

SECOND REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

March 15, 2021

The second regular meeting of the Dubois County Commissioners was held in the Commissioners/Council Room of the Courthouse Annex in Jasper, Indiana, beginning at 8:35 a.m. (EST) on March 15, 2021. Present were Commissioners Chad A. Blessinger, Nick Hostetter and Elmer Brames. Also present were County Auditor Sandra L. Morton, Highway Supervisor Steve Berg, Highway Engineer Brent Wendholt and County Attorney Gregory S. Schnarr. A quorum was declared present and the meeting was opened for business by President Blessinger.

Minutes of the March 1, 2021 meeting of the Commissioners were approved as presented. 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: BUILDING CORP – LEASE

Following the Public Hearing held earlier, Auditor Morton presented the Auditor's Certification for the counterparts of a petition addressed to the Board of Commissioners of Dubois County certifying sixty-nine (69) signatures from owners of taxable real estate located within the limits of the County.

The Lease was signed.

RE: RESOLUTION 2021-08

Resolution 2021-08 was presented. A motion was made to approve the Resolution in its current form, was duly seconded and carried unanimously.

RESOLUTION NO. 2021-08

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
DUBOIS COUNTY, INDIANA RECEIVING AND APPROVING THE PETITION OF TAXPAYERS
REQUESTING THE LEASING OF CERTAIN JAIL FACILITIES AND APPROVING EXECUTION OF
LEASE AND RELATED MATTERS**

WHEREAS, a petition signed by fifty (50) or more taxpayers of Dubois County, Indiana (the "County") has been filed with the Board of Commissioners of the County (the "Board") requesting the Board (1) to enter into negotiations with the Dubois County, Indiana Building Corporation (the "Building Corporation"), for the financing of the acquisition, construction, improvement, and/or equipping of all or any portion of the renovation to and an expansion of the existing jail facility located at 255 Brucke Strasse, Jasper, Indiana 47546 and the community corrections facility located at 257 Brucke Strasse, Jasper, Indiana 47546, any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by the County, and (2) to enter into a lease between the nonprofit corporation, as lessor, and the County, as lessee, for all or a portion of the existing and expanded jail facility located at 255 Brucke Strasse, Jasper, Indiana 47546 and the existing and expanded community corrections facility located at 257 Brucke Strasse, Jasper, Indiana 47546, including the site and appurtenances thereto (the "Premises") (clauses (1) and (2) collectively, the "Project"); and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Board; and

WHEREAS, the Board has previously examined and approved a form of lease (the "Lease") with the Building Corporation for the financing of the Project; and

WHEREAS, lease rentals under the Lease shall be payable solely from (i) the revenues of the adjusted gross income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-6-2.7 (the "Jail Income Tax Revenues"), and (ii) to the extent that the Jail Income Tax Revenues are insufficient to pay such amounts, from the revenues of an ad valorem tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, based on the estimated amount of future Jail Income Tax Revenues, the County reasonably expects all lease rentals to be paid from Jail Income Tax Revenues, and not paid from Property Tax Revenues; and

WHEREAS, notice of a public hearing on the proposed Lease was given by publication as required by law; and

WHEREAS, on March 15, 2021, a public hearing was conducted in accordance with IC 36-1-10-13 as to whether the execution of the Lease is necessary and whether the rentals in the Lease are fair and reasonable for the Project; and

WHEREAS, the Board has considered the testimony and other evidence presented at the public hearing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. The petition of taxpayers heretofore filed with this Board is hereby approved.

Section 2. Providing for the financing, acquisition, construction, improvement, and/or equipping of the Project by the Building Corporation and the leasing of the same to the County, as lessee, is in the public interest of the citizens of this County, and is a proper public purpose for which this Board agrees to cooperate with the Building Corporation and to assist in fulfilling the requirements of all agencies of federal, state and county governments.

Section 3. The drawings, plans, specifications and estimates for the cost of the Project provide for necessary facilities for the County and the same are hereby approved.

Section 4. The proposed Lease in the form presented on the date hereof is hereby approved and confirmed in accordance with IC 36-1-10-13. The Lease provides for a fair and reasonable rental, and further, the execution of the Lease is necessary and wise. The Auditor of the County is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the record book immediately following the minutes of this meeting, and further, the Lease is hereby made a part of this Resolution as fully as if the same were set forth herein.

The members of this Board are hereby authorized and directed to execute, in the name and on behalf of the County, the Lease, including the addenda attached as exhibits to the Lease, with such changes as the members of this Board deem necessary or advisable, and the Auditor of the County, is hereby authorized and directed to attest such execution of the Lease.

Section 5. The Auditor of the County is hereby authorized and directed, on behalf of the County, to publish notice of the execution of the Lease as required by law.

Section 6. The issuance, sale and delivery by the Building Corporation of its lease rental revenue bonds (the "Bonds"), in the aggregate principal amount not to exceed \$35,000,000, is hereby approved. Upon the retirement or prepayment of all of the outstanding principal amount of the Bonds, the County, as lessee, will accept from the Building Corporation title to such facility, including any additions

thereto, free and clear of any and all liens and encumbrances thereon except as otherwise permitted by the Lease. The Building Corporation may issue, sell and deliver such Bonds, pursuant to the applicable laws of the State of Indiana, may encumber any property acquired by it for the purpose of financing such facilities, and may enter into contracts for the sale of the Bonds and the Project.

Section 7. Subject to completion of the procedures required by law, the members of the Board are hereby authorized and directed for and on behalf of the County, to transfer to the Building Corporation, the County's interests in any real estate or building related to the completion of the Project.

Section 8. Any member of the Board of Commissioners or the County Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Adopted this 15th day of March, 2021.

RE: RESOLUTION 2021-09

Resolution 2021-09 was presented to change to the bid acceptance date from March 22, 2021 at 6:00 p.m. A motion to approve the Resolution was made, duly seconded and carried unanimously.

RESOLUTION NO. 2021-09

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF DUBOIS COUNTY, INDIANA DELAYING THE OPENING OF BIDS RELATED TO THE 2021
RENOVATIONS AND IMPROVEMENT PROJECT FOR DUBOIS COUNTY JUSTICE CAMPUS**

WHEREAS, the Board of Commissioners (the "Board") of Dubois County, Indiana published notice that bids for the 2021 Renovations and Improvement Project for Dubois County Justice Campus (the "Project") would be opened by the Board on March 22, 2021 at 6:00 p.m.; and

WHEREAS, pursuant to IC 36-1-12-4(b)(7), the Board has determined that it is in the best interest of the Board to delay the opening of the bids for the Project until March 26, 2021 at 10:00 a.m.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA RESOLVES that the Board will open bids related to the 2021 Renovations and Improvement Project for Dubois County Justice Campus on March 26, 2021 at 10:00 a.m.

Adopted this 15th day of March, 2021.

RE: HIGHWAY SUPERVISOR'S REPORT

Highway Supervisor Steve Berg presented the following report of Highway projects:

Additional Appropriations for Equipment – A request was made to request additional funding from the County Council in the following: \$97,500 from MVH Funds to be placed in the Restricted line and \$27,500 in Non-restricted to replace vehicles #200, #104, and #110; and in the Solid Waste District - \$85,000 for the Compactor truck. A motion was made to support the request pending County Council approval, was duly seconded and carried unanimously.

Highway Activity Report for 2020 – A report was presented and reviewed.

White Stallion Incident – Nothing to report.

RE: HIGHWAY ENGINEER'S REPORT

Highway Engineer Brent Wendholt presented the following report of Highway projects:

Bridge #14 & #94 Redesign Proposals – SJCA, P.C. has presented a Consulting Contract to redesign Bridge #14 and #94. The Consulting Contract has been reviewed by the Engineer and County Attorney. A motion was made to approve the contract, was duly seconded and carried unanimously.

Dubois County Bridge #143 - The Deck should get poured this week, and once it is poured, it will be closed for 7 days for the concrete to properly cure out.

Overweight or Oversized Vehicle Ordinance - An Ordinance has been created to handle the Overweight or Oversized Vehicles that would be on County Roads. The Ordinance will be reviewed and be brought to a future meeting for approval.

RE: AMERICAN RESCUE PLAN FUNDS

A discussion was held on the possible uses for the American Rescue Plan funds which will be received in the future.

RE: OCRA COMMUNITY CONNECTIONS

Commissioner Blessinger provided an update on the grant documents and the sub-recipient documents.

RE: SECOND AMENDMENT SANCTUARY COUNTY

Eric Jochim requested support for a Second Amendment Sanctuary County Ordinance for Dubois County. A discussion was held. Mr. Jochim will work with Commissioner Hostetter to create an Ordinance and return at a future meeting.

RE: CHALK WALK – COURTHOUSE USE

Bryce Conway, Jasper Community Arts, requested use of the Courthouse Basement Restrooms and the Northeast Courthouse Lawn for the Chalk Walk to be held on June 5, 2021 and rain date of June 12, 2021 from 5:30 a.m. – 5:00 p.m. A motion was made to approve the request, was duly seconded and carried unanimously. Mr. Conway will coordinate with Custodian Scott Hopf.

RE: JANSSEN & SPAANS ENGINEERING

Leo Rumschlag, Senior Project Manager, gave a presentation on services provided by Janssen & Spaans Engineering for transportation design solutions.

RE: HEALTH EMPLOYEE REQUEST AND CLASSIFICATION

Administrative Director Shawn Werner appeared to request a position be created for a Part-time Environmental Health Septic Inspector to be funded by the Local Health Maintenance Fund. A discussion was held. A motion was made to create a Part Time Position not to exceed a salary cost of \$23,000 in 2021 pending County Council approval. The motion was duly seconded and carried unanimously. The wage position will be classified as PAT III.

RE: DOWNTOWN CHOWDOWN

Kate Schwenk and Darla Blazey appeared to request use of the Courthouse Basement Restrooms during the Downtown Chowdown events on the second Wednesday of the month from May – October from 4:00 p.m. to 8:00 p.m. A motion was made to approve use of the restrooms as requested, was duly seconded and carried unanimously. Chairperson Lisa Bowers will coordinate with Custodian Scott Hopf.

RE: 911 DIRECTOR UPDATE

911 Advisory Board Member Craig Greulich provided an update on the hiring process for a 911 Director due to the retirement of current Director Jeana Mathies. The committee has narrowed the search

to two candidates. A motion was made to support the final selection of the Committee, was duly seconded and carried unanimously.

RE: FLEX TIME POLICY - EXEMPT EMPLOYEES

Human Resource Generalist Markie Rhodes presented a Flex Time Policy for Exempt Employees for consideration. A lengthy discussion was held on the expectations of hours worked and scheduling flexible time off. No action was taken at this time.

RE: COVID-19 WAGE COMPENSATION

A discussion was held on the extra work time accrued by Health Department Administrative Director Shawn Werner and EMA Director Tammy Humbert during the Pandemic over the past year. A motion was made to support a payout of \$6,000 for Humbert and \$4,000 for Werner for the abundance of additional hours worked based on the Emergency Declarations and shall be considered COVID Compensation pending County Council review and approval. The motion was duly seconded and carried unanimously.

RE: 2022 COURTHOUSE CLOSINGS & PAYROLL

Auditor Morton presented the 2022 Holiday Schedule and 2022 Pay Schedule. A motion was made to approve the schedules as presented, was duly seconded and carried 2-1. Blessinger was the dissenting vote.

RE: GIS LIMITED USE AGREEMENT

Auditor Morton presented a Limited Use Agreement between Dubois County, Indiana and Indiana 15 Regional Planning Commission to share GIS Information. A motion was made to approve the request, was duly seconded and carried unanimously.

RE: EMS COORDINATOR APPOINTMENT

EMS Coordinator Suzan Henke has retired from Memorial Hospital effective March 12, 2021. A discussion was held on the continuation of her appointment.

RE: FUTURE MEETINGS

The Bid Opening for the Jail and Community Corrections Project will be held on March 26, 2021 at 10:00 a.m. The next regular meeting will be held on April 5, 2021 at 8:00 a.m. in the Commissioners/Council Room of the Courthouse Annex.