

REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

April 13, 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 April 13, 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, 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 March 2009, meetings of the Commissioners were approved as presented. The minutes were then signed. Incomes for the month of March, 2009, were as follows: Recorder \$20,761.63; Health Department \$29,092.; Auditor \$197.17; Clerk \$46,817.59. 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: JASPER CHALK WALK PROGRAM

Kit Miracle, Jasper Community Arts Commission, appeared to request use of the east Courthouse lawn and restrooms on May 2, 2009, for use as part of the Commission's annual Chalk Walk Program. On motion duly made and seconded, the use was authorized for May 2, with the alternate date being May 9, 2009.

RE: DUBOIS LIBRARY PROJECT

Kathy Tretter, President of the Dubois Contractual Library Board, appeared to discuss status of the engineer's contract for construction of the new Dubois Library facility. The County Attorney reported that the engineer's agreement still required revision to provide for payment of no more than \$40,000 by the County. He suggested that the Commissioner President be authorized to execute the revised agreement when received, and on motion duly made and seconded, such authority was unanimously granted.

RE: CUZCO NORTON ROAD

Highway Supervisor Berg discussed a road flooding problem on the Cuzco-Norton Road, and the need for a reconstruction of a creek running north and south of the County Road along the west line of the SE quarter of Section 36-T1N-R3W. The Commissioners discussed the condition, the adjacent property owners, and possible solutions.

RE: PURCHASE OF NEW AMBULANCE

Suzan Henke, Director of County Medical Emergency Service, appeared to request authority to purchase a new ambulance, at a fully equipped cost estimated to be \$155,000. She also requested permission to purchase a replacement computer software program at a cost of \$6100 and for six "No Smoke" filter systems for existing ambulance facilities at a total cost of \$51,444. After discussion, the Commissioners approved the purchases, subject to funding by the County Council.

RE: HEALTH DEPARTMENT

Donna Oeding, Administrator of the County Health Department, appeared to submit the annual report for the Health Department for 2008. She also submitted a report of purchase of vaccine from Merck and Co. at a cost of \$4236.71. Oeding also requested permission to attend a national conference in Orlando on July 29-31 to present a program with personnel from Purdue University, with the cost being funded from grant funds. On motion duly made and seconded, the Commissioners authorized attendance at the conference. Oeding also requested permission to replace computer equipment, which is over five years of age. The Commissioners authorized purchase of the equipment, subject to grant of funding by the County Council. Oeding also discussed the failure of a County restaurant to comply with County operating regulations and that the Health Department intends to take steps to enforce its regulations. Oeding again

requested that additional space be assigned to the Health Department at the St. Charles Annex facility. The Department has employed a new WIC nurse and requires additional space.

RE: COURTHOUSE

Courthouse Custodian Bill Loveall appeared to discuss painting of Courthouse windows, with a proposal from Helming Bros for \$27,200 and from Talberts Cleaning for \$7500 to \$8500. On motion duly made and seconded, the Commissioners accepted the Talbert proposal. Loveall also submitted a proposal from Helming Bros for cleaning and installation of sheeting on the east porch of the Courthouse for elimination of the bird problem. On motion duly made and seconded, the Commissioners accepted the Helming proposal and authorized the cleaning and installation. After discussion, the Board ordered that the east side of the Courthouse exterior, including porch, lawn, and sidewalk shall be designated as "No Smoking" area, and that proper signage should be installed. Under the west, side porch shall continue as a designated smoking area. The custodian was instructed to obtain the necessary signage and to remove the smoking urns currently on the east side.

RE: HUNTINGBURG LOAN AGREEMENT

On motion duly made and seconded, the Commissioners approved the Inter-local Loan Agreement with the City of Huntingburg to move a gas line for \$150,000 previously approved by the Commissioners and the County Council.

RE: COURT SYSTEM

Judge Weikert appeared to discuss the question of cell phone for the probation department. The Commissioners explained that the issue is the number of cell phones in the County and whether a group contract could be obtained at a lower rate. After discussion of need, the Commissioners authorized one cell phone for the Court probation department.

RE: BEAM, LONGEST, AND NEFF

Brett Cating, an engineer with Beam, Longest, and Neff, appeared to introduce himself and his Company to the Commissioners.

RE: HIGHWAY DEPARTMENT – SUPERVISOR REPORT

The County Highway Supervisor reported to the Commissioners on the status of various Department projects, including:

Portersville Bridge	Permit application still under way
Dubois Storm Water Project	Consultants interviewed by Committee and VS Engineers received the highest score, which is required for funding.
Structure on CR 600W	Culvert south of Holland failed and road washed out. Recommendation is for replacement of culvert with bridge. Design is being prepared.
Stimulus Funding	INDOT is requesting separate application for each requested project, but only several will be funded, probably on a first come – first serve basis. The County will apply for the high cost, high usage projects first
CR 1175 S	It was reported that the new County road running east from CR 400 W in Cass Township has been designated as CR 1175 S
Jim Schiller	It was reported that Jim Schiller, a 23 year Department employee, will retire on April 17.
LPA Project	The Supervisor and Engineer will be the employees receiving training for LPA projects. On motion duly made and seconded, the Commissioners authorized said individuals to attend training in Bedford or Noblesville.
Veolia Compactor Contract	June 7, 2004 contract is up for renewal and a five-year addendum has been submitted with 2 ½ % maximum price increases per year.
Sanitation Floater	Interviews are still being held for a third sanitation floater
Old Huntingburg Road Flood Gates	Recent rains have caused flooding and closing of gates. Policy #0413-09 for operation of gates was submitted and approved.

Little Sandy Mine
Micro-seal Project

Roy Judy has requested discussion of mine operation on roads. Reported on meeting with Jane Cox on process and roads, which qualify for micro-seal use.

RE: DUBOIS STORM WATER PROJECT

On motion duly made and seconded, the Commissioners retained VS Engineering as project engineer on the Dubois Storm Water Project.

RE: FEDERAL EQUITABLE SHARING AGREEMENT

Deb Dysert, representing the Prosecutor's Office, appeared to request authorization for the office to participate in the Federal Equitable Sharing Program. The form submitted was a renewal of the prior agreement for calendar year 2008 receipts. Under the program, the Prosecutor's Office will share in use of federally forfeited cash and properties for law enforcement purposes.

RE: SOLID WASTE OFFICE

Tommy Thomason, Director of the County Solid Waste Management District, appeared to discuss the possibility that the District relocate its office from the St. Charles Annex to the collection site at the former Jasper Landfill. He informed the Commissioners that due to the condition of the roof at the collection site, it would not be possible to relocate the District's computers to the site. He stated that he would be able to vacate adequate space for two office spaces at his current location.

RE: DUBOIS STORM WATER PROJECT

Nathan Held of Indiana 15 Region Plan Commission, appeared to review the status of the Dubois Storm Water Project. He stated that a Disaster Recovery Grant might be available for a construction project of up to \$1,000,000, but that use of these funds would require loss of the current CFF planning grant and would require repeat of the engineer selection process. The CFF grant funding is a renewal application process whereas the Disaster Recovery is a one-time application. After discussion and consideration, the Commissioners determined that it would be better to go for the sure thing, being the CFF grant rather than enter upon a new funding method, which is one time application and for limited funding.

RE: SECURITY CENTER

Terry Tanner, County Sheriff, appeared to discuss the corrective actions required on security equipment and installation at the County Security Center. The Sheriff presented a proposed contract with DLZ, engineers, for preparation of specifications. The Sheriff was instructed to obtain engineer estimates from several different engineering firms.

RE: EMERGENCY MANAGEMENT AGENCY

Gary Fritz, assistant EMA Director, appeared to submit a proposed 2008 Homeland Security Grant Program Agreement, for a grant of \$31,421.07 for the period thru September 30, 2008. The grant covers a portion of EM expenses for salary and operating costs, and must be filed by April 17, 2009.

Also, submitted was a summary of reimbursable grants of assistance relating to the January 27, 2009 ice storm. Total County expenses were \$203,314.10 of which \$152,485.58 is reimbursable.

The Commissioners were also advised that the County was awarded \$14,894 grant for GIS data sharing for the proposed Statewide Indiana Map. Of this amount, \$5000 is payable to WTH for data sharing services and \$9894 remains to allocate for various projects within the County. An example is that the County fire departments request GPS units and County Medical Emergency and County Communications require GIS software.

RE: RISK MANAGEMENT

The County Auditor advised of a risk management committee, which has been meeting, with assistance of the County insurance carrier. Due to the extent of the program and the benefits to the County and its employees, the

committee is requesting for an extended committee and for committee to be entitled to meet during work hours. The Commissioners authorized an increased committee size and for the committee to meet during work hours.

RE: CR 700 W – COAL MINE

Mike Owens of Solar Sources appeared to request a County decision on the Solar Sources petition to close CR 700 W for a period of up to five (5) years, with right to request the County to consider the extension of the period of closure should it be necessary. The Commissioners requested a commitment from Solar Sources for other damages resulting from the coal mine operation, including: payment of half of the cost of repaving of CR 750 W from SR 56 to CR 450 N, estimated to be \$21,000; the cost of replacement of CR 700 W including chip/seal and bridges and culverts, where closed, to County Highway specs; extend blacktop from end of current blacktop on CR 700 W, which is approximately 1000 feet south of the north line of S12-T1S-R6W, thence north to a point just around the curve in CR 700 W in the NE corner of the NW quarter of said Section 12; posting of bond in the manner normally prescribed by Dubois County. After lengthy discussion by the Commissioners and review of the past working relationship between Solar Sources and the County, the following comments and situations were taken in consideration in the decision. The comments made by area residents at the hearing held by the Commissioners on March 19, based on the information received by the Commissioners from the County Assessor, from Solar Sources and from personal inspection of the area roads (especially CR 700 W) by the individual Commissioners, and based upon the agreements of Solar Sources regarding repair and replacement of area roads, including that portion of CR 700 W proposed to be closed and the economic benefit to result of adjacent and area property owners and to the County as a whole, and therefore based on said facts, it was the finding of the Commissioners: that the temporary closing of the proposed portion of the CR 700 W is in the public interest and in the economic interest of the County; that based on the existence of other area roads the closing of CR 700 W will not unreasonably interfere with the flow of traffic on the area County road systems; that the plans for repair, restoration and reconstruction of the area roads, including CR 700 W, as presented by Solar Sources are approved and shall be reduced to a written agreement, and that Solar Sources shall submit to the County a surety bond payable to the County and conditional upon the payment of damages which the County may sustain for the restoration or repair of those County roads in the area, including CR 700 W subject to the petition herein. On motion duly made and seconded and unanimously approved, it was ordered that CR 700 W be temporarily closed for a period not to exceed five years, subject to future possible petition, from the SE corner of the NW quarter of the SW quarter of Section 1-T1S-R6W, northerly along said CR 700 W to the south right-of-way line of CR 580 N south of the NW corner of the SW quarter of the NW quarter of said Section 1, being a distance of approximately 3960 feet, said closing not to occur until such time as Solar Sources enters into a written agreement regarding damages and reimbursements and under those terms set forth above, and subject to Solar Sources posting of bond for such damages and reimbursement in the form normally used by the County for road closings.

RE: FUTURE MEETINGS

The Commissioners confirmed and agreed that the April continued meeting will be held on April 27, 2009; that the regular May meeting would be held on May 11, 2009; and that the May continued meeting would be held on May 26, 2009, with all meetings to begin at 9:00 AM and to be held at the Courthouse Annex.