

COMMISSIONERS' MEETING

August 5, 2019

The Bartholomew County Commissioners met in regular session on August 5, 2019, in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz and Carl Lienhoop were present. Attorney J. Grant Tucker and Auditor Pia O'Connor were also in attendance.

Chairman Flohr called the meeting to order and Chris West from the Auditor's Office gave the invocation and led the Pledge of Allegiance.

The first order of business was the approval of minutes for the 7/29/19 Commissioners' Meeting. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

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

Commissioner Kleinhenz read into the minutes the New Permit Report dated 7/29/19 through 8/2/19. Thirty-one (31) permits were issued with fees collected of \$2,278 and estimated construction costs of \$1,812,988. Fees collected for the month of July totaled \$19,832.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: worked on signs; patched roads; mowed in Wayne and German Townships; replaced pipe and ditched on 525S; placed stone along Seymour Road shoulder; put in driveway pipes on 100S, 475E, and 525E, and hauled mulch to Breeding Farms.

Hollander then requested ratification of a **change order from Dave O'Mara** for the 2018 Road Overlay jobs numbered 11, 34, 35, 36, 37, 38, and 39. The final bill of \$101,231 came in \$7,708.40 over the quote of \$93,522.60 contracted in July, 2018. The overage was due to underestimating the tonnage in the bid specifications. Commissioner Kleinhenz motioned to ratify the final change order. Commissioner Lienhoop seconded the motion that passed unanimously.

Next was the consideration of a **subdivision improvement agreement** and **dedication of right-of-way** ("ROW"). Planning Department Planner Ashley Beckort presented a request for rezoning explained here in an excerpt taken from her memo to the commissioners dated 7/31/19:

MAS-19-01 Oxford North Major Subdivision – Phase 1:

A request by Bradley Realty, LLC for a Performance Security Subdivision Improvement Agreement to build the first phase of Oxford North Development Major Subdivision. As the applicant is providing the performance security, they are intending to also have the plat approved and recorded (so they can obtain building permits for the respective lots).

Per the rezoning commitments, the applicant is dedicating right-of-way throughout the whole subdivision including along County Road 700 North, Hubler Drive, and Mill Street.

END OF INSERT

Chairman Flohr opened the meeting for public comment. There being no comments, he then closed the meeting. Commissioner Kleinhenz motioned to approve the subdivision development agreement. Commissioner Lienhoop seconded the motion that passed unanimously. Commissioner Kleinhenz motioned to accept the dedication of ROW. Commissioner Lienhoop seconded the motion that passed unanimously.

Next, Emergency Management Director Shannan Hinton presented a letter from the U.S. Geological Survey (“USGS”) requesting permission to **publish Bartholomew County’s official logo**, if needed, (e.g., in presentations, reports and articles) without committing copyright or trademark infringement.

Secondly, she presented a renewable joint funding agreement with the USGS for water resource investigations, accomplished by the operation and maintenance of two **Haw Creek streamgage stations** - one near Clifford and one at Hope. These stations are part of the early flood warning system. The annually recurring agreement will run from 10/1/19 to 9/30/20. The cost of \$25,900 (same as last year) will continue to be split between the USGS (\$9,900) and the county (\$16,000). Commissioner Kleinhenz made a motion to approve the use of the county logo and sign the joint funding agreement for the two streamgages on Haw Creek. Commissioner Lienhoop seconded the motion that passed unanimously.

Hinton then presented a draft copy of an ordinance to increase the fine from \$140 to \$500 for violators who disregard **“Road Closed” signs due to high water**. She initially broached the subject with the commissioners during their 5/6/19 meeting. Her arguments are supported by the county emergency response agencies, as well. After hearing her presentation at that meeting,

commissioners passed a motion to have County Attorney J. Grant Tucker draft an ordinance for consideration. Hinton and Tucker presented the drafted ordinance, the content of which is shown here:

**ORDINANCE AUTHORIZING TEMPORARY ROAD CLOSURES DUE TO
HIGH WATER AND ESTABLISHING A PENALTY FOR VIOLATIONS THEROF**

WHEREAS, certain roadways in Bartholomew County are prone to flooding during periods of high water; and

WHEREAS, flooded roads pose a significant danger to those persons who attempt to drive through water that is standing upon or flowing across roadways; and

WHEREAS, water crossing public roadways and motorists travelling through water crossing public roadways can cause damage to said roadways; and

WHEREAS, Bartholomew County has an interest in the safety of those persons travelling upon its roadways as well as in keeping its roadways in a good and safe condition; and

WHEREAS, Bartholomew County Emergency Management officials and law enforcement personnel have informed the Bartholomew County Commissioners that they have observed significant numbers of motorists who move and/or drive around "Road Closed" signs and drive or attempt to drive through water that is standing upon or moving across public roadways, often resulting in vehicles that become stranded in or swept off the roadway by said water and requiring the deployment of law enforcement, emergency and medical personnel which places the stranded individual(s) as well as those who respond at great risk; and

WHEREAS, Bartholomew County Highway personnel, Emergency and law enforcement officials monitor water levels on County roadways during periods of high water to determine those roadways which should be posted as closed due to high water and the length of time said roadway should remain closed.

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

SECTION I. The Bartholomew County Highway Superintendent is hereby authorized to temporarily close County roadways when, in the opinion of the Superintendent, high water conditions upon or across said roadway pose a significant threat to damage the condition of the roadway or to the safety of persons travelling by motor vehicle or other means of conveyance upon said roadways. The roadway may be reopened when the Superintendent has determined that threat to the condition of the roadway or to the safety of the motoring public has been alleviated.

SECTION II. For any roadway which is to be temporarily closed as described in Section I hereinabove, the Superintendent shall erect or cause to be erected and placed upon said roadway, signs indicating that said roadway is closed due to high water and specifying the penalties imposed for violations of this ordinance. Said signs are to be placed at each end of the closed portion of the roadway and at each intersecting roadway along said closed portion of roadway.

SECTION III. Any person who tampers with or removes any sign indicating that a roadway is closed or who disregards said sign and drives through or attempts to drive through water standing upon or flowing across said roadway commits a violation of this Ordinance.

SECTION IV. Any person who violates this Ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) per occurrence.

SECTION V. This Ordinance shall be effective immediately upon its passage.

END OF INSERT

Commissioner Lienhoop made a motion to put the ordinance on the commissioners' future agenda for first reading. Chairman Flohr seconded the motion that passed unanimously.

Road Patrol Commander, Captain Dave Steinkoenig presented a contract with **Ventosa Kennel, Inc.** (Scotland Neck, NC) for the department's purchase and training of a third K-9 unit. The \$11,938 cost includes the dog with a one-year health and performance guarantee and six-week handler training course [for Dep. Brandon Sellers]. A recent donation of \$10,000 from Janet Buchanan will cover most of the cost and earlier donations to the program are available for the rest. Commissioners asked how many K-9s are envisioned for the department and Steinkoenig replied that Sheriff Myers' goal for the department was three. Commissioner Lienhoop motioned to contract with Ventosa Kennel for a third K-9. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next was consideration of a memorandum of understanding allowing **Exhibit Columbus** to install and exhibit a piece titled "Into the Hedge" by SO-IL on the southwestern corner of the courthouse lawn up until 12/7/19, at which time it must be removed and the site restored to its prior condition. Commissioner Lienhoop made a motion to sign the memorandum. Commissioner Kleinhenz seconded the motion that passed unanimously.

Last was the consideration of an agreement with **Mensendiek Auction Service** for auction services of surplus property located at the county garage. The contract runs from 8/1/19 to 8/1/20.

Commission will be 10% of gross sales on vehicles, 25% on miscellaneous, and \$1per consignment lot sold. Mensendiek will cover clerk and cashier wages. Commissioner Kleinhenz motioned to sign the contract. Commissioner Lienhoop seconded the motion that passed unanimously.

The next Commissioners' Meeting will be held on Monday, August 12, 2019, at 10:00 a.m. in the Commissioners' Chambers. There being no other business, the meeting was adjourned.

BARTHOLOMEW COUNTY
BOARD OF COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

PIA O'CONNOR

CARL H. LIENHOOP, MEMBER