at least make the statement that they are nullifying unconstitutional federal legislation. Commissioner McDonough then stated that in Johnson County, there was a lot of discussion over whether or not the Commissioners were trying to tell the Sheriff what to do or what not to do. Commissioner McDonough explained that Franklin County is not trying to tell the Sheriff what to do, but just that they are behind him if he had to make the call.

Commissioner Flohr stated that he would like to see what the citizens of Bartholomew County respond to this before they would take any action.

Taxpayer Mike Lovelace asked if there was any stipulation in the ordinance on what type of weapons the person could own. Commissioner McDonough stated that there was not.

Attorney Tucker stated that he feels that is what courts are for to determine whether something is constitutional or not. He stated that this proposed ordinance is for lay people to interpret whether something is constitutional or not. He said that he would probably advise against it, but he would review the draft of the ordinance.

Chairman Lienhoop said that they would wait to see what kind of feedback they get from the residents of Bartholomew County.

The next item on the agenda was a discussion of a proposed state legislation concerning the wheel tax. Chairman Lienhoop explained that the counties have been fighting to get more highway funding and the amount of money returned to the counties for highway projects has reached levels similar to what was given in 2002. There was a bill crafted originally in the House. The House version was able to provide more funding, and was able to do so with no tax increase. The Senate version supersedes local authority by forcing counties to increase local taxes in order to receive any additional funds. It fails to recognize the local efforts made by Bartholomew County to do without the wheel tax, by efficiency in the Highway Department and using other revenues sources to supplement road maintenance. The Bartholomew County Commissioners have contributed over \$2 million dollars the past 2 years to supplement the county's road maintenance needs without the wheel tax. Engineer Hollander drafted a letter that the

Commissioners are planning to send to the Senators as well as the State Representatives expressing their concern and asking them to adopt a final version closer to the House version, which does not supersede local authority or force new taxes on the taxpayers of Bartholomew County. Chairman Lienhoop stated that a wheel tax would have to be passed by County Council in order for the wheel tax to take effect next year, the Council would have to adopt it by July 1st, 2013 the way the current law is written. This would only give two months for County Councils around the state to adopt it. Commissioner Kleinhenz made a motion to sign and send the letter to the legislatures and to the Governor of the State of Indiana. Commissioner Flohr seconded the motion that passed unanimously.

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

Commissioner Kleinhenz made a motion to accept the Treasurer's Report for the month of March 2013. Chairman Lienhoop seconded the motion that passed unanimously.

Citizen Tom Heller was present to make some suggestions on the sidewalks outside of the County Government Building.

There being no other business, the meeting was adjourned by Chairman Lienhoop at 11:19 a.m. The next Commissioners' meeting will be on Monday, April 29, 2013 at 10:00 a.m. in the Commissioners' Chambers.

BARTHOLOMEW COUNTY
COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

BARBARA J. HACKMAN, AUDITOR