

SECOND REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

April 19, 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 8:00 a.m. (EST) on April 19, 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 April 5, 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:

Dirt to Gravel Road Request – Berg is anticipating a request to gravel an unimproved dirt road in Columbia Township near County Road 990N. According to the policy #-97-18, the landowner must make a formal request. A discussion was held. If the landowner provides a right of way, consensus would be to approve if a formal request is received.

EMS Fueling Vehicles at the Highway Department – Berg spoke with EMS Director Ryan Young on the possibility of setting up a fuel account for the ambulances at the Highway Department. Discussions will continue with the hospital.

ROAD PAVING PLANS – Berg presented the 2021 Planned Road Improvements – Asphalt Overlay Plan. The plan was reviewed.

RE: HIGHWAY ENGINEER'S REPORT

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

2022-2025 Countywide Bridge Inspection - Five Letters of Interest were received from Engineering Consultants.

American Structurepoint (Current Inspector)
Lochmueller Group
HWC Engineering
Janssen & Spaans Engineering
Butler Fairman & Seufert's Engineering

Wendholt, Berg and Highway Clerk Messmer reviewed and scored the submittals. Based upon the collective scores, American Structurepoint scored the highest, which is Wendholt's recommendation. A motion was made to accept American Structurepoint to conduct the 2022-2025 Countywide Bridge Inspection, was duly seconded and carried unanimously.

Overweight or Oversized Vehicle Ordinance – Wendholt presented the Overweight Ordinance which is ready for approval. Once approved, it will be advertised in the papers for two consecutive weeks and then be in effect. A motion was made to approve Ordinance 2021-15, was duly seconded and carried unanimously.

ORDINANCE NO. 2021-15

AN ORDINANCE APPROVING THE DUBOIS COUNTY APPLICATION TO MOVE OVERSIZED OR OVERWEIGHT VEHICLE ON COUNTY ROADS

WHEREAS, pursuant to Indiana Code Chapter 36-8-2, Dubois County, State of Indiana may, among other things, regulate conduct, or use, or possession of property, that might endanger the public health, safety, or welfare.

WHEREAS, pursuant to Indiana Code Sections 36-9-2-5 and 36-9-2-7, the County may, among other things establish, vacate, maintain, operate and regulate the use of public ways.

WHEREAS, the Dubois County Highway Department has prepared an Application to Move Oversized or Overweight Vehicle on County Roads ("Oversized/Overweight Vehicle Permit") which provides policies, procedures, fee schedules, and potential fines for the use of County Roads and right of ways by Oversized or Overweight Vehicles; and,

WHEREAS, the Dubois County Board of Commissioners have reviewed the Oversized/Overweight Vehicle Permit and the Permit Special Provisions and find it is in the best interest of the citizens of Dubois County to approve the Oversized/Overweight Vehicle Permit in its entirety; and,

IT IS HEREBY ORDAINED by the Dubois County Board of Commissioners as follows:

1. An Oversized/Overweight Vehicle is a vehicle that exceeds the legal limits set forth in Indiana Code 9-20.
2. The Dubois County Highway Department must be notified at least 24 hours in advance of any transport of an oversized/overweight unit to confirm travel routes.
3. Permits are automatically invalidated by the violation of any of the conditions specified by the terms of the permit or by false information given on the application. Failure to comply with the conditions of this permit shall be just cause for the immediate suspension or revocation of any or all permits and the operator and/or owner of the vehicle subject to appropriate legal action.

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4. Oversized/Overweight Moving permits are issued for daylight hours only, Monday through Friday. Permits are not valid from 1:00 p.m. on the day preceding and continuing until daylight of the 1st day after the holidays here listed: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas. The only exception being with approval from the Dubois County Highway Department or a Law Enforcement Officer, when emergency movements are necessary and in the best interest of public safety and welfare. Permits are only valid if favorable driving and traffic conditions exist.
5. The movement shall not impede other traffic in an unreasonable manner and at no time shall traffic be blocked from use of the highway. Vehicles and loads shall not be parked on the highway at any time.
6. Vehicles shall be registered as required by the Indiana vehicle code and will not violate any statute or valid ordinance, rule or regulation by any State agency or sub-division of the State. Vehicles are to comply with all statutory provisions as to other permits, licensing, motor vehicle equipment and operation.
7. The Driver of the vehicle shall carry an approved copy of the permit in the vehicle to which it applies and shall have it available for inspection by any Law Enforcement Officer, Motor Carrier Officer, or Dubois County Highway employee.
8. Applicant shall be responsible for any damage caused to wires, mailboxes, trees, buildings, or the road, including the structures and appurtenances, and shall reimburse the appropriate parties for any damage caused by the moving of said vehicle and load. Applicant shall save harmless, indemnify, defend, and represent the Dubois County Board of Commissioners, the Dubois County Highway Department, and their officers, agents, and employees against any and all claims for bodily injury or property damage, or any other claim arising out of or related to the moving of said vehicle, load, or its presence on or use of the highway by said vehicle and load.
9. Permits are not valid if insurance expires or has expired. Each Applicant shall present evidence that at least the following insurance coverage is in full force and effect on each vehicle while operating on the public highways under special permit:

Bodily Injury Liability – Each Person	\$500,000.00
Bodily Injury Liability – Each Accident	\$1,000,000.00
Property Damage Liability – Each Accident	\$1,000,000.00
Single Limit Policy	\$1,000,000.00
Worker's Compensation	Statutory Coverage

10. The permittee or contractor shall name the Dubois County Commissioners as additional insured and certificate holder, by name, on any general comprehensive liability insurance or commercial general liability insurance carried by the permittee or contractor worded as follow:
The Dubois County Board of Commissioners, the Dubois County Highway Department, and their officers, agents, and employees, are named as additional insured parties.
11. Permits will be issued only for vehicles owned by the applicant or operated under a lease or rental agreement. The applicant may be required to deposit a reasonable inspection fee and to furnish a cash bond to cover any damage that might occur to roads, bridges, or highway structures, by the movement of vehicles and objects under the proposed permit.
12. Permits will be issued for oversize or overweight vehicles or loads which can be readily dismantled, reduced, or otherwise rearranged to come within the legal limits. Permits will in no way supersede posted axle loading limits on any bridge or highway. The applicant agrees to reimburse the Dubois County Highway Department for any damage resulting from applicant's disregard of such postings.
13. The equipment shall be loaded on the vehicle in such a manner to reduce to a minimum the excess over statutory size or weight limitations and the least width or length dimensions of the load becomes the width of the load on the trailer. Striking or damage to any structure or facility will be perceived to be noncompliance with this section and will result in termination of a permit.
14. The Dubois County Highway Department may temporarily suspend or revoke an Oversized/Overweight Moving Permit, either in its entirety or in respect to certain of its provisions, due to seasonal conditions, other special conditions, or if it is in the interest of the public's safety.
15. The vehicle shall not be loaded or unloaded within the outer shoulder limits of any county road unless permitted by a Law Enforcement Officer or the Dubois County Highway Department.
16. The movement requires the display of clean, plain, red or orange flags of at least 18 inches square. One flag shall be displayed at each of the four corners of the vehicle or load; and if any portion of the load extends beyond the width of the corner flag, one additional flag shall be displayed at the widest point on each side of the vehicle or load. Flags should be securely fastened by at least one corner or securely mounted on a staff.
17. When the width of the loads exceed 12 feet, the Vehicle(s) shall be accompanied by an escort vehicle (passenger car or pickup truck) in front a distance of no more than 1500 feet and no less than 500 feet of the movement, with at least one flashing or rotating amber light on top of cab, when traveling on less than 4 lanes and an escort vehicle (passenger car or pickup truck) in the rear a distance of no more than 1000' and no less than 200' with at least one flashing or rotating amber light on the top of the cab, when traveling on 4 or more lanes. Amber lights are to be visible for 360 degrees for 500 ft.
18. Permits are not valid on highways which are posted for lighter than normal loadings and vehicle exceeds axle loadings as posted, or when restricted loadings are in effect.
19. The vehicle covered by a permit shall not exceed 35 M.P.H. at any time.
20. Any person, corporation, limited liability company, partnership, unincorporated association, or other entity violating any provision of this Ordinance shall, upon conviction thereof, be fined in any sum not to exceed \$1,000 (One Thousand Dollars). Each separate violation thereof and each day's violation thereof shall constitute a separate offense.

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21. The terms and conditions of the Application to Move Oversized or Overweight Vehicle on County Roads shall be published in the applicable sections of the Dubois County Code of Ordinances.
22. This Ordinance shall be in full force and effect immediately upon this adoption and its publication as provided by law.

ALL OF WHICH IS ORDAINED by the Board of Commissioners this 19th day of April, 2021.

2021 Summer Engineering Intern – Wendholt requested permission to hire a Summer Intern again this Summer. It will be one of the interns from last year. A motion was made to approve hiring one summer intern, was duly seconded and carried unanimously.

RE: DUBOIS WATER SUBDIVISION EXEMPTION

Eric Smith, Dubois Water/Midwest Engineer, appeared to request a subdivision exemption for a wholesale water pit meter. Informal approval to proceed was given. When a survey is completed, Smith was instructed to return for formal approval.

RE: JUSTICE PROJECT UPDATE

The Bond rating from S&P has been received. The County was given an AA- rating. A discussion was held on the possibility of moving forward on building a Judicial Building.

RE: PATOKA LAKE REGIONAL WATER & SEWER DISTRICT – ARP FUNDING REQUEST

Doug Merkel, PLRWS General Manager, appeared to request funding from the American Rescue Plan funding from the County when it becomes available. Merkel presented the current needs for aging infrastructure replacements.

RE: 2A SANCTUARY COUNTY

Eric Jochim reappeared to request the County become a 2A Sanctuary County. Tim Keusch also discussed the second amendment right to bear arms. Sheriff Tom Kleinhelter appeared in support of passing a Resolution. No action was taken.

RE: VOTE CENTERS

County Clerk Amy Kippenbrock appeared to discuss Dubois County becoming a Vote Center County. Currently, Dubois County Voters must vote at their precinct on Election day. The Election Board has established a study committee. Kippenbrock is seeking volunteers to serve on the committee. Commissioner Hostetter will serve.

RE: GLOBE LIFE - FAMILY HERITAGE INSURANCE

Josh Elliott, Agent, provided information on the supplemental insurance plans available from Family Heritage Insurance and requested permission to present his plans to the County Employees. Insurance premiums are directly invoiced to the participant, not via payroll deduction. No action was taken.

RE: REGIONAL SEWER DISTRICT

Mary Austin, Clark Dietz, presented an update on the Dubois County Regional Sewer Study and Development. A tentative date for a public information meeting and survey kick-off was discussed. A draft for a public survey was presented for review. The public information meeting was set for May 3, 2021 at 5:30 p.m. in the Commissioner/Council meeting room of the Dubois County Annex.

RE: TREASURER'S OFFICE REMODEL

Custodian Scott Hopf and Treasurer Kitty Merkley returned to present a design agreement from Jasper Lumber for a design-build entry and counter for the Treasurer's office. The estimate is in the range of \$3,000 - \$3,500 and is contingent upon the plans not being used by any other persons, firms or corporations. Consensus was to have the Treasurer seek funding approval from the County Council for project plans and to contact Jasper Lumber for the cost of plans with no contingency.

RE: PARK & RECREATION STAFFING

Currently, Park Superintendent Bob Gress is working a substantial amount of compensatory time. Discussion was held on various options. Consensus was to proceed with pursuing a part-time position.

RE: RESOLUTION 2021-14

Bond Counsel Rick Hall, Barnes & Thornburg, and County Attorney Greg Schnarr presented a Resolution to accept the Appraisals and Approve the Sale of Real Property. A motion was made to approve Resolution 2021-14, was duly seconded and carried unanimously.

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RESOLUTION NO. 2021-14

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF DUBOIS COUNTY, INDIANA ACCEPTING APPRAISALS
AND APPROVING THE SALE OF REAL PROPERTY**

WHEREAS, the Board of Commissioners (the "Board") of Dubois County, Indiana (the "County") has approved the execution of a lease (the "Lease") with the Dubois County, Indiana Building Corporation (the "Corporation") for the financing 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 (collectively, the "Project");

WHEREAS, it is necessary for the Corporation to own the county jail and related real estate subject to the Lease (the "Real Estate") for purposes of the construction of the Project and lease of the Real Estate to the County; and

WHEREAS, pursuant to Indiana Code 36-1-10 *et seq.*, the Board has received from CEI Appraisal Group, Inc. and Brooks Galloway Real Estate & Auction Co., Inc., who were appointed as appraisers by the Board, the appraisal of the value of the Real Estate.

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

Section 1. This Board, as the leasing agent of the County and pursuant to Indiana Code 36-1-10-11, as amended, hereby ratifies and approves the appointment of Appraisal Group, Inc. and Brooks Galloway Real Estate & Auction Co., Inc. to serve as appraisers of the Real Estate, and accepts the appraised value of the Real Estate prepared by such appraisers and presented to the Board on the date hereof.

Section 2. The Board hereby approves the sale of the Real Estate in exchange for an agreed upon purchase price (the "Purchase Price") in an amount determined by the Board on the date of issuance of the Bonds, which amount shall be not less than the appraised value of the Real Estate and not more than the principal amount of the Bonds. The Purchase Price shall be payable by the Corporation upon the closing of the issuance of the bonds issued by the Corporation to finance the Project. The Board is authorized to execute and deliver, and the County Auditor is authorized to attest to such execution, a deed conveying the Real Estate to the Corporation. Such sale of the Real Estate to the Corporation shall be subject to the County's acquisition of title to the Real Estate.

Section 3. 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 19th day of April, 2021.

RE: SURPLUS ITEMS

Recorder Jackie McPherron presented a file cabinet and a small space heater to be declared surplus. Departments were given the option for them but were not taken. A motion was made to declare the items surplus, was duly seconded and carried unanimously.

RE: FUTURE MEETINGS

The next regular meeting will be held on May 3, 2021 at 8:00 a.m. in the Commissioners/Council Room of the Courthouse Annex. The Regional Sewer District Committee will hold a Public Information Meeting on May 3, 2021 at 5:30 p.m. in the Commissioners/Council Room of the Courthouse Annex.