

COMMISSIONERS' MEETING

September 28, 2020

The Bartholomew County Commissioners met on September 28, 2020, in the Commissioners Chambers of the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Carl Lienhoop, Rick Flohr and Larry Kleinhenz were present. Attorney Grant Tucker was present. Auditor Pia O'Connor was present through Zoom meeting.

Commissioner Lienhoop called the meeting to order.

In addition to the above listed people, the following were present at the meeting:

County Administrator Tina Douglas	Tax Administrator Chris West, Auditor's Office
IT Director Scott Mayes	

In attendance via Zoom were:

Engineer Danny Hollander	Soil & Water Director Heather Shireman
Charlie Day, DLZ	Tony London
Councilman Jorge Morales	Mark Webber, The Republic
John Clark, White River Broadcasting	

Commissioner Lienhoop gave the invocation and led the Pledge of Allegiance.

The first order of business was the approval of the September 21, 2020 Commissioners' Meeting Minutes. Commissioner Flohr motioned to approve the minutes as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the approval of claims. Commissioner Kleinhenz motioned to approve the claims as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the weekly permit report as read by Commissioner Lienhoop:

<i>Time frame</i>	<i>New permits</i>	<i>Fees</i>	<i>Value</i>
9/21/20 to 9/25/20	21	\$1,461.00	\$377,530

The next item was the County Highway Weekly Crew Report presented by Engineer Danny Hollander. The following work had been done: dura-patched; hauled concrete to 800 S (Azalia) to

stabilize the erosion occurring; extended culvert pipes on 650 E by the quarry; mowed in Jackson & Wayne Township; side-winded stone along 550 N and 500 E; and sowed grass seed, applied straw, and watered at the new garage site.

Engineer Hollander presented the Financial Report, Budget Status Report and Revenue Comparison for the month of August.

The next item was the Consideration of a Notice to Bidders for one (1) 2020/2021 Tandem Axle Dump Truck with Equipment and one (1) 2020/2021 Gradall Excavator as presented by Engineer Hollander. The truck will be paid for out of surplus funds. Commissioner Kleinhenz asked why we purchase tandem instead of tri-axle trucks. Engineer Hollander stated they are better for plowing snow on the tighter roads. This will be advertised on Thursday, October 1, 2020 and Thursday, October 8, 2020 by the Highway Department. Bids will be accepted until 10:00 a.m. on Monday, October 19, 2020 and will be opened during the public meeting. Commissioner Lienhoop motioned to give Notice to the Bidders as presented. Commissioner Kleinhenz seconded the motion which passed unanimously. There was further discussion regarding the erosion on 800 S. It was stated that this is an ongoing project as they are taking donations of materials to avoid additional costs.

The next item was the Veteran's Monthly Report as prepared by VSO Larry Garrity. There were 28 in office interviews. Commissioner Kleinhenz motioned to accept the Veteran's Monthly for August report as presented. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Animal Control Monthly report as prepared by Director Mark Case. There were 2,596 miles put on the vans, they picked up 32 animals and had 65 total cases. Commissioner Flohr motioned to accept the Animal Control Monthly Report for August as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

The next item was the Consideration of a Software Maintenance/Subscription Renewal Proposal/Agreement with Identity Automation for the Sheriff's Department as presented by IT Director Scott Mayes. This is a requirement by the State for those personnel that have access to the IDAC's system. It renews annually. This is for the Multi-Factor Authentication Plus software maintenance/subscription renewal for the Sheriff's Department card readers for their mobile devices. This is paid for through the IT budget. The amount is \$4,480.20, up 1.5% from last year. It was originally called 2FA (2 Factor Authentication). Commissioner Flohr motioned to approve the Proposal/Agreement for \$4,480.20 with Identity Automation. Commissioner Kleinhenz seconded the motion which passed unanimously.

Commissioner Kleinhenz had a gentleman approach him at his home regarding Wolfcreek Road, close to SR 46. The gentleman would like a speed study done in this area. He asked Engineer Hollander to look into this. It may just require some curve signs, but there are no posted speed limit signs. Engineer Hollander will look at it.

The next item was the Second Reading of the Consideration of an Ordinance Amending Ordinance 2008-07 Regarding Soil Erosion and Sedimentation Control from Areas Undergoing Development in Bartholomew County, Indiana as presented by Soil & Water Director Heather Shireman. (See Attached Exhibit A). Director Shireman discussed the Ordinance. They have added the process of having it reviewed by an engineering firm and they removed the fee schedule. IDEM had asked that they review the Ordinances. This one had not been reviewed in quite some time. The meeting was open for public comment. Charlie Day, of DLZ, asked, with a consultant doing the review, how is the fee schedule handled so that a surveyor or other company can tell their client what the fees will be. Director Shireman stated they would contact the client/company with the fee schedule of the firm they would be using. They are basically hourly rates. Hearing no other comments, the public comment session of the meeting was closed. Commissioner Flohr motioned to accept on Second Reading the Ordinance Amending Ordinance 2008-07 Regarding Soil Erosion and Sedimentation Control from Areas Undergoing Development in Bartholomew County, Indiana as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

Under Miscellaneous, the next item was a Proposal for the Maintenance Department for Replacement of Carpet in the GOB. This is due to a water fountain that had leaked over a weekend. It is for 28oz carpet and installation. It involves 3 main corridors of the GOB as well as the Commissioner's Office. This will be paid out of the Commissioner's budget. The proposals were as follows:

- *Columbus Carpet & Linoleum, LLC*
 - *All 4 floors* *\$21,243.00*

- *Riverside Carpet One*
 - *1st Floor (Commissioner's Office)* *\$ 3,164.52*
 - *2nd Floor (Corridor Only)* *\$ 5,770.68*
 - *3rd Floor (Corridor Only)* *\$ 5,770.68*
 - *4th Floor (Corridor Only)* *\$ 6,667.08*

- *Total for all 4 Floors* *\$21,372.96*
 - *Note original quote included \$993.96 of Sales Tax*

Commissioner Lienhoop motioned to accept the low bid from Columbus Carpet & Linoleum, LLC in the amount of \$21,243. Commissioner Flohr seconded the motion which passed unanimously.

The next item was the Consideration of a Professional Services Agreement with Taylor Brothers for Construction Management Services for the New Bartholomew County Court Services Center as presented by Commissioner Kleinhenz. He stated that they are in the process of beginning to build a new Court Services Center. The City Redevelopment Commission is paying for this building. The Commissioners feel it is a worthwhile investment to hire a Construction Management Service to see the project through from the very beginning. The Agreement is as follows:

- *Pre-Construction Services* *\$18,000*
- *Construction Phase Services* *\$60,000*
 - *Total Agreement* *\$78,000*
- *Reimbursable Services* *Cost plus 10%*

Commissioner Flohr motioned to accept the Professional Services Agreement with Taylor Brothers for Construction Management Services for the New Bartholomew County Court Services Center as presented. John Clark, White River Broadcasting, asked for clarification regarding the amount and that they are currently in the pre-construction phase. That was all confirmed. John Clark asked if they were going to go through the Cummins process to get the architect fees paid for by Cummins. It was stated that they are not. Commissioner Kleinhenz seconded the motion with passed unanimously.

The next item was the Treasurer’s Monthly Report as prepared by Treasurer Barb Hackman. Commissioner Flohr motioned to accept the Treasurer’s Monthly Report for May as presented. Commissioner Kleinhenz seconded the motion which passed unanimously.

There will be no meeting next **Monday, October 5, 2020.**

The next Commissioners meeting will be on **Monday, October 12, 2020 at 10 a.m.**

There being no other business, the meeting was adjourned.

COMMISSIONERS

CARL H. LIENHOOP, CHAIRMAN

LARRY S. KLEINHENZ, MEMBER

RICHARD A. FLOHR, MEMBER

ATTEST:

PIA O'CONNOR

EXHIBIT A

ARTICLE II DEFINITIONS is amended to add:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DEPARTMENT means the Bartholomew County MS4 Director, a staff member of the MS4 Department or a designee of the MS4 Director.

REPRESENTATIVE means the authorized representative of the MS4 Department assigned to make detailed observation of contract performance.

ARTICLE IV – SITE DEVELOPMENT APPROVAL is amended, revised and changed to read as follows:

A. Approval Required

Site development approval is required from the MS4 Department for Major Subdivisions; site plan reviews not part of a major subdivision with current site development approval; building permits for sites disturbing more than one (1) acre that are not part of a major subdivision or site plan review with current site development approval.

B. Application for Site Development

The applicant has the following responsibilities:

1. Complete a sufficient Notice of Intent letter per 327 IAC 15-5-5 and 327 IAC 15-5-6.
2. Ensure that a sufficient construction plan is completed and submitted in accordance with 327 IAC 15-5-6 and 327 IAC 15-5-6.5
3. Ensure compliance with this Ordinance and 327 IAC 15-5 during:
 - a. The construction activity; and
 - b. Implementation of the construction plan
4. Ensure that all persons engaging in construction activities on an approved project site comply with the application requirements of this Ordinance and the approved construction plan.
5. Notify the MS4 Department with a Sufficient Notice of Termination (NOT) letter.
6. Complete a Sufficient Site Development Permit Application.

C. Submissions

The NOI for the County and Stormwater Pollution Protection Plan are to be submitted to the County at:

MS4 Department
785 South Marr Road
Columbus, Indiana 47201

D. Review and Approval

Each application for site development approval shall be reviewed and acted upon according to the following procedures:

1. Construction plans shall be received by the MS4 Department for review by the MS4 Department and/or the consultant retained by the MS4 Department and the review and inspection fees will be remanded to the Storm Sewer operating account numbered 101019319. Upon preliminary review, the MS4 Department shall determine:
 - a. That the submittal is complete and sufficient pursuant to Article V of this Ordinance and direct the specific review of the submittal; or
 - b. That the submittal is deficient and lacks information pursuant to Article V of this Ordinance and therefore cannot be adequately reviewed; at which time:
 - i. The developer will receive written notice of those specific deficiencies of the submittal; and/or
 - ii. Be invited to meet with the County or its qualified representative to discuss specific deficiencies of the submittal.
2. Construction plan review shall be carried out within the number of work days shown in Table 1. If there has been no notifications or request for more information within that time, application shall be assumed complete and approved on the following work day.
3. Upon completion of a review, the applicant shall be notified in writing that the submitted construction plan:
 - a. Fulfills the requirements of this Ordinance and constitutes site development approval so long as a Notice of Intent is submitted to the MS4 Department and IDEM at least 4 (four) hours prior to commencement of construction activities; or
 - b. Does not meet the requirements of this Ordinance and therefore does not warrant the issuance of a site development approval.

E. Appeals

The applicant or any person or agency which receives notice of the filing of the application, may appeal the decision of the MS4 Department as provided in paragraph D (3) of the Article IV, to the Board of County Commissioners. Upon receipt of an appeal, the County Commissioners shall schedule and hold a public hearing, after providing the applicant a minimum (15) day notice thereof. The County Commissioners shall give such notice of such public hearing as it deems necessary and appropriate. The County Commissioners shall hear evidence at such hearings and render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible situation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped.

F. Exceptions

Site development approval shall not be required for any of the following:

1. Development of a site of less than one (1) acre upon which no more than one (1) residential structure is to be built, or no more than one (1) commercial or industrial structure is to be built provided that the person responsible for any such development shall implement necessary erosion and sedimentation

control measures to satisfy the principles set forth in Article III of this Ordinance, and the County reserves the right to require such site development techniques as will insure satisfactory erosion and sedimentation control at such locations as determined by the MS4 Department representative.

2. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District and including the construction of agricultural structures.
3. Installation, renovation or replacement of a sewer line, water line, or septic system to serve an existing structure pursuant to the prior approval of the Bartholomew County Health Department.
4. Installation, renovation or replacement of utility lines and appurtenances to serve an existing structure.

ARTICLE V. OPERATION STANDARDS AND REQUIREMENTS is amended, revised and changed to read as follows:

B. Responsibility

The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or the MS4 Department will not be made liable for such damage, by (1) issuance of a site development approval under this Ordinance, (2) compliance with the provisions of that site development approval or with conditions attached to it by the County, (3) failure of the County officials to observe or recognize hazardous or unsightly conditions, (4) failure of County officials to recommend denial of or to deny a site development approval, or (5) exemptions from the site development approval requirements of this Ordinance.

D. Inspection

1. The MS4 Department may inspect any project site involved in construction activities regulated by this Ordinance at any time. The County or its designated representatives may make recommendations to the project site owner or their representatives to install appropriate measures beyond those specified in the Storm Water Pollution Prevention Plan and Schedule to achieve Compliance.

G. Project Termination

2. The project site applicant shall submit a notice of termination (NOT) letter to the MS4 Department in accordance with the following:
 - a. Except as provided in subdivision b, the project site owner shall submit a NOT letter when the following conditions have been met:
 - i. All land altering activities, including construction on all building lots has been completed and the entire site has been stabilized.
 - ii. All temporary erosion and sediment control measures have been removed.
 - b. The project site applicant may submit a NOT letter to obtain early release from compliance with this Ordinance if the following conditions are met:
 - i. The remaining, unimproved acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
 - ii. A map of the project site, clearly identifying all remaining unimproved lots is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot operators of all unimproved lots.
 - iii. All public and common improvements, including infrastructure, have been completed and permanently stabilized and all public improvements have been transferred to the County.

- iv. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 - v. All permanent storm water quality measures have been implemented and are operational.
- 3. The NOT letter must contain a verified statement that each of the conditions in Article V Section G Subsection 2 have been met.
- 4. Following acceptance of the NOT letter and written approval from the County for early release under subsection 2, the project owner shall notify all current individual lot owners and subsequent individual lot owners of the requirement to:
 - a. Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
 - b. Maintain all erosion and sediment measures that are to remain on-site as part of the construction plan.
- 5. The MS4 Department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the applicant has sufficiently filed a NOT letter, the inspecting entity shall forward notification to IDEM, and the applicant shall no longer be responsible for compliance with this Ordinance.
- 6. After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property.

H. Expiration of Site Development Approval

The expiration of a Site Development Approval shall be consistent with and engender the spirit of IC 36-7-4-1109. This may be overridden by the M54 Department or planning Director if there is a declared emergency by either responsible party or an approved County official. Source is IC 36-7-4-1109 Section 2.

ARTICLE VII – SITE DEVELOPMENT APPROVAL FEES is amended, revised and changed to read as follows:

A. Application Processing Fee

The Application Processing Fee for the applicant's Site Development Plan Review shall be Fifty Dollars (\$50.00).

B. Plan Review and Inspection Fee.

The applicant's Plan Review and Inspection Fee will be based upon the then-current hourly rate of the reviewer and/or inspector/consultant retained by the MS4 Department. This fee will be billed to the applicant prior to final site development approval. Final approval will not be granted until the fee is paid in full.

C. Time Period for Application Review

The time period for Application Review shall be as follows:

- 1. Sites of less than five (5) acres will be reviewed within ten (10) working days of receipt by the MS4 Department of the completed Site Review Application Packet.
- 2. Sites of five (5) acres or more will be reviewed within fifteen (15) working days of receipt by the MS4 Department of the completed Site Review Application Packet.

D. Deposit of Funds

All fees collected pursuant to this Ordinance shall be deposited in the Soil Erosion and Sediment Control Fund.

