

REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

October 5, 2009

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 October 5, 2009. Present were Commissioners Randall L. Fleck, John G. Burger and Lawrence M. Vollmer. Also present were County Auditor Janet L. Sendelweck, County Surveyor Ken Brosmer, Highway Supervisor Steven L. Berg, Highway Engineer Jason T. Heile, and County Attorney Arthur C. Nordhoff, Jr. A quorum was declared present and the meeting was opened for business by President Fleck. Minutes of the September 2009, meetings of the Commissioners were approved as presented. The minutes were then signed. Incomes for the month of September 2009, were as follows: Recorder \$11,180.89; Health Department \$30,576.00; Auditor \$224.00; Clerk \$48,562.94. 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: SLEEPY GRASS RETREAT SUBDIVISION – COLUMBIA TOWNSHIP

Ken Brosmer, Surveyor, appeared to submit a proposed Plat of Sleepy Grass Retreat, a Subdivision, located in the Sw quarter of the Nw quarter of Section 12-T1s-R3w, consisting of 1 lot of 2.45 acres, owned by Thomas E. and Sandra J. Rankin. Proof of Publication presented and no person appeared in opposition. The Plat had been reviewed by the Highway Engineer and approved. On motion duly made and seconded, the Commissioners approved the Plat as presented.

RE: GREEN HILL ESTATES – CASS TOWNSHIP

Ken Brosmer, Surveyor, appeared on behalf of Kim J. Davis, to submit a proposed plat of Green Hill Estates in E ½ of the Sw quarter of Section 35-T2s-R6w in Cass Township, consisting of 1 lot with 4.8 acres. Proof of Publication presented and no member of public appeared in opposition. On motion duly made and seconded, the Commissioners waived the 115 foot width ownership requirement at County roadway and approved the Plat as presented and as approved by the Highway Engineer.

RE: VACATION OF PORTION OF CERTAIN ALLEYS AND OF WALNUT STREET IN TOWN OF PORTERSVILLE

The County Attorney presented Ordinance #2009-04 as required, after hearing on September 4, 2009, for vacation of certain alleys and a portion of Walnut Street adjacent to Lot #78 in the Town of Portersville. On motion duly made and seconded, the Commissioners unanimously approved Ordinance #2009-04 as submitted.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF WALNUT STREET, AND PORTIONS OF CERTAIN ALLEYS IN THE TOWN OF PORTERSVILLE, DUBOIS COUNTY, INDIANA

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

Section 1. It is the finding of this Board, after public hearing held on September 4, 2009, that adequate reason exists for the vacation of the following public road and alleys located in the Town of Portersville, Boone Township, of Dubois County, Indiana, to-wit:

Walnut Street located West of Lot #78 in the Town of Portersville, together with alleyways bordering Lot No. 78, all in the Unincorporated Town of Portersville, Indiana.

Which public street to be vacated is more specifically described as follows:

That portion of Walnut Street, being Sixty (60) feet in width, running from the northwest corner of Lot No. 78 southerly to the Southwest corner of Lot No. 78 in the Town of Portersville.

The alleys sought to be vacated are eight (8) feet in width, and are identified as follows:

- a. An alley running east to west from the southeast corner of Lot No. 78 to the southwest corner of Lot No. 78.
- b. An alley running north to south from the southeast corner of Lot No. 78 to the northeast corner of Lot No. 78.

It is the further finding of this Board that proper notice has been given by publication of said hearing and that no notice by certified mail is required; that the described portion of street and alleys are not developed or used as public ways, but are used as part of yards of adjacent lots, no public benefit is to be derived from the continued existence of said public alleys or roadway; that the adjacent property owner has petitioned the vacation of said highway and alleys; that Karen L. Krodel appears before this Board and expresses her consent to said vacation and that Dorothy Fisher has expressed her consent to the vacation; that the vacation of said highway and alleys 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 easement, but that should any such utility exist the same shall remain in place; that owners of all abutting properties have expressed that they have no objection to said vacation; that no public benefit is to be derived from the continued existence of said public way; that the proposed vacation will not hinder growth of 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; that the vacation of said public way will not diminish the value of any other real estate located in the vicinity thereof; and that no reason exists for the continued existence of said highway and alleys and the same should now be vacated.

Section 2. That the portions of said Walnut Street and public alleys as herein described shall be and are hereby vacated, subject however to a continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

Section 3. That legal title in and to said real estate shall be and is hereby vested in and divided equally between each respective adjacent property owner, to-wit: Jason R. Denk; Karen L. Krodel; and Cleo Fisher and Dorothy Fisher, husband and wife.

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

DULY PASSED AND ADOPTED THIS 5TH DAY OF OCTOBER, 2009.

RE: TRUE RX PRESCRIPTION PLAN

Joe Simms, representing True Rx Management Services, appeared to submit cost data relating to the prescription plan discussed at the September 4, 2009 Commissioner's meeting. The results of the comparison show a savings of \$20,366.70. After discussion, on motion duly made and seconded, the Commissioners approved use of the True Rx plan in order to attain the savings.

RE: HIGHWAY SUPERVISOR REPORT

County Highway Supervisor Berg submitted a report of current Highway Department projects, including the following:

Glass Bin Construction	Use of glass pit at Jasper Landfill is completed and glass has been hauled to Evansville. Site of pit has been cleaned and will no longer be used for storage, as the pit at Garage will be used for storage in the future.
Excavator Replacement	County Council has approved funds for replacement of Excavator.
Single Axle Truck	Truck #212 and 17 year old bed is ready for replacement. Request is made to bid purchase of new chassis and dump bed, with old truck as trade-in. The cost is in Budget. Commissioners authorized receipt of bids, with added snow plow.
Tri-County Paving	Have advised that prices for Hot Asphaltic and Bituminus Materials, as bid as items #9 and 10 in annual material purchases, have been reduced in cost.

RE: KENTUCKY STREET (HOLLAND) FLOODING

The Highway Supervisor reported that flooding has been occurring around Kentucky Street in the Town of Holland due to the size of catch basin and culverts. On motion duly made and seconded, the Commissioners authorized that the

County obtain an easement on Blesch Sales property and allow the County to install culvers to drain water from the Street and area.

RE: EMPLOYEE HEALTH INSURANCE PLAN

Mary Beth Hurst and Pete Franzman appeared to present a review of the SIHO Services provided during the prior year and to make recommendations as to changes for the following year. The review showed that during the prior year the County has had an unusually high number of claims, which have caused claims to exceed projected by 10% and reinsurance was used on eight employees. The result will be a proposed 21% increase in premium costs.

RE: EXCAVATOR REPLACEMENT

On motion duly made and seconded, the Commissioners authorized the Highway Department to receive bids for purchase of a Excavator, with trade-in of old Hyundai excavator.

RE: EMPLOYEE HEALTH INSURANCE

Tony Cochren, representing German American Insurance, appeared to submit a proposal for the County Employee Health Insurance Plan for the next year. He submitted summary of the GAI proposal, and acknowledged that in preparation of its proposal, GAB did not have the advantage of all the data which is available to SIHO as to claims subsequent to August 1. The Commissioners compared the data submitted by GAI and by SIHO, and the representative of each Company representative (GAI and SIHO) responded to questions.

After discussion and review of both plans, on motion made and seconded, the Commissioners authorized renewal of the SIHO coverage and change of the anniversary date on dental and optical coverage to be the same as health coverage.

RE: HIGHWAY DEPARTMENT – CHANGE ORDER

Ann Messmer, Highway Department Clerk, appeared to submit the following change orders on highway improvement projects:

<u>Project</u>	<u>Company</u>	<u>Change</u>
09-01	David O'Mara Contractor	<645.12>
09-07	√	52.75
09-08	J.H. Rudolph and Co.	<378.82>
09-09	√	<611.00>
09-10	√	<724.28>

The reported changes were caused by varying field conditions. On motion duly made and seconded, the changes were approved by the Commissioners.

RE: HIGHWAY ENGINEER

Highway Engineer Heile submitted a report of current projects involving his Department:

Stimulus Projects	Currently working on CR 1100 S, which has been milled; Jasper Dubois Road will be done next and signs have been installed.
Kentucky St- Fifth St (Holland)	Proposals are due 10/9/09 and will be distributed to the Town of Holland, which is participating on a 50/50 basis.
White River Scour Hole	Work delayed due to weather.
Jasper Meridian Rd Culvert	Work has started to replace culvert.

RE: WHITE RIVER PROJECT

On motion duly made and seconded, the Commissioners authorized the Highway Department to engage Lechners Inc to place riprap along White River in the area of the scour hole, in an amount not to exceed \$10,000, to comply with State and Federal inspection requirements.

RE: DOGWOOD ANIMAL CLINIC – CLAIM

On motion duly made and seconded, the Commissioners approved and authorized payment of a claim from Dogwood Animal Clinic for two dogs delivered to the Clinic by the County Sheriff's Department, in the amount of \$136.90.

RE: JASPER DOWNTOWN BUSINESS ASSOCIATION

The County Auditor submitted two letters from the Greater Downtown Jasper Business Association requesting use of Courthouse grounds for the following projects:

- 1) December 4-6, 2009 O'Tannenbaum Days
 - Friday 5 pm to 8 pm
 - Saturday 8 am to 5 pm
 - Sunday Noon to 4 pmRequests use of base basement rest rooms

- 2) November 25, 2009 Santa's House
 - Request use of parking area on west lawn for Santa's House from November 23, 2009 until January 9, 2010.

On motion duly made and seconded, the Commissioners approved the requested property uses.

RE: COURTHOUSE SECURITY SYSTEM

The Auditor reported to the Commissioners that after total review of the Courthouse security system it had been determined that immediate changes should be made to the system and that after telephone conferences with two Commissioners and the President the County Council, it was determined that immediate repairs were required and that such repairs were authorized. On motion duly made and seconded, the Commissioners declared that an emergency had existed and confirmed the action of the Auditor and Commissioners and Board President in approving the replacement of the current system.

RE: ORDINANCE #2009-05 – WEEDS REMOVAL

The Board reviewed the revised copy of an Ordinance requiring the cutting or other removal of Weeds from areas surrounding certain residential structures. After discussion, on motion duly made and seconded, the Commissioners unanimously adopted Ordinance #2009-05.

RE: BRIDGE INSPECTION

After review of the various applications for annual Bridge Inspection, and based upon ratings performed by INDOT, on motion duly made and seconded, the Commissioners awarded the contract for 2010 Bridge Inspection to the engineering firm of Butler, Fairman and Seufert of Indianapolis.

RE: SOLID WASTE DISPOSAL COMPLAINTS

It being 3:00 pm, the Commissioners then entered into Commissioner's Hearing for the purpose of receiving complaints filed on alleged violations of the County's Solid Waste Disposal Ordinance. The Auditor advised that Notices had been sent by certified mail to each alleged violator. District Director Thomason, representing the Solid Waste District, appeared on behalf of the District, and he and all persons appearing regarding the various complaints were placed under oath. The Commissioners thereupon conducted hearings on the following complaints:

08-01 Otis Lee Cravens

08-02 Rose Cravens

One bag left outside gate at Pine Ridge Collection Site. Showed evidence that they have pickup service and were involved in recycling. Stated they did not deposit trash at site.

Determination: No violation: Dismissed

08-03 Kristy Neukam

Bag outside Ireland Site fence. Trash is from work, where anyone could have taken. She has trash disposal service at home.

Determination: No violation: Dismissed

08-04 Robert Hopkins

08-05 Dawn Hopkins

No service of notice of complaint.

08-06 I. Skaggs

Deceased / Dismissed

08-10 Trent M. Summers, Jr.

Did not appear, in California. Trash left at Huntingburg Site, was deposited by police, who found along creek bank.

Determination: Penalty \$50.00

09-01 Brett D. Houchins

09-04 Brett D. Houchins

09-05 Jordan Houchins

09-06 Angela Tanner

09-07 Shawn P. Tanner

Brett D. Houchins appeared with his mother, Angela Tanner. Brett admitted two dumps at two different locations. Jordan is a child under 14 years of age and Shawn is the father who works away from area.

Determination: Penalty \$100.00 and 25 hours of community service through community corrections.

09-02 Todd Toby

Failed to appear. Evidence of three bags on Kyana, Schnell, and Mentor Roads.

Determination: Penalty \$150.00 and 12 hours of community service through community corrections.