

REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

FEBRUARY 9, 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 February 9, 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 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 January 2009, meetings of the Commissioners were approved as presented. The minutes were then signed. Incomes for the month of January, 2008, were as follows: Recorder \$13,150.44; Health Department \$24,914.72; Auditor \$199.00; Clerk \$48,545.44. 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: TERWISKE GLASS & BODY, INC.

Bruce Terwiske appeared to request Commissioners' approval for Bureau of Motor Vehicles' application for renewal of his dealer business license. The approval is required due to the fact that Terwiske failed to renew his license in a timely manner. On motion duly made and seconded, the Commissioners approved the application.

RE: BRIDGE ON OLD HUNTINGBURG STATE HIGHWAY

The board discussed a bridge on Old State Highway #64 east of Huntingburg. The bridge is currently causing a back up of floodwaters south of the bridge. The County Surveyor was instructed to discuss with adjacent property owners the removal of the bridge.

RE: EMPLOYEE HEALTH PLAN

Mary Beth Hurst of SIHO appeared to discuss the change in procedures for prescription purchase under the County Employee plan. The Care Mark plan previously approved by the Commissioners requires three months' supply furnished by mail order. The Commissioners discussed the advantages and disadvantages of the CVS (Care Mark) program. The Commissioners were of the opinion that unless other information is provided, the County would not participate in the CVS Care Mark plan. Hurst also discussed the Flexible Spending Plan previously offered to the County by SIHO. The County Auditor advised the Commissioners that after a meeting with County Departments, only approximately 12 employees expressed any interest in the Plan. The Commissioners determined that due to lack of interest, participation in the Plan should be placed on hold.

RE: HIGHWAY DEPARTMENT – SUPERVISOR REPORT

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

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| Portersville Bridge | Claim for \$73,821 will be filed by Daviess County for repair work on spoil area. Copies of environmental permits have been submitted to Daviess County. No resolution to date on engineer responsibilities for cost over runs. |
| Dubois Storm Water Project | Legal notices have been published by Region 15 for Requests for Applications for engineering, to be submitted on February 26. |
| Storm Damages | The Department is working on estimates of overtime expenses due to recent snow and ice storms, to be used for federal reimbursement. |
| Engineering Assistance | The Supervisor discussed the need for engineering services during the absence of County Engineer Wendholt. It was determined that the Supervisor should determine whether local engineers are available on a part-time basis and, if not, seek information on services offered by statewide firms. |

RE: GLENN HOPF – ATV USE ON COUNTY ROADS

Glenn Hopf, representing Hopf Equipment, appeared to request expansion of current County Ordinance to allow operation of ATV's on County Roads. He stated that Spencer County has authorized such use and it is currently being considered in Warrick County. Use would be subject to State statute restrictions. The Commissioners requested to be provided with copies of Ordinances being considered in Perry and Warrick Counties.

RE: BERNARDIN LOCHMUELLER CLAIM

The Highway Supervisor submitted a claim from Bernardin Lochmueller and Associates for \$5541.77 for services rendered for engineering on the Portersville Bridge. The cost would be 80% reimbursed under the Federal Cost Sharing agreement. On motion duly made and seconded, the claim was approved and payment authorized.

RE: COURTHOUSE – ACTION PEST CONTROL

Perry Lutz of Action Pest Control appeared with Courthouse Custodian Loveall to discuss the bird problem on the Courthouse porches. He described prior actions taken by Loveall to eliminate the bird problem, none of which were successful, and made a presentation of a proposal being made by his Company to eliminate the problem through use of various materials, including netting. He described prior projects completed by his Company and stated that cost would be \$22,832.00, with a one year workmanship and 10 year material guarantees. The same system is currently being used at the Warrick County Courthouse.

RE: ST. CHARLES ANNEX

The Custodian advised that a sewer backup had occurred at the St. Charles Annex. The sewer pipe is being repaired by Mehringer Plumbing and Messmer Mechanical.

RE: 9-1-1 COMMUNICATIONS CENTER

Janice Love, Director of County Communications, appeared to submit a list of old equipment which is no longer usable, but which includes confidential information. The Director offered to remove and destroy the hard drives from the equipment. On motion duly made and seconded, the Commissioners declared as worthless surplus the following equipment: Dictaphone Prolog Recorder: S/N 208329 Model 9902 Purchased in 1994; Dictaphone Prolog CPU: SFBE9237652 County Tag #00368 Purchased in 1994; Three (3) CAD CPUs: CN181622, CN181623; CN181624 Purchased from Eck-Mundy in 2002; Four (4) old keyboards and mice; and directed that the hard drives be removed and destroyed, and that the junk equipment be delivered to County Solid Waste for disposal.

RE: COUNTY ASSESSOR

County Assessor Gramelspacher appeared with Natalie Jenkins of CLT, who requested permission to install, at CLT expense, a wireless internet service in the CLT offices on the Courthouse third floor. On motion duly made and seconded, the Commissioners granted CLT permission to install the internet service at CLT expense.

The County Auditor also requested permission for the County to participate with other area Counties in acquiring new GIS aerial photography for County use. The cost to the County would be \$43,807. The State Board of Accounts has advised the County Auditor that the dedicated plat book fund may be used to pay this expense. The plat book fund accumulates money from a fee on each transferred document. On motion duly made and seconded, the Commissioners authorized participation in a fly-over photography, with funding to come from the plat book fund, subject to appropriation of funds by the County Council.

RE: DOGWOOD ANIMAL CLINIC CLAIM

On motion duly made and seconded, the Commissioners approved and authorized payment of a claim from Dogwood Animal Clinic in the amount of \$68.45 for services rendered to one dog delivered to the Clinic by the County Sheriff's Department.

RE: WAGE DETERMINATION COMMITTEE – JASPER ARMORY

On motion duly made and seconded, the Commissioners appointed Gerald Apple as Committee member and Al Schuler as alternate, to the Military Department of Indiana Wage Determination Committee for replacement of roof on the Jasper Armory.

RE: COMPREHENSIVE PLAN STEERING COMMITTEE

The Auditor reported that Kathryn Smith-Mireles will represent the Town of Holland on the County Comprehensive Plan Steering Committee.

RE: SHERIFF CAR LEASE

Sheriff Terry Tanner appeared to discuss a proposed lease of a replacement sheriff's car. He stated that the County Council has appropriated \$75,000 for purpose of paying off the two cars currently held under a six-year lease program. The balance of the \$75,000 would be used to apply against the proposed new vehicle, with three future cars to be under and paid under a new lease agreement, to be paid under a future \$75,000 appropriation. He also requested permission to sell for scrap the following three cars:

1. 1986 Chevy Astro Van 1G8DM15ZOG8230097
2. 1988 Chevy Blazer 1GNCT18RIJ0133579
3. 1990 Ford Probe 1ZVPT22LOL5119244

The proceeds are to be applied against the maintenance of existing vehicles. On motion duly made and seconded, the Commissioners authorized the purchase of the vehicle and sale of old cars as scrap.

RE: SICK LEAVE BANK

The Highway Supervisor, being a member of the Sick Leave Advisory Committee, submitted to the Commissioners a proposed change to the County Sick Leave Bank Plan as previously adopted by the Commissioners. He reported that currently there are 29 Courthouse employees and 30 Highway Department employees enrolled in the Plan. He advised that all four Committee members had input and agreed with the revised Plan as submitted. The Commissioners discussed the status of County Engineer Wendholt, who is currently absent on sick leave, and his ability to participate in the Plan.

RE: HEALTH DEPARTMENT

Donna Oeding, Administrator of the County Health Department, submitted to the Commissioners the Department's financial report for the period June 2008 thru December 2008.

Oeding also reported on the Department's activities during a recent explosion and fire at the Indiana Furniture plant on CR 100 S, one-half mile south of the St. Charles Annex. Due to the fire, the health facility was required to be vacated and a problem developed with the building HVAC system maintenance.

Oeding also reported that the Health Department Board member Virginia Begle has turned down reappointment to the Board after 25 years of service. On motion duly made and seconded, the Commissioners appoint Dawn McKenzie to fill the position formerly held by Mrs. Begle. Oeding also reported that Dr. Gary Riddle, M.D., has submitted his resignation as a Board member for reason that he is no longer a resident of Dubois County. An appointment to fill the vacated position will be made by the Commissioners at a future meeting.

RE: PROBATIONARY PAY SCHEDULE – PROPOSED ORDINANCE 2009-01

The Auditor then presented a proposed Ordinance, prepared at the instruction of the County Council President, repealing the probationary pay schedule as initiated by prior Ordinance #1999-7, and amended by Ordinance #1999-9 and 2003-7. The Commissioners discussed the original purpose for the policy established by original Ordinance, the problems which have resulted from the policy and reasons for the possible repeal of the Ordinance. On motion duly made

and seconded, the Commissioners unanimously adopted the following Ordinance 2009-1 repealing the prior probationary pay schedule policy:

WHEREAS, The Dubois County Council, as County Fiscal body has heretofore established a probationary pay schedule for new employees of Dubois County, as set forth in Ordinances No. 1999-7 and No. 1999-9, which schedule was amended by Ordinance No. 2003-1 to apply solely to new employees only during the first 52 weeks of County employment; and,

WHEREAS, It is now the desire of this Council to terminate the pay differential for new County employees.

NOW THEREFORE, BE IT ORDAINED, That Ordinances No. 1999-7, No. 1999-9 and Ordinance No. 2003-1, as previously adopted by this Council, are hereby repealed and declared null and void, and hereafter a new employee shall be paid using the appropriate schedule and appropriation of wages and salaries without deduction for any probationary status of the employee. It is recognized that such schedules and appropriation of wages and salaries represent maximums, and that any office holder or supervisor may pay an employee under his or her jurisdiction a wage or salary less than the maximum.

The foregoing policy and amendment to the Employee Handbook shall become effective upon adoption and shall be applicable to employees first employed subsequent to the effective date hereof.

RE: EMERGENCY PROCLAMATION

On motion duly made and seconded, the Commissioners unanimously approved ratified an Emergency Proclamation dated January 28, 2009 signed by Commissioners' President Fleck after telephone conversation with each of the two (2) remaining Commissioners.

WHEREAS, Dubois County, Indiana, has been impacted by an extremely heavy ice and snow storm, with freezing rain occurring over a thirty-five (35) hour period, with nine (9) inches of snow and ice, which have caused loss of electric power, falling trees and impassible roads within Dubois County; and

WHEREAS, this incident occurred on January 27 and 28, 2009, and is expected to continue to cause said conditions for a period of in excess of four days; and

WHEREAS, it is currently reported that approximately 6,000 residences are without electricity, and most are therefore without heat; and

WHEREAS, I, being the President of the Dubois County Commissioners, have determined that the following response and protective measures are necessary to protect public health, life, and property:

1. Drivers are requested to remove and keep motor vehicles off public streets and roads unless necessary for employment or emergency purposes;
2. All public offices and employees of Dubois County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations, and directives- state and local.
3. All citizens are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and disaster services forces in executing emergency operations plans, and to obey and comply with the lawful directions of properly identified officers.
4. That all public, commercial and industrial non-essential offices and businesses should remain closed.
5. That request be made of the appropriate state and federal agencies for assistance

WHEREAS, I.C. 10-14-3-29, requires an emergency proclamation by the principle executive officer before such measures may be enacted;

NOW, THEREFORE, BE IT RESOLVED, that I, Randall L. Fleck, being the President of the Dubois County Commissioners, do hereby proclaim that an emergency exists as of January 28, 2009 at 4:00 A.M. to be effective for a period to end on January 29, 2009 at 10:00 A.M., unless hereafter terminated or extended.

RE: FEBRUARY AND MARCH MEETINGS

The Commissioners determined to conduct their continued February meeting on February 23, 2009 beginning at 9:00 AM; to hold the regular March meeting on March 9, 2009 beginning at 9:00 AM; and to hold the March continued meeting at the Celestine Fire Station, 6964 E State Road 164, Celestine, Indiana, on March 19, 2009 beginning at 3:00 PM.