

CONTINUED MEETING DUBOIS COUNTY COMMISSIONERS

October 19, 2009

The continued monthly meeting of the Dubois County Commissioners was held at the Courthouse Annex in Jasper, Indiana, beginning at 9:00 a.m. (EST) on October 19, 2009. Present were Commissioners Randall L. Fleck, John G. Burger and Lawrence M. Vollmer. Also present were County Auditor Janet L. Sendelweck, Highway Engineer Jason T. Heile, Highway Clerk Ann Messmer, 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 October 5, 2009, meeting of the Commissioners were approved as presented.

RE: HIGHWAY REPORT

Highway Supervisor Berg discussed the current status of Highway Department projects, including:

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| Solar Sources | Coal Company has submitted proposal for work to be done by the Company in exchange for closing of portion of CR 580 N. The Company is currently negotiating for purchase of additional property in the area, and will appear to make a proposal if purchases are completed. |
| Risk Management Program | The County insurance carrier will be presenting a series of programs for highway employees relating to vehicle operations. |
| Softworks Training | Softworks, which provides Highway computer programs, will hold software training at French Lick on October 21. On motion duly made and seconded, the Commissioners authorized Ann Messmer and Wanda Beck to attend the training. |
| Dubois Stormwater Project | Reported on the current status of the Project. VS Engineering will be mailing questionnaire to residents. |
| J.H. Rudolph | Additional decrease in costs for hot asphaltic concrete and bituminous material cold mix, from that included in prior annual bid. |

RE: HIGHWAY ENGINEER REPORT

Highway Engineer Heile reported on the current status of his projects:

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| ARRA Stimulus Projects | Projects are currently on delay due to weather. |
| Holland Kentucky Street Project | Seven proposals received. |
| Bridge Inspection | Information submitted to INDOT. |
| White River Scour Hole | Delayed due to weather. |
| Meridian Road Culverts | Floor and walls completed and further work delayed due to weather. |
| Ordinances | For speed limits on CR 500 W and Dubois Road NE, and Stop Sign for Dubois Road NE at CR 735 E are being prepared for future Commissioner consideration. |
| High Water Signs | Consideration being given to using different colors on the eleven existing flip signs, so as to draw attention to the signs. |

RE: ORDINANCE #2009-05 – WEED REMOVAL

On motion duly made and seconded, the Commissioners adopted and signed the final draft of the Ordinance #2009-05, requiring the cutting or other removal of weeds from areas surrounding certain residential structures in Dubois County. The Highway Department will advertise new Ordinance.

AN ORDINANCE REQUIRING THE CUTTING OR OTHER REMOVAL OF WEEDS FROM AREAS SURROUNDING CERTAIN RESIDENTIAL STRUCTURES IN DUBOIS COUNTY, INDIANA

- A. The growth of weeds for non-agricultural purposes within areas occupied by two (2) or more residential structures or the growth of noxious plants is deemed to be injurious to public health and is declared to be a nuisance. For purposes of this Ordinance, the definition of “weed” shall exclude planted and / or grown trees, flowers, ornamental shrubs and plants and agricultural crops.
- B. No owner or occupant of any lot or parcel of real estate located within the County shall permit said real estate to become overgrown with weeds and no owner or occupant of any real estate located within the County shall permit noxious plants to grow thereon. The following standards shall be the criteria used by the County Highway Department or the Board of Health in determining that weed growth is detrimental to or threatens public health or safety:
1. Where the real estate is located in a platted subdivision containing two (2) or more residential structures, grass or other vegetation in excess of twelve (12) inches in height shall be considered weeds.
 2. In all other areas within Dubois County, weeds, grass or other vegetation, excepting actively used agricultural crop land, in excess of twelve (12) inches in height shall be considered weeds where:
 - a. The real estate is located within fifty (50) feet of a county intersection;
 - b. The real estate is located within a county right-of-way;
 - c. The real estate is located within one hundred fifty (150) feet of any residential structure located in Dubois County; or
 - d. The real estate is in such a condition that it creates a threat to public safety as a result of rodent, insect, reptile or mosquito harborage.

C. Notice. It is the duty of the County Highway Department upon the filing of signed written complaint by a resident of nearby property, to make reasonable inspection of land within the County to determine whether or not any weeds or noxious plants have been permitted to grow thereon. Whenever it has been determined by the inspecting Department personnel that weeds or noxious plants have been permitted to grow in a manner as to become injurious to public health, safety, or welfare, and such property is as described in Section B above, the County Highway Department may cause written notice to be sent to the owner and / or occupant of the land by U.S. mail or by personal delivery ordering abatement or destruction of the weeds or noxious plants. In case the owner or occupant is unknown, the County Highway Department may cause the notice to be published by one (1) insertion in a newspaper of general circulation in the County.

D. Abatement. If the owner or occupant upon whom the notice required in Section C of this Ordinance has been served fails to remove the weeds or noxious plants within ten (10) days from the date of mailing or delivery, or the date of publication, as the case may be, the County Highway Department may cause the weeds or noxious plants to be removed. Such removal may be accomplished by using Highway Department personnel or by using commercial contractors. The County Highway Department may issue a bill to the owner or occupant of the real estate for the costs incurred in removing the weeds or noxious plants, including administrative costs not to exceed Fifty Dollars (\$50.00).

E. Lien. If the owner or occupant of the real estate fails to pay a bill issued under Section D of this Ordinance, the County Highway Department may, after thirty (30) days, certify to the County Auditor the amount of the actual cost of removal. The County Auditor shall thereupon place the amount of the cost of removal of the weeds or

noxious plants plus administrative costs, plus an additional administrative fee of Twenty Dollars (\$20.00) on the tax duplicate as a charge against the owner or occupant of the real estate. The costs and fee shall be a lien thereon and shall be collected by the County Treasurer at the same time and in the same manner as taxes due the County and State are collected.

F. Weed Fund. There is hereby established in the financial accounts of Dubois County a new account, to be entitled the "County Weed Fund", from which expenses related to County removal of weeds under this Ordinance are to be paid and to which revenue collected for such services are to be deposited. Subject to approval of the County fiscal body, the Board of County Commissioners may transfer funds to said account.

G. Violation – Penalty. Any owner or occupant of any real estate within Dubois County who, after receipt of two (2) notices for different or separate violations within any ninety (90) day period for failure to comply with a directive from a representative of the County Highway Department to remove weeds, grass, noxious plants or other vegetation from owner's or occupant's real estate, may be fined by the Board of Commissioners of Dubois County not more than Five Hundred Dollars (\$500.00) and costs for each separate offense.

H. This Ordinance shall be in full force and effect upon adoption and publication of notice of adoption of this Ordinance.

ADOPTED, This 19th day of October, 2009, by the Board of Commissioners of Dubois County, Indiana.

RE: 9-1-1 EQUIPMENT REPLACEMENT – EMERGENCY

On motion duly made and seconded, the Commissioners acknowledged that on October 7, 2009, each Commissioner was notified by telephone of a breakdown of equipment at the County Communications Center which prevented emergency calls to County fire departments, and that in response, the Commissioners agreed that an emergency existed and that the Center was authorized to replace the equipment at a cost of approximately \$9,000 and the replacement was confirmed.

RE: DOGWOOD ANIMAL CLINIC – CLAIM

On motion duly made and seconded, the Commissioners approved and authorized payment of claim from Dogwood Animal Clinic for \$205.35 services related to services provided to three dogs delivered to Clinic by the County Sheriff Department.

RE: VETERAN'S SERVICE OFFICER

The Auditor advised that the State Board of Accounts has required the preparation of a contract with the County Veterans Service Officer and for a statement therein of work conditions.

RE: SWCD GRANT

Alan Weyer, Brenda Sermersheim and Judy Brown, representing SWCD, appeared to advise that the District has received a grant for personnel. The District has previously refunded to the County for County advances pending such grants, with prior year's advancement being in the amount of \$18,850 plus FICA taxes. While this is a County Council issue, the Commissioners so advised the representatives, but stated that the funds might be held in an escrow fund for future use, but should not be used for additional compensation to employees, based on current hiring freeze.

RE: HEALTH DEPARTMENT

Donna Oeding, administrator of the County Health Department, appeared to discuss the process to be followed regarding distribution of H1N1 medication. On motion duly made and seconded, the Commissioners authorized the Department to employ such number of temporary – part time employees for conducting clinics for H1N1 medical distribution, to the extent that grant funds are available, with suggested compensation of \$15 for professional and \$8 for support staff, with final compensation to be established by the County Council.

Oeding also discussed the problem of failing sanitary sewer systems in unincorporated communities in Dubois County. Current funding for rural sewer projects was discussed.

RE: EMPLOYEE INSURANCE

Mary Beth Hurst, representing SIHO, appeared to submit written agreements reflecting contract change adopted by the Commissioners at its October 5 meeting. On motion duly made and seconded, the Commissioners approved and authorized execution of the following agreements:

- HCC Life Insurance Co., Renewal Agreement with Addendum and Special Limitations;
- True RX Management Services, Pharmacy Services Agreement and Business Associate HIPAA Agreement;
- Amendment #4 to Medical Benefits Plan dated July 2007.

Sheryl Sendelweck and Sandy Morton requested the Commissioners to revise the various enrollment periods for medical benefits so that the various periods will all open each year as of December 1, for a period of one month, to be effective January 1 of each year. On motion duly made and seconded, the Commissioners authorized amendment of the various benefit programs so that the enrollment period for all benefits will begin on December 1 of each year.

RE: STRAY CATS

Betty Fendel appeared to request County assistance for dealing with the growing surplus of stray cats. The Commissioners will talk to local Clinic regarding treatment of strays.

RE: HIGHWAY DEPARTMENT BIDS

It being after 10:30 am, the time advertised for receipt of bids for the purchase of certain equipment for the Highway Department, and proof of publication having been received and read, the following bids were received and read aloud:

Wheeled Excavator

Wayne Supply	New	\$160,000
	Demonstrator	125,421

Single Axle Dump Truck Chassis

Sternberg	\$41,969
Freightliner	40,978

Dump Bed and Hoist

W.A. Jones	\$6,148
Elpers Truck Equipment	7,578.70
Omaha Standard	Bid not acceptable lack of bond
Meyer Truck	8,615

Plow

Meyer Truck	\$6,350
W.A. Jones	6,649
Elpers Truck Equipment	7,995

The Commissioners took the bids under advisement and submitted the same to the Highway Supervisor for review.

RE: NOVEMBER MEETING

The Commissioners set the next regular meeting for November 2, 2009, with the continued meeting for November 16, 2009, both meetings to begin at 9:00 am at the Courthouse Annex.