

## SECOND REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

February 18, 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 9:00 a.m. (EST) on February 18, 2021. Present were Commissioners Chad A. Blessinger and Nick Hostetter. Elmer Brames was present by teleconference. 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 February 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: HIGHWAY SUPERVISOR'S REPORT**

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

Assistant Clerk Interviews – The interviews originally scheduled for last Thursday were rescheduled for this week. Our goal was to have the new hire begin on Monday March 8, 2021 however the timing for approval on the hire may not make that possible. We can plan on approval on the meeting March 1<sup>st</sup> with the first day beginning on Monday March 15<sup>th</sup>. She will begin the day computing payroll, then commence with Orientation.

Weather Complications – We have been dealing with widespread icing on many of our roads. This coupled with the cold temperatures has made recovery a slow-moving reality. Additional snows have complicated matters even worse. Our once abundant supply of material has taken quite a hit with the frequency of snow responses' we have had over the last 45 days or so. With a low available salt supply and a challenge to acquire dry stone, we have not been able to cover as we would like.

Tracking Device Update – This has been helpful for the office and mechanics to know where the highway staff is during a breakdown or as a guide to know where the trucks have been. It has clarified the validity of several complaints where we have been accused of a stone into a windshield, during a specific time at a certain location, and our vehicles were not there. It is performing as expected.

Roller Compactor Delivery – The new compactor roller was delivered last week in good shape and will be placed into the County inventory. Berg requested declaring the old compactor roller surplus. A motion was made to approve the request and duly seconded. The motion carried unanimously.

5 Year Equipment Rotation – Berg presented the updated rotation list for review. As revenues have been impacted, we will have some equipment that will need to be addressed. Berg will request funding from the County Council. Consensus was to proceed as planned.

### **RE: HIGHWAY ENGINEER'S REPORT**

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

C.R. 600 West Railroad Crossing -The Contract was presented last week but needs attention. I have spoken with INDOT concerning it and they are reviewing. The Total Estimated Cost for the project is \$350,993.00. Due to the e-signature requirements, a discussion on the process to sign the document was held.

Bridge #14 & #94 Redesign Proposals - There are two bridges in the inventory that need to be replaced. Neither one is an emergency, but the process needs to begin. Both are bridges that utilize railroad flat cars that act as beams. Wendholt has received a proposal from SJCA to design replacements for these bridges.

2022-2025 Countywide Bridge Inspection - Currently working on creating the RFP for the new Inspection

Contract. It will be advertised with INDOT and will be receiving proposals soon.  
Dubois County Bridge #143 - With the bad weather that we have been having, there has been nothing done on the bridge.

**RE: PROBATION LILLY GIFT VII GRANT**

Chief Probation Officer Jennifer Lampert announced a grant award of \$76,666.67 from the Lilly Foundation to be used over a five-year period. The grant will fund a temporary intern position for the Probation Department. Lampert requested permission to create the position beginning in March 2021. The wage range will be from \$9.73 to \$13.62 depending on experience and educational requirements. The hours could range from 20-28 hours per week. A motion was made to create the position, was duly seconded and carried unanimously.

**RE: INCLEMENT WEATHER**

A discussion was held on the Employee Handbook Section 3.16 and the two-hour delay for inclement weather. The position of the Board was to continue following the handbook as written.

**RE: HISTORICAL PLACARD**

Delbert Himsel, Jr., President of the Ireland Historical Society, requested permission to place a new placard on the historical cabinet in the lobby of the Courthouse which was donated by the Twentieth Century Literary Club in 1917. A motion was made to approve Mr. Himsel purchasing and placing a new placard on the cabinet, was duly seconded and carried.

**RE: JAIL PROJECT – DUBOIS COUNTY, INDIANA BUILDING CORPORATION**

Matt Eckerle, Baker Tilly, presented information on the method of bond sale conversion for the jail project - competitive bids versus negotiated bids. A motion was made to approve the competitive bid process, was duly seconded and carried unanimously.

Mark Shireman, Shireman Construction, presented the following dates in the construction bidding process: March 2, 2021 at 10:00 a.m. Pre-bid meeting in Jail Basement – Potential bidders will attend. Shireman Construction and RQAW will be present to answer questions regarding the bid process. March 22, 2021 at 6:00 p.m. Bid Opening – Commissioner/Council Meeting Room.

Eric Weflen, RQAW, will be available at the meetings noted. The construction documents for the Security Center and Community Corrections are being completed and sent to the printers. County Council President Michael Kluesner was in attendance. He has reviewed the construction documents and recommends approving the documents. A motion was made to approve and release the construction documents as presented to the Board of Commissioners. The motion was seconded and carried unanimously.

Rick Hall, Barnes and Thornburg, discussed the Building Corporation Lease and Bond sales. Resolution 2021-03 was presented for approval.

**RE: RESOLUTION 2021-03 - LEASING OF JAIL FACILITIES**

A motion was made to approve Resolution 2021-03 as written, was duly seconded and carried unanimously.

**RESOLUTION 2021-03**

**RESOLUTIONS OF THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA  
APPROVING THE TERMS AND CONDITIONS REGARDING THE LEASING OF CERTAIN JAIL  
FACILITIES AND TAKING OTHER ACTIONS REGARDING THE PROPOSED LEASE**

WHEREAS, the Board of Commissioners of Dubois County, Indiana (the "Board") has carefully considered (1) 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 Dubois County, Indiana (the "County"), and (2) a lease between the Dubois County, Indiana Building Corporation (the "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, the Board finds that a need exists for the Project, and that the County cannot provide the necessary funds to pay the costs of the Project to meet such needs; and

WHEREAS, the Corporation was incorporated to assist the County in financing, from time to time, the construction and renovation of County facilities to be operated by the County, including the Project; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the completion of the Project; and

WHEREAS, there have been prepared drawings, plans, specifications and estimates for the costs of the Project; and

WHEREAS, said drawings, plans and specifications will be submitted to the agencies designated by law to pass on plans and specifications for such buildings, and the estimates for the costs of the Project have been submitted to and now meet with the approval of this Board; and

WHEREAS, it now appears to this Board that said drawings, plans, specifications and estimates provide for necessary jail facilities; and

WHEREAS, this Board now desires, to the extent permitted by law, to take all of the necessary steps to enter into a lease, and there has been prepared and previously submitted to the members of the Board a proposed form of the lease (the "Lease"), by and between the Corporation, as lessor, and the County, as lessee, to include the lease of all or any portion of the Premises in accordance with the terms and conditions set forth in this resolution and in the Lease; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, that:

Section 1. Need exists for the Project, and the Project cannot be provided from any funds available to the County, and this Board shall proceed to take such steps as may be necessary to secure (1) the acquisition of all or any portion of the Premises by the Corporation, if necessary, (2) the payment of all

costs of the Project and all of the costs associated therewith by the Corporation and the County, and (3) the leasing of all or any portion of the Premises by the Corporation to the County as provided by Indiana Code 36-1-10, as amended, with a term not to exceed twenty (20) years from the date the Bonds are issued, for an annual lease rental not to exceed \$2,250,000.

Section 2. It is hereby determined to be proper and in the public interest to approve the incorporation of the Corporation for the purpose of financing, constructing, renovating, expanding and equipping certain County facilities and leasing the same to the County, including the Project.

Section 4. The Articles of Incorporation and the Code of By-Laws of the Corporation, presented to and now before the Board, are hereby ratified and approved.

Section 5. The Board hereby ratifies and approves the appointment of Ken Schnaus, Todd Ofer, and Gil Eckerle as the Directors of the Corporation.

Section 6. The Project is in the public interest of the citizens of the County and is a proper public purpose for which this Board agrees to cooperate with the Corporation and assist it in fulfilling the requirements of all agencies, including the federal, state and city governments.

Section 7. The Corporation, being duly organized to conduct business, may issue, sell and deliver its bonds (the "Bonds") in an aggregate principal amount not to exceed \$35,000,000 or such greater amount as determined by the President of the Board, pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing the Project and may enter into contracts for the sale of the Bonds and the acquisition, renovation and expansion of said jail facilities and Justice Center.

Section 8. Upon the redemption or retirement of the Bonds to be issued by the Corporation in connection with the financing of the Project, the County will accept all or any portion of the Premises from the Corporation, as renovated and expanded, free and clear of all liens and encumbrances thereon, except as otherwise provided therefor in the Lease.

Section 9. The County shall apply the proceeds received by the County from the sale of all or any portion of the Premises to the Corporation to the costs of all or any portion of the Project not funded by the Corporation.

Section 10. The terms and conditions of the proposed form of the Lease and the plans, drawings, specifications and estimates of the Project are hereby approved and agreed to as the basis for a hearing as required by law, and such hearing shall be held by this Board upon the necessity for the execution of the Leases and whether the lease rental provided therein is a fair and reasonable rental for all or any portion of the Premises prior to the final determination of such questions so that this Board may determine whether to execute the Lease as now written or as modified hereafter by agreement of the parties prior to execution, and the President of the Board is hereby authorized to call said hearing, at such date, time, and location, as determined by the President of the Board.

Section 11. Any member of the Board or officer or attorney of the County is authorized pursuant to Indiana Code 36-1-10-11, to appoint appraisers (the "Appraisers") to determine the fair market value of the Premises. Following the issuance of each series of the Bonds and upon receipt of cash in an amount not less than the amount fixed by the Appraisers as the fair market value of the Premises, the President of the Board be, and hereby is, authorized and directed, in the name and on behalf of the County, to execute and deliver one or more special warranty deeds conveying title to all or a portion of the Premises to the Corporation.

Section 12. Any officer of the County be, and hereby is, authorized, empowered and directed, on behalf of the County to publish notices of said public hearings and to take any other action as such officer deems necessary or desirable to effectuate the foregoing resolutions, and any such publication or other actions heretofore made or taken be, and hereby are, ratified and approved.

Passed and adopted by the Board of Commissioners of Dubois County, Indiana on the 18th day of February, 2021.

**RE: DUBOIS COUNTY, INDIANA BUILDING CORPORATION**

The Dubois County, Indiana Building Corporation directors were in attendance. The Corporation held a meeting to address all organizational matters and consider the form of the Lease with Dubois County.

**RE: GROW DUBOIS COUNTY**

An Agreement for Professional Area Economic Development Services was presented for services of Grow Dubois County in 2021 at a cost of \$40,000. A motion was made to approve the Agreement, was duly seconded and carried unanimously.

**RE: DUBOIS STRONG**

An Agreement for Professional Area Economic Development Services was presented for services of Dubois Strong in 2021 at a cost of \$59,262.89. A motion was made to approve the Agreement, was duly seconded and carried unanimously.

**RE: RESOLUTION 2021-05 – REGIONAL SEWER DISTRICT INDIANA FINANCE AUTHORITY GRANT**

A Resolution was presented to approve entering into the Regionalization Assistance Program Financial Aid Agreement with the Indiana Finance Authority for a grant not to exceed \$30,000 and enter into a financial agreement with Indiana Finance Authority

A motion was made to adopt Resolution 2021-05, was duly seconded and carried unanimously.

**RESOLUTION 2021-05**

**RESOLUTION OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS  
REGARDING AN INDIANA FINANCE AUTHORITY GRANT**

WHEREAS, the Dubois County Board of Commissioners (the “Commissioners”) serves as the executive and legislative body of Dubois County, Indiana (the “County”); and

WHEREAS, the Commissioners have determined that there are areas of the County that are in need of substantial improvement to infrastructure and/or facilities for the collection and treatment of wastewater; and

WHEREAS, the Commissioners have applied to the Indiana Finance Authority’s Regionalization Assistance Program for grant funding for the purpose of creating a preliminary engineering and detailed planning report that includes regional solutions for wastewater or drinking water utility service, identifying <sup>(1)</sup> the current and/or future needs; <sup>(2)</sup> potential regional solutions; <sup>(3)</sup> existing technical and organizational status; and that <sup>(1)</sup> investigates the challenges, benefits and implications to all entities involved; <sup>(2)</sup> includes exhibits/figures and cost estimates; as well as <sup>(3)</sup> analyzes alternatives, including the rationale for the proposed alternative (the “Approved Project”); and

WHEREAS, the Indiana Finance Authority has approved the application submitted for such funding, for a grant in an amount not to exceed \$30,000.00 (the “Grant”), and has encouraged the Commissioners to approve such grant funding as soon as practicable; and

WHEREAS, the Commissioners were advised by correspondence from the Indiana Finance Authority dated February 10, 2021 that in order to secure the Grant, the Commissioners were required to

adopt a resolution approving the application and authorizing the Grant for the Approved Project; and approving the execution of Financial Aid Agreement; and

WHEREAS, the Commissioners desire to approve said Application and the Approved Project, along with the Regionalization Assistance Program Financial Aid Agreement tendered by the Indiana Finance Authority.

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

1. The Dubois County Board of Commissioners hereby approves the Application for Grant Funding previously submitted to the Indiana Finance Authority;

2. The Dubois County Board of Commissioners hereby supports the Approved Project submitted to the Indiana Finance Authority for Grant Funding;

3. The Dubois County Board of Commissioners hereby approves the entering into the Regionalization Assistance Program Financial Aid Agreement with the Indiana Finance Authority;

4. The Dubois County Board of Commissioners authorizes and directs Chad Blessinger, as president of the Dubois County Board of Commissioners to make, execute and deliver the Regionalization Assistance Program Financial Aid Agreement with the Indiana Finance Authority, on behalf of the County; and

5. This Resolution shall be effective upon adoption.

DULY ADOPTED by the Board of Commissioners of Dubois County at a regularly scheduled public meeting held on this, the 18<sup>th</sup> day of February, 2021.

A Financial Aid Agreement was presented for approval. A motion was made to approve the Agreement, was duly seconded and carried unanimously.

**RE: CODE OF ORDINANCES**

County Attorney Greg Schnarr provided an update on the Code of Ordinances with American Legal.

**RE: WHITE STALLION BANKRUPTCY**

County Attorney Greg Schnarr is seeking an update from the White Stallion Bankruptcy Counsel.

**RE: RESOLUTION 2021-04 MEETING DECORUM**

A motion was made to approve Resolution 2021-04 as presented, was duly seconded and carried unanimously.

**RESOLUTION 2021-04**

**RESOLUTION OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS ESTABLISHING POLICIES AND PROCEDURES TO PROTECT DECORUM AND FOSTER THE EFFECTIVE ADMINISTRATION OF PUBLIC MEETINGS**

WHEREAS, the Dubois County Board of Commissioners (the "Commissioners") serves as the executive and legislative body of Dubois County, Indiana (the "County"); and

WHEREAS, the Commissioners conduct County business during its regularly scheduled and, if necessary, special meetings, all of which are open to the public; and

WHEREAS, the Commissioners previously adopted, and continue to follow, the general rules of parliamentary procedure as set forth in Robert's Rules of Order regarding the conduct and administration of its public meetings; and

WHEREAS, the Commissioners believe it is in the best interest of the County, as well as those individuals who choose to attend public meetings of the Commissioners, to adopt standard policies and procedures for the administration of public meetings to supplement or, as the case may be, in lieu of the parliamentary procedure set forth in Robert's Rules of Order; and

WHEREAS, the policies and procedures adopted herein are intended to provide the general public with a clear and concise set of standards for public meetings held by the Commissioners and, when applicable, rules regulating the conduct and decorum of members of the general public who wish to attend said public meetings; and

WHEREAS, in order to protect general meeting decorum and foster more effective administration of public meetings, the Commissioners now desire to adopt standard policies and procedures applicable to public meetings held by the Commissioners according to the general parameters stated herein.

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

1. The Dubois County Board of Commissioners hereby adopt the following rules which shall apply to all individuals attending public meetings of the Dubois County Board of Commissioners. The Chair of the Board of Commissioners may waive any of the following rules for part or all of the meeting to accommodate an open discussion.

- a. Members of the general public in attendance at a public meeting of the Board of Commissioners have no rights with reference to the meeting except as otherwise provided by law.
- b. Although members of the general public have no right to speak during a public meeting, the Commissioners, at their sole discretion, may provide for a public comment period, during which time individuals may be given an opportunity to address the Commissioners.
- c. During any public comment period, individuals wishing to speak will be required to sign a speaker registration sheet and provide the speaker's name, address, and issue or topic they wish to address. Individuals will be called to speak in the order of which they have signed the speaker registration sheet.
- d. Individuals who wish to speak and have signed the speaker registration sheet may waive their opportunity to speak once called upon; however, an individual who waives their opportunity to speak may not be permitted to speak at a later time.
- e. Once called upon, all speakers shall first state their name, their county of residence, and the issue upon which they wish to speak. Speakers may only speak from a podium and must speak loudly and clearly so those in attendance may hear.
- f. Any speaker wishing to provide documents to the Commissioners at the meeting shall provide one copy for each of the three (3) Commissioners; however, speakers are encouraged to bring additional copies of any documents they intend to distribute during the meeting.
- g. Each speaker may only speak once and will be given a maximum of three (3) minutes to speak unless a shorter period of time is set forth by the Commissioners at the start of the public comment period. Time may not be reserved or yielded to other speakers and once an individual is finished speaking, that individual's remaining time, if any, is waived.

- h. Each speaker will be notified when their allotted time to speak is exhausted and any speaker that does not immediately conclude their remarks at the expiration of their allotted time will be deemed out of order and the speaker will be asked to stop.
- i. Comments which are duplicative or repetitive will be deemed out of order and the speaker will be asked to stop.
- j. Any speaker who is discourteous, argumentative, accusatory, or insulting will be deemed out of order and asked to stop.
- k. Once a speaker is deemed out of order for any reason, that speaker's remaining time, if any, will be forfeited and the speaker will not be granted an opportunity to make any further comment or presentation.
- l. All members of the general public attending a public meeting will be expected to adhere to these rules and, any person failing to do so will be deemed out of order.
- m. The Commissioners are authorized, and have sole discretion, to request any person deemed out of order leave the meeting and once requested to leave, a person must immediately leave the meeting room.
- n. In extreme cases, if a person refuses to leave the meeting after being asked to do so and that person continues to disrupt the proceedings in a way that is obviously hostile to the purpose of the meeting, the Commissioners may order that the person be removed by members of the Dubois County Sheriff's Department.
- o. During its public meetings, the Commissioners will take all measures necessary under the circumstances to maintain order. In exercising this discretion, the Commissioners will be guided by a judicious appraisal of the circumstances, including the conduct and decorum of members of the general public in attendance.

2. Upon the adoption of this Resolution, a copy of the rules stated herein shall be posted outside the Commissioners/Council Room of the County Courthouse Annex and made available to the general public through the internet website for Dubois County, Indiana (<https://www.duboiscountyin.org>).

3. This Resolution shall be effective upon adoption.

**DULY ADOPTED** by the Board of Commissioners of Dubois County at a regularly scheduled public meeting held on this, the 18th day of February, 2021.

**RE: COURTHOUSE BASEMENT BATHROOM USE**

A discussion was held on the possibility of extended hours for use of the Courthouse basement bathroom by the public. Consensus was to continue the current policy.

**RE: HEALTH DEPARTMENT CHROME BOOK DONATION**

Administrative Director Shawn Werner presented ten Chromebooks donated to the health department for the Immunization Clinics. Donors were German American Bancorp (6), SVB&T (2), RE/MAX (1) and FC Tucker (1). Dr. Nancy Otte was recognized for her work to secure the donations.

A motion was made to accept the Chromebooks into the county inventory, was duly seconded and carried unanimously.

**RE: DNR TIMBER SALES**

Auditor Morton provided information on the distribution of monies from DNR timber sales to

volunteer fire departments per House Enrolled Act 1424 as amended in 2006. Each qualifying fire department can receive a maximum annual distribution up to one thousand dollars unless the county legislative body allows a greater distribution of funds to the fire departments. The total amount possible to be distributed is over the threshold for Fiscal Year 2019-2020. Following discussion, a motion to keep the distribution at \$1,000 per department was made, seconded and carried 2-1. Brames was the dissenting vote.

**RE: COMPUTER REPLACEMENT**

Auditor Morton reported on the replacement of computers in the Courts and Small Claims.

**RE: 911 DIRECTOR**

Councilman Greulich provided an update on the hiring process to replace 911 Director Jeana Mathies upon her retirement in May 2021.

The 911 Director has requested permission to purchase her county issued phone and keep the phone number. A discussion was held. County phones will remain the property of the County and be surrendered at the time of departure from employment.

**RE: OCRA TECHNOLOGY GRANT**

Commissioner Blessinger provided an update on the OCRA Technology Grant which has been awarded.

**RE: BIKE PEDESTRIAN TRAIL**

Commissioner Brames provided an update on the Bike Pedestrian Trail.

**RE: HOUSE BILL 1381**

Commissioner Brames provided information on House Bill 1381 which will disenfranchise local citizens of the right to make local planning decisions and direct the future of their own communities. He presented a Resolution expressing opposition to the Bill. Upon discussion, Commissioner Blessinger and Commissioner Hostetter were not in favor of approving the Resolution. No action was taken.

**RE: FUTURE MEETINGS**

The next meeting will be held on March 1, 2021 at 8:00 a.m.