

CONTINUED MEETING DUBOIS COUNTY COMMISSIONERS

DECEMBER 19, 2011

The continued monthly meeting of the Dubois County Commissioners was held at the Courthouse Annex in Jasper, Indiana, beginning at 9:00 a.m. (EST) on December 19, 2011. Present were Commissioners Lawrence M. Vollmer, Doug M. Uebelhor, and Randall L. Fleck. Also present were County Auditor Kathleen M. Hopf, County Surveyor, Kenneth L. Brosmer, Highway Supervisor Steven L. Berg, and Highway Engineer Jason T. Heile, and County Attorney Arthur C. Nordhoff. Income for the month of October of 2011 was submitted in the amount of \$35,372.77 and the month of November of 2011 was submitted in the amount of \$35,090.43 by the Clerk. A quorum was declared present and the meeting was opened for business by President Vollmer. Minutes of December 5 and 12, 2011, meetings of the Commissioners were approved as presented.

RE: BART MEYER

Bart Meyer appeared to request road intersection improvements at 675 N at Portersville Road, 700 N at Portersville Road, and at Sportsman Club Road at 600 N. He stated that the intersections are too narrow for trucks to make the corners. He volunteered to provide easement on his side of the roads.

RE: EMERGENCY MANAGEMENT GRANT

Tammy Miller, Director of County Emergency Management, appeared to advise the Commissioners that County EMA will receive from State Homeland Security an additional assessment grant of \$3378.37 for purpose of acquiring equipment. On motion duly made and seconded, the Commissioners approved the receipt of the grant.

RE: COMMUNICATIONS

Janice Love, Director of County Communications, appeared to advise of a problem with electrical equipment at 9-1-1 position #1. She explained that for unexplained reason, the equipment at position #1 loses power. The custodian was directed to contact the City Utilities, Dubois REC and Weyer Electric, in that order, to have tests run of the electrical system.

RE: HIGHWAY REPORT – SUPERVISOR REPORT

Highway Supervisor Berg submitted his report of current Department projects:

Weed Ordinance #2	No contact has been successful. Will attempt to get another address.
Ellsworth Road Drainage	Waiting for response.
Road Cut Violations	Meeting was held with all contractors, all claims of department have been paid, all agreed that County will be advised of names of all subcontractors. Permit must be on site when work is done.
Kellerville Road Flood Gate	Agreement has been prepared for operation of flood gates on Kellerville Road. On motion duly made and seconded, the Commissioners approved the Agreement, subject to approval by Jasper Board of Public Works.
Annual Material Bids – Item #1	Other Counties reported experiencing problems with St Regis products. The Company had bid a flexible price. On motion duly made and seconded, the Commissioners declared the St. Regis bid as non-responsive and accepted the bids of Metal Culverts and CPI Supply, based on availability.
Sanitation Stickers	The Supervisor advised that bids have been received for the purchase of sanitation stickers for 2012: Resources Clean Storm \$4100.00 Bohnert Advertising \$3895.78
Jasper / Dubois Road Hauling	Question has been presented regarding bond for contractor on Jasper Beaver Dam project. Waiver was requested for Bonding. After discussion the Commissioners decided that granting a waiver would not be appropriate since the hauler is a private company and no other similar waiver has been granted in the past.

RE: PETITION FOR CR 425 E IMPROVEMENT

Petition has been received for improvement of CR 425 E north of SR 164 in Marion Township. Seven homes are currently located on the current rock road. The petition includes a 60 foot dedication. The owners propose to pay for materials for use in the improvement. On motion duly made and seconded, the petition was accepted and the improvement was authorized after completion of other scheduled roads and conditioned upon prepayment by owners of material costs.

RE: FREEZE THAW ORDINANCE – 2011-04

On motion duly made and seconded, the Commissioners unanimously adopted Ordinance 2011-04, being the annual Ordinance restricting gross load weights on County Roads to 10 ton for the period 1-15-2012 to 4-15-2012, as follows:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,
OF DUBOIS COUNTY, INDIANA, THAT:

1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2012 through April 15, 2012. Jasper 3rd Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 19, 2011

RE: PETITION FOR VACATION OF CERTAIN LOTS AND ROADS IN TOWN OF MALTERSVILLE – ORDINANCE 2011-05

Hearing on Petition to Vacate filed. Proof of Publication presented. Steven McNameway appears representing petitioner, J.H. Rudolph and Co, Inc. Petition requests vacation all or part of Lots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and portions of 5th Street and of Main Street, all in Town of Maltersville, all more fully described in said petition as filed. Several adjacent property owners were present to question the property involved and were informed that their real estate (Lots) were not involved. There being no objections to the petition, on motion duly made and seconded, the Commissioners unanimously adopted the following Ordinance #2011-05:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING EXISTING STREETS AND LOTS IN THE TOWN OF MALTERSVILLE, DUBOIS COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA THAT:

Section 1. It is the finding of this Board, after public hearing, that adequate reason exists for the vacation of the following described street and lots in the town of Maltersville, Bainbridge Township, Dubois County, Indiana. That proper notice has been given of said hearing; that part of said property has been heretofore dedicated but never developed and that no public benefit is to be derived from the continued existing of said streets and lots; that all adjacent property owners, being sole person who would be served by said public streets and private lots, has been notified by certified letter of a vacation of said streets and lots; that said vacation of said streets and lots will not diminish the value of any other real estate located in the vicinity thereof; and that no reason exists of the continued existence of said streets and lots and the same shall be vacated:

That portion of streets and lots lying in the Town of Maltersville.

1. The specific portion of Main Street which the petitioners seek to vacate is that portion of an existing street North of the State of Indiana Highway 162 Right-a-way and North of County Road 230 South Right-of-way and between the Lots of 34, 35, 36, 37, 38, 39, 40, 41, and 42; all in the Town of Maltersville. The street sought to be vacated is 40 feet in width and approximately 273 feet in length, and is approximately .25 acres.

2. The specific portion of 5th Street which the petitioners seek to vacate is that portion of an existing street East of the State of Indiana Highway 162 Right-a-way, North of Lot 41, 42 and North end of Main Street Right-a-way; all in the Town of Malpersville. The street sought to be vacated is 40 feet in width and approximately 323 feet in length and is approximately .30 acres.
3. The specific portion of Lot 34 which the petitioners seek to vacate is the portion of an existing lot North of the State of Indiana Highway 162 Right-a-way, North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately 12.9 square feet.
4. The specific portion of Lot 35 which the petitioners seek to vacate is the portion of an existing lot North of the State of Indiana Highway 162 Right-a-way, North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .12 acres.
5. The specific portion of Lot 36 which the petitioners seek to vacate is the portion of an existing lot Northeast of the State of Indiana Highway 162 Right-a-way, Northeast of County Road 230 South Right-of-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .06 acres.
6. The specific portion of Lot 37 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .10 acres.
7. The specific portion of Lot 38 which the petitioners seek to vacate is the portion of an existing lot North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .24 acres.
8. The specific portion of Lot 39 which the petitioners seek to vacate is the portion of an existing lot North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .25 acres.
9. The specific portion of Lot 40 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .13 acres.
10. The specific portion of Lot 41 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way, South of 5th Street Right-of-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .17 acres.
11. The specific portion of Lot 42 which the petitioners seek to vacate is the portion of an existing lot South of 5th Street Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .27 acres.

Section 2. That said portion of streets and lots as herein described shall be and is hereby vacated, subject however to a perpetual easement as to any public utility now located within the boundaries thereof.

Section 3. This Ordinance shall be in full force and effect from and after adoption.

DULY PASSED AND ADOPTED THIS 19TH DAY OF DECEMBER, 2011.

RE: HIGHWAY ENGINEERS REPORT

County Highway Engineer Heile reported as follows:

Dubois Stormwater Project	Project is 73% installed. Deep crossing of Vine Street completed and various outlets to be placed. Works remaining will be on Vine Street north side between 4 th Street and Dubois Road NE. Work will be shut down due to weather until March.
Bridge 244	Both walls poured and backfilled, I-beams set last week, deck will be poured this week.
Bridge 114	On Schnellville Road, request for proposals will be issued early in 2012 for engineer. Discussion held on method to be used to select engineer.

RE: SHERIFF DEPARTMENT – VEHICLE

Sheriff Lampert appeared to submit a report of current Department activities, including: Lance Lorey hired as new deputy; Tom Kleinhelter promoted to sergeant detective; Forrest Kieser promoted to sergeant. The Sheriff requested permission to purchase new unmarked vehicle for detective using funds from current in-house account. On motion made and seconded, permission granted.

RE: COURTHOUSE POLICY

Auditor Hopf requested recommendation of Commissioners as to whether a new mother could take time off with pay during working hours to express breast milk. The Commissioners referred the Auditor to the Commissioners' prior policy that break time for the above purpose should run concurrent with other break time, such as noon time break.

RE: DAMAGED EQUIPMENT

The County Auditor submitted a list of furniture and electronic equipment from the Substance Abuse Service which is damaged and unusable or no longer usable. On motion duly made and seconded, the Commissioners declared the nine items listed as junk and of no value and directed that the same be delivered to the County Solid Waste District for disposal.

RE: ORDER APPROVING PRECINCT BOUNDARIES

On motion duly made and seconded, the Commissioners approved the revised schedule of precinct boundaries as submitted by the County Clerk.

RE: DISTRICT BOUNDARIES FOR COUNTY COMMISSIONERS AND COUNTY COUNCIL

The Commissioners continued discussion on boundaries for the offices of Commissioners and Council. Commissioner Vollmer reported on instructions received by him from the State Election Board, including the fact that, if at all possible, Townships should not be split or separated as to Districts. Based upon this discussion he stated that Commissioners Districts should not be changed from that applicable last year. Commissioner Uebelhor stated that he feels that as to the Council he believes that the Clerk's plan, including division of Townships, should be used. Thereupon, on motion duly made and seconded, the Commissioners determined unanimously that the Commissioner Districts will continue using the same District lines as used at the last election (during the prior 10 year period). The Commissioners then conducted further discussions regarding Council Districts. Thereupon, on motion duly made and seconded, the Commissioners determined unanimously that the County Council District lines would be revised so as to prevent division of any Township, except Bainbridge Township, all as set forth as follows:

Commissioners Districts

- Commissioner District #1: Boone, Columbia, Harbison, Madison and Patoka Townships.
- Commissioner District #2: Bainbridge Township.
- Commissioner District #3: Cass, Ferdinand, Hall, Jackson, Jefferson and Marion Townships.

Council Districts

- Council District #1: Bainbridge #3W, 5N, 6N, 7; Boone, Harbison and Madison Townships.
- Council District #2: Bainbridge 2E, 2W, 3E, 4N, 4S, 5S, and 6S.
- Council District #3: Columbia, hall, Ferdinand, Jackson, Jefferson and Marion Townships.
- Council District #4: Bainbridge 1, Cass, Patoka Townships.

RE: HIGHWAY DEPARTMENT VEHICLE AND PLOW BIDS

It being 11:00 am, the time proposed for receipt of bids for purchase of a Brine 1 ton truck chassis, a ¾ ton pickup, 5 snow plows, and one brine 1 ton truck plow and 19 safety lights, the following bids were received and opened:

1 Ton Brine Truck

Uebelhor & Sons	\$37,049.00
Sternberg Ford	\$35,619.00
Sternberg Dodge	\$39,487.00
Luegers Motors	\$37,000.00

¾ Ton 4x4 Pickup	
Uebelhor & Sons	\$28,099.00
Sternberg Ford	\$25,157.00
Sternberg Dodge	\$24,675.00
Snow Plows (5)	
Meyer Truck	\$35,875.00
CPI Supply	\$42,993.79
Brine Truck Plow	
Meyer Truck	\$4,254.63
Safety Lights	
Michael Todd & Co	\$7,522.21
Advanced Radio	\$6,547.45

The bids were taken under advisement and submitted to the Highway Supervisor for review.

RE: SERVICE OFFICER

Robert Johnson, the newly appointed County Service Officer appeared to request permission to attend veteran training in Indianapolis on January 14, 2012 (American Legion training) and January 25, 2012 (VA training, all day with over-night stay). Permission was granted for both conferences. On motion duly made and seconded, Service Officer was authorized to purchase a fax machine and laptop computer for office use.

RE: RANDALL SCHMITT REALESTATE TRANSFER, SUBDIVISION ORDINANCE

It was reported that Randall Schmitt of Madison Township has reported the status under the County Subdivision Ordinance of a proposed transfer by him of his poultry houses in the NE Quarter of the NE Quarter of Section 22-T1S-R6W, and the 4.0 acres on which located. Schmitt is closing his poultry operation but is retaining the balance of his 113.7 acre farm, including his residence, and desires to sell his poultry buildings. The Commissioners determined that prior transfers of previously estate agricultural facilities have been granted exemptions and therefore, on motion made and seconded, the Commissioners determined that the proposed sale is exempt from the Subdivision Ordinance.

RE: HIGHWAY DEPARTMENT VEHICLE AND PLOW BIDS

The Highway Supervisor reported that the bids received earlier in the meeting had been reviewed and that the following bids were determined to be the lowest bids:

1 Ton Brian Truck	Sternberg Ford and \$35,619 but if vehicle not available, Luegers at \$37,000.
¾ Ton 4x4 Pickup	Sternberg Ford at \$24,675
5 Snow Plows	Meyer Truck at \$35,875
Brian Truck Plows	Meyer Truck at \$4,254.63
Safety Lights	Advanced Radio \$6,547.45

On motion duly made and seconded, the Commissioners approved and accepted the low bids.