

REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

DECEMBER 1, 2008

The regular monthly meeting of the Dubois County Commissioners was held in the Commissioners' Room of the Courthouse Annex in Jasper, Indiana, beginning at 9:00 a.m. (EST) on December 1, 2008. Present were Commissioners John G. Burger, Randall L. Fleck and Lawrence M. Vollmer. Also present were County Auditor Janet L. Sendelweck, County Surveyor Ken Brosmer, Highway Supervisor Steven L. Berg, Highway Clerk Ann T. Messmer and County Attorney Arthur C. Nordhoff, Jr. A quorum was declared present and the meeting was opened for business by President Burger. Minutes of the November 17, 2008, meeting of the Commissioners were approved as presented. The minutes were then signed. Incomes for the month of November, 2008, were as follows: Recorder \$8,405.35; Health Department \$22,167.21; Auditor \$223.00; Clerk \$43,396.05. Claims against the County were examined and those found to be just, due and owing were allowed and those found to be not due and owing were disallowed, all as more fully set forth in the Claims and Allowance Docket of the County.

RE: DUKE ENERGY – EASEMENTS

Gary S. McNamee, representing Duke Energy, appeared to inform the Commissioners that the Company has two transmission lines running through Dubois County, both running east to west; one running south of Haysville and one running south of Duff and north of Huntingburg. He advised that each line has an approximate 150 feet of right-of-way. He showed slides of various right-of-way problems and of types of line supports.

RE: EMPLOYEE HEALTH PLAN – SIHO

Mary Beth Hurst, representing SIHO, County Health Plan Administrator, appeared to discuss several Plan programs.

Biotech Injection – SIHO proposed a plan whereby employees would pay 20% of Biotech Injection expenses up to \$5,000 per year, with the Plan paying all expenses in excess of \$5,000. The Commissioners requested that records be checked to see if any employee is currently using the program.

She also described a proposal by Caremark, whereby employees would receive benefit under the CVS Maintenance Choice program. County participation in the program was approved.

RE: HIGHWAY DEPARTMENT REPORT

County Highway Supervisor Berg reported on the current status of various Department projects, including: OFFICE ROOF LEAK (Schmidt Contracting will do roof repair at \$2939); PORTERSVILLE BRIDGE (NRCS funding through Daviess County is approved and bids set for December 22, 2008. Center pier in River had been removed and rip rap from removal will be used for spoil repair, with both Counties providing trucks); DUBOIS STORMWATER (meeting held concerning grant application and time line. A five man committee required. Consultant selection required for storm water plan); FEMA STORM EXPENSES (application for reimbursement filed for September 14, 2008 storm); DUMP TRUCK REPLACEMENT (replacement of three trucks has been researched with a total cost of \$265,000); STATE ROAD 56 AND COUNTY ROAD 800W INTERSECTION (repairs required at intersection were discussed with INDOT representatives. Intersection widening and upgrading were discussed).

RE: HIGHWAY DEPARTMENT – DUMP TRUCK REPLACEMENTS

Subject to appropriation of funds, the Highway Supervisor was authorized to request bids on two single axle chassis and a triaxle dump body.

RE: 9-1-1 COMMUNICATIONS MAPPING

The current company providing mapping services to Communications, Microdata, has increased service maintenance fees and reduced service. Janice Love, Communications Director, appeared to request authority to move mapping services to WTH. The cost would be \$9,200 setup (1 time) plus approximately \$10,000 annual maintenance, for

a calendar year contract. WTH will update maps once every several months, whereas Microdata would update once each year. The Commissioners approved the request. Love discussed with the Commissioners the status of 800 MHz radio systems. This concerns the use of VHF vs 800 MHz radios. She requested close cooperation and communication within County agencies.

RE: DRUG COURT CASE MANAGER

Superior Court Judge Mark McConnell appeared to request authority to employ a part-time Drug Court Case Manager using Criminal Planning Justice grant funds. In the future, if grant funds are not available user fees would be used. On motion duly made and seconded, the Commissioners authorized employment of a part time manager, subject to appropriation of grant funds and subject to the fact that the position will terminate when grant and/or user funds are not available.

RE: HIGHWAY DEPARTMENT – TRANSFERS

On motion duly made and seconded, the Commissioners authorized the following appropriation transfer in the Solid Waste Fund:

<u>From</u>	
Highway Reimbursement	\$6,000
Gas, Oil and Lube	<u>\$2,000</u>
	\$8,000
<u>To</u>	
Refuse Disposal	\$8,000

RE: HIGHWAY DEPARTMENT – TRANSFER

Highway Clerk Messmer submitted the following appropriation of funds in the Highway Fund:

<u>From</u>	
Gas, Oil and Diesel	\$61,000
<u>To</u>	
Equipment	\$61,000

On motion duly made and seconded, the Commissioners approved the transfer, subject to approval of the County Council.

RE: 2009 HIGHWAY MATERIAL BIDS – ACCEPTED

Highway Supervisor Berg reported that the Highway staff had reviewed all bids received at the last meeting of the Commissioners for the annual material supply. Based on bids received, he recommended acceptance of the following bids for 2009 material purchases:

- Item 1. Aluminized Steel Pipe
Culvert Plus and Metal Culverts
- Item 2. Corrugated Polyethylene Pipe
Baughman Tile Company and HD Supply Waterworks
- Item 3. Geotextile
Culvert Plus for the Woven Mat and for the Non-Woven Mat
- Item 4. Ready Mix Concrete
IMI
- Item 5. Diesel Fuel Low Sulfur, On Road Taxable
Ackerman Oil, Superior Ag and Petroleum Traders
- Item 6. Diesel Fuel, Off Road / Non Taxable
Ackerman Oil, Superior Ag and Petroleum Traders
- Item 7. Unleaded Gasoline
Ackerman Oil, Superior Ag and Petroleum Traders

- Item 8. Bituminous
Asphalt Materials
- Item 9. Hot Asphaltic Concrete
J. H. Rudolph, Tri-County Paving and Calcar
- Item 10. Cold Mix
J. H. Rudolph & Company, Cave Quarries and Tri-County Paving
- Item 11. Stone From Quarry
Cave Quarries and Mulzer Crushed Stone
- Item 12. Stone, Stockpile and Spread on Roads
Cave Quarries and Mulzer Crushed Stone
- Item 13. Waterborne Traffic Paint
No Bidders

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

RE: PRISTINE DEVELOPMENT LLC – DEER TRAIL ROAD

County Engineer Wendholt submitted a proposed letter to Pristine Development LLC requiring chip and seal of the Deer Trail Road on or before August 31, 2009.

RE: PORTERSVILLE BRIDGE – BERNARDIN LOCHMUELLER CLAIM

On motion duly made and seconded, the Commissioners approved and authorized payment of a claim from Bernardin Lochmueller for \$9170.48 for engineering services on Portersville Bridge.

RE: SPEED LIMIT ON COUNTY ROAD 250 SOUTH – ORDINANCE 2008-05

On recommendation of the County Engineer based upon a study conducted by himself of road conditions and public safety, the Commissioners on motion duly made and seconded, unanimously adopted the following Ordinance 2008-05 establishing a maximum speed limit 35 mph on County Road 250S from Old Huntingburg Road to County Road 200S, for a distance of 1.01 miles:

WHEREAS, any person operating a motor vehicle on a public highway within Dubois County, Indiana, shall operate the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, surface and width of roadway, and to other conditions then existing; but,

WHEREAS, It is the determination of the Board of County Commissioners that limits shall be placed upon the maximum speed which shall be allowed when traveling such public highways; and,

WHEREAS, As a result of study conducted and review made of road conditions at the following location, it has been determined that a more restrictive speed limit is required for the safety of the general public.

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

1. Motor vehicles operated on Co. Rd. 250 South from Old Huntingburg Road to Co. Rd. 200 South being a distance of approximately 1.01 miles, shall be restricted to a maximum speed of 35 miles per hour.
2. Each such public highway shall be posted for such maximum speed limit.
3. Violation of this Ordinance shall be punishable in that manner prescribed by Indiana Statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.
4. This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

RE: HEALTH DEPARTMENT

County Health Department Administrator Donna Oeding appeared to seek approval of the expenditures of \$14,000 to cover the cost of rabies vaccine for treatment of four individuals. The expenditure was required under

Indiana Statue and will be paid from the Department's medical account. On motion duly made and seconded, the Commissioners approved the expenditure.

RE: EMERGENCY MANAGEMENT AGENCY – GIS LICENSE

Mary Miller, Director of County Emergency Management, appeared to advise of an offer from WTH Engineering to establish a master GIS map statewide for public use and for use by various State and Federal agencies. The initial cost of \$6,900 for two years is provided by a grant from Indiana Homeland Security. Subsequent year cost will be \$1,200 per year. Schneider also provides this service. WTH currently has all County information required to satisfy the State GIS requirement. On motion duly made and seconded, the Commissioners authorized release of data and directed the County Attorney to review proposed WTH contract.

Miller also submitted a proposed allocation of 800 MHz radios using State grant funds.

RE: VACATION OF PORTION OF COUNTY ROAD 175 – ORDINANCE 2008-06 DUPLICATE 2008-01

On motion duly made and seconded, the Commissioners approved Ordinance 2008-06, being vacation of County Road 175 in Harbison Township. Duplicate 2008-01.

RE: VACATING PUBLIC ALLEY TO THE TOWN OF CUZCO – ORDINANCE 2008-07

On motion duly made and seconded, the Commissioners approved Ordinance 2008-07, being vacating a public alley located between Lots 13, 14, 15, 16, 17, 18, 19 and 20 to the Town of Cuzco in Columbia Township, as approved after hearing held on November 3, 2008:

Section 1. It is the finding of this Board, after public hearing held on November 3, 2008, that adequate reason exists for the vacation of the following public alley located in Dubois County, Indiana, to-wit:

A platted alley, being 16 feet in width, located in the W. H. Nicholson's First Addition to the Town of Cuzco, Indiana which alley is located along the south lines of Lots 13, 14, 15, and 16 in said Addition and along the north lines of Lots 18, 19 and 20 in said Addition and along the north line of an unplatted tract immediately east of said Lot #18, and which alley terminates at the west line of Lot #17 in said Addition.

It is the further finding of this Board that proper notice has been given by publication of said hearing and that notice by certified mail has been given; that the described alley is not required or used by the public, no public benefit is to be derived from the continued existence of said public alley; that insofar as Petitioners own Lots on both sides of said alley no adjacent property owner will be affected by the petitioned vacation of said alley; that the vacation of said alley will not diminish the value of any other real estate located in the vicinity thereof; that no public utilities are known to exist within said alley, but that should any such utility exist the same shall remain in place; that the proposed vacation will not hinder growth or development, will not hinder use of a public way by the neighborhood, will not hinder access to a church, school or public building, and will not make access to other property difficult or inconvenient; and that no reason exists for the continued existence of said alley and the same should now be vacated.

Section 2. That the 16 foot wide public alley and any easement associated therewith as herein described shall be and is hereby vacated, subject however to a continuing perpetual easement as to any public utility which is now located within the boundaries thereof.

Section 3. That legal title in and to said vacated alley shall be vested in the owners of the adjacent Lots, to the north and south of said alley, subject to rights of existing utility easements.

Section 4. This Ordinance shall be in full force and effect from and after its adoption.

RE: DUBOIS LIBRARY

As arranged by Indiana 15 Regional Planning Commission, the Commissioners on motion duly made and seconded, approved application PL-05-065 for Community Development Block Grant for \$40,000.

RE: INDIANA 15 REGIONAL PLANNING COMMISSION – I-69 GRANT

On motion duly made and seconded, the Commissioners approved and authorized execution of a Contract for Services with Indiana 15 Regional Planning Commission for services used in obtaining the I-69 Comprehensive Planning Grant. The Contract calls for payment of \$2,500 for such services.

RE: PAYROLL PERIODS – RESOLUTION

On motion duly made and seconded, the Commissioners approved a Resolution to amend Section III (M) of the Employee Policies so as to provide that the employee pay period would be based on 26 bi-weekly payments normally made by direct deposit on every other Friday, except that in the event that Friday is a day on which Courthouse offices are closed, payment would be on the next day on which Courthouse offices are open.

RE: SICK LEAVE BANK

The Commissioners each received a draft copy of a revised sick leave bank for County employees and were requested to review the same.

RE: JASPER DOWNTOWN BUSINESS ASSOCIATION – O'TANNENBAUM DAYS

Auditor Sendelweck advised the Commissioners that the Jasper Downtown Business Association be authorized to use the Courthouse restrooms on December 5, 6, and 7, 2008, as part of the O'Tannenbaum Days. On motion duly made and seconded, permission was granted under the same requirements as normally apply to Courthouse use.

RE: SUBSTANCE ABUSE COUNCIL AGREEMENT

The Commissioners discussed proposed changes to the initial draft of the Substance Abuse Council Agreement. The proposed changes were submitted by Council chairperson Nancy Eckerle. The Attorney was instructed to prepare the revisions discussed.

RE: FUTURE MEETINGS

As previously scheduled, on motion duly made and seconded, the continued December meeting of the Commissioners will be held on December 22, 2008, at 9:00 a.m. in the Commissioners' Room of the Courthouse Annex.

The Commissioners established the regular January meeting for January 5, 2009, at 9:00 a.m. in the Commissioners' Room of the Courthouse Annex.