

## REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

FEBRUARY 7, 2011

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 7, 2011. Present were Commissioners Lawrence M. Vollmer, Doug M. Uebelhor, and Randall L. Fleck. Also present were County Auditor Kathleen M. Hopf, 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 Vollmer. Minutes of the January 2011, meetings of the Commissioners were approved as presented. The minutes were then signed. Incomes for the month of January 2011, were as follows: Recorder \$; Health Department \$; Auditor \$; Clerk \$. 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: STENFTENAGEL'S FIRST ADDITION**

Ken Brosmer appeared on behalf of Steven W. and Deandra S. Stenftenagel to submit a proposed plat of Stenftenagel's First Addition in Bainbridge Township, in the NE Quarter of the NW Quarter of Section 7-T2S-R4W, consisting of 1.38 acres and consisting of two lots. The area is within jurisdiction of Jasper Plan Commission and that Commission had approved the Plat. On motion duly made and seconded, the plat was approved as presented.

### **RE: GROW S.W. INDIANA WORKFORCE – APPOINTMENT**

Jim Heck representing Grow S.W. Indiana Workforce, appeared to request an appointment from the area as the Local Elected Official. The appointment would be for the remainder of the current term vacated by former Commissioner Burger. The recommendation of the two City Mayors from the County is for the appointment of Huntingburg Mayor Marvin Belcher, and on motion duly made and seconded, approved the appointment of the Mayor to as the Local Elected Official.

### **RE: VINCENNES UNIVERSITY TRAINING CENTER**

Dick Helton, President of Vincennes University, appeared to thank the County for its financial commitment to an advanced training Center at Jasper VU. He explained the program and the process of obtaining State funding.

### **RE: EMERGENCY RADIO SERVICE**

Tony Burton and Jim Vaverdiere, of Emergency Radio Services of Indianapolis, appeared to present information on products sold by their Company, which is a Motorola dealer and has an office in Evansville. He discussed the new federal requirements for switch of equipment to the 800 MHz system. Each FCC license held by a County entity would also require amendment.

### **RE: COUNTY ROAD 1100 E – HALL TOWNSHIP**

David Merkel appeared to advise that a petition had been filed in 2005 for improvement of CR 1100 E south of SR 164. The road is currently a rock road except where improved by the U.S. Corps of Engineers.

### **RE: HIGHWAY SUPERVISOR REPORT**

Steve Berg reported on current Highway Department projects, including:

|                       |  |
|-----------------------|--|
| Unimen Road Agreement | Company has requested change in renewal Agreement. The request would be different than that signed by other companies.   |
| CR 1200 S             | No progress to report  |
| Kyana / Schnell Road  | No progress to report  |
| Brush Cutter Unit     | Equipment delivered and purchase price (\$94,661.25) paid.   |
| Mud Road Ordinance    | Nothing done to date   |
| Road Grader Repair    | Engine overheated and is in shop for repair. Repair cost should be \$1,000 to \$2,000 based on engine damage   |
| SALT                  | Current order is due for delivery today in the amount of 200 tons. Additional 100 tons will be delivered February 14. 341 tons have been used to date. The five year average is 400 tons per year. |

Overtime Pay

Department employee worked over Christmas and exceeded normal work hours, some of which is within and some outside of normal work hours. The Supervisor requests that time and one-half be paid during "Emergency Response Time." Discussion included comparisons with other County departments.

**RE: SANITATION FLOATER**

Due to increased demand, on recommendation of the Highway Supervisor, the Commissioners, on motion duly made and seconded, approved employment of Marvin Discus as part-time employee as sanitation floater.

**RE: HEALTH DEPARTMENT – GENERATOR**

On request of the Health Department, and on motion duly made and seconded, the Commissioners authorized installation of emergency power circuit breaker and separate receptacles, at a cost of \$3669.40 to be paid by federal funds, and for installation of a generator test timer, at a cost of \$962.14.

**RE: ORDINANCE #2011-01: ONSITE SEWAGE SYSTEMS**

Donna Oeding and Shawn Werner, of the Health Department, appeared to advise the Commissioners of new State regulations regarding onsite sewage systems. They explained the changes and submitted a proposal Ordinance. On motion duly made and seconded, the Commissioners approved Ordinance #2011-01 as submitted.

AN ORDINANCE REGULATING THE DESIGN, CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS IN DUBOIS COUNTY, INDIANA; REQUIRING A PERMIT TO INSTALL, REPAIR OR ALTER ANY PRIVATE SEWAGE DISPOSAL SYSTEM AND ESTABLISHING REGULATIONS WITH REGARD TO THE INSTALLATION THEREOF; REQUIRING THE REGISTRATION AND BONDING OF INSTALLERS OF SUCH SYSTEMS; AND FIXING FEES FOR SUCH PERMITS AND REGISTRATIONS AND PENALTIES FOR VIOLATIONS THEREOF.

Section 1. This ordinance shall be administered by the Dubois County Health Department through the Health Officer and his or her authorized representatives. Minimum requirements shall be specified by the Indiana State Department of Health as now provided in its Residential Sewage Disposal Systems Rule 410 IAC 6-8.2 or as the same may be hereafter changed or amended.

Section 2. 410 IAC 6-8.2-50 General sewage disposal requirements. Part (k). Wherever a public sanitary sewer becomes available and is within 200 feet from the residential or business property line served by a private sewage disposal system or privy, situated in Dubois County, Indiana, a direct connection shall be made to the said sewer. Any septic tank, seepage pits, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

Section 3. 410 IAC 6-8.2-58 Septic tanks; general requirements. In part shall be amended to read:

| Minimum distance in feet from | Septic tank,<br>Dosing tank, | Upslope from<br>absorption field | Down slope from<br>absorption field |
|-------------------------------|------------------------------|----------------------------------|-------------------------------------|
| Front, side or rear lot lines | 10                           | 10                               | 10                                  |

Section 4. 410 IAC 6-8.2-72 Subsurface gravity feed trickle flow systems; construction requirements. Part (h) shall read: There shall be a minimum separation of ten (10) feet, on center, between absorption field trenches.

Section 5. Permits to install, registering and bonding of installers, permit and registration fees and inspections.

- A. Before commencement of construction of any business building or private residence where a private sewage disposal system or privy to be installed or where any alterations, repair or addition of an existing private sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the Health Officer. The application for such permit shall be made on a form provided by the Dubois County Health Department which application shall be supplemented by any plans. Specifications and other information as are deemed necessary by the Health Officer. The application for a permit shall be completed

after a site review is conducted by the Dubois County Health Department. The site review shall investigate the following:

- a. Location of proposed sewage disposal system or changes to existing one.
  - b. Location of any existing or proposed source of water supply and water lines on property
  - c. Location of water supply sources, water service lines, and sewage disposal systems within 100 feet of the proposed system.
  - d. Completed soil survey evaluation, conducted by a soil scientist, containing any information the soil scientist feels is pertinent to the site
- B. No person shall construct, install, connect, alter or extend a private sewage disposal system within Dubois County, Indiana without first having filed a written application as set forth in this ordinance and having a written permit from the Health Officer.
- C. A fee of seventy five (\$75.00) dollars shall be paid with each application for permits filed with the Dubois County Health Department.
- D. A separate permit shall be obtained for sewage disposal work on each dwelling.
- E. If the sewage disposal system has not been constructed, installed, altered or extended before the rule governing it changes, the permit shall automatically expire.
- F. The Health Officer shall deny a permit if the information on the application is incomplete, inaccurate or indicates that the provisions of this ordinance cannot be met.
- G. The issuance of a permit does not constitute assumption by the Dubois County Health Department or its employees of liability for the failure of any sewage disposal system.
- H. The Health Officer shall maintain a register of all person engaged in or intending to engage in the installation of sewage disposal devices or equipment within Dubois County, Indiana.
- I. Any individual, firm, association or corporation engaged in or intending to the engage in the installation of sewage disposal devices or equipment shall make application to the Health Officer to have his name placed on the register for those engaged in the installation of sewage disposal devices or equipment. The applicant shall submit an application fee of fifty (\$50.00) dollars per calendar year or part thereof. The application form shall contain the name and address of the person making application and the address of the firm or place of business he is associated with, and such information as the Health Officer determines will reasonably aid in the administration and enforcement of this ordinance.
- J. Upon acceptance of prospective applicant's registration, registrant shall post a surety bond with the Board of Health, Dubois County, State of Indiana, in the penal sum of not less than one thousand (\$1,000.00) dollar in favor of the Board of Health, conditioned upon registrant's faithful compliance with Rule 410 IAC 6-8.2 and Dubois County Ordinance 2011-
- K. Upon recommendation to the Health Officer, the Board may remove the name of any individual, partnership, firm, association or corporation from the register or persons engaged in the installation of sewage disposal devices or equipment who have demonstrated inability or unwillingness to comply with regulations. Such person may have his name reinstated on the register of persons engaged in the installation of sewage disposal devices or equipment by the Board of Health after satisfactory demonstration of ability or willingness to comply with the regulations.
- L. All fees collected under the terms of this ordinance shall be receipted monthly into the Dubois County Treasury and credited to the Dubois County Health Fund for services rendered in enforcing this ordinance.

- M. The provisions of the permit for the construction of a private sewage disposal system or privy shall not be considered fulfilled until the installation is completed to that satisfaction of the Health Officer or his agent. The permittee shall notify the Health Officer at least one (1) working day prior to completion of the system for final backfill inspection. Such final inspection is required before any underground portions are covered.
- N. The Health Officer or his agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation and testing necessary to carry out the provisions of this ordinance.

#### Section 6. Enforcement Procedures

- A. Any person found to be violating any provisions of this regulation may be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- B. After receiving an order in writing from the Health Officer, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. Said order shall be served on the owner or agent of the owner or the occupant or the agent of the occupant, but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

#### Section 7. Penalties

- A. Any person found to be violating any provisions of this ordinance shall be guilty of a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred (\$500.00) dollars; for the second offense by the fine of not more than one thousand (\$1,000.00) dollars; and for the third and each subsequent offense by a fine of not more than one thousand (\$1,000.00) dollars to which may be added imprisonment for any determined period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating insanitary conditions and conditions as ordered by the Health Officer or his agent, shall constitute a distinct and separate offense.

#### Section 8. Appeals Procedure

- A. If an applicant is refused a permit, the administrative authority shall, upon request, afford the applicant a fair hearing in accordance with provisions of IC 4-21.5-3.
- B. The Administrative authority may, after reasonable notice and opportunity for a fair hearing, in accordance with the provisions of IC 4-21.5-3, revoke a permit if it finds that the holder of the permit has failed to comply with any provisions of this ordinance.

#### Section 9. Validity

- A. If any section, paragraph, sentence, clause, phrase or work of this ordinance, or any part thereof be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect.
- B. Adoption of this ordinance shall serve to supersede Dubois County Board of Health Ordinance 1992-6.

#### Section 10. Date of effect

- A. This ordinance shall be in full force and effect on the 7<sup>th</sup> day of February, 2011, upon its adoption and its publication as provided by law.

#### **RE: SHERIFF PENSION ORDINANCE**

Terry Tanner, from the Sheriff's Department, appeared to request that fees collected by the Department for document service and for tax warrant processes would be allocated to the Department's Pension Fund, rather than to County General Fund. Currently, the allocation to the Pension is a line item in County Budget. Due to an increase by six years in funding to the Pension, the Department requests that these fees be hereafter added to the Pension fund. The Commissioners directed the Department to submit a proposed Ordinance.

**RE: HEALTH DEPARTMENT – HEATING / AIR CONDITIONING**

Phil Schmidt and Tom Schmidt of Schmidt Contracting appeared to discuss proposed replacement of the current roof unit at the St. Charles Annex. He proposed replacement of a single unit with four units located in different roof areas. The system would also allow use of zones for heating / AC. The use of smaller roof systems would save approximately \$16,000.00 over an on ground system. Schmidt submitted two proposals, one for roof mounted and one for ground mounted.

Elimination of one large unit by four smaller units will reduce pressure on the roof structure.

**RE: TREASURER – INVOICE CONTRACT**

On recommendation of the County Treasurer, and on motion duly made and seconded, the Commissioners approved renewal of a contract with Proforma of Granger, Inc., at the same cost as prior year, for preparation and distribution of tax statements.

**RE: JASPER ARTS CHALK WALK**

On motion duly made and seconded, the Commissioners authorized Jasper Community Arts Commission to use Courthouse basement restrooms and a small portion of lawn area as part of the annual Chalk Walk Festival on Saturday, May 7, from 6 am to 5 pm.

**RE: JASPER MAPLECREST BLVD CULVERTS PURCHASE**

After discussion, on recommendation of the Highway Engineer, on motion made and seconded, the Commissioners approved purchase of culverts from Jones and Sons at cost of \$51,480, being the lowest of four bids received: CPI Aluminum \$106,041.72; CPI Concrete \$80,506; Sherman Dixie \$52,290; and Jones \$51,480. Culverts are for replacements on Jasper Maplecrest Blvd.

**RE: HIGHWAY ENGINEER REPORT**

Highway Engineer Heile submitted the following report projects:

|             |  |
|-------------|--|
| CR 450 S    | Working on easement  |
| Sign Grant  | Indiana LTAP has reported that grant funding for sign replacement will be reduced from \$500,000 to \$100,000          |
| Bridge #114 | Bridge on Schnellville Road east of 400 E needs replacement. Engineer requests use of outside engineer for design work |

**RE: MESSMER MECHANICAL – ST CHARLES ANNEX**

Ed Messmer of Messmer Mechanical appeared to discuss the replacement of the HVAC system at the St Charles Annex. He proposed a separate system for 9-1-1 area and suggested one heat pump electronic unit and gas units for the remaining areas. A separate method would be for roof unit for 9-1-1 and separate inside gas furnaces in other areas, using below roof units. Units on ground (as compared to roof) would add \$9,000 to \$30,000 to the cost of the project. He submitted five different proposals.

**RE: JASPER WAGE DETERMINATION COMMITTEE**

At the request of the City of Jasper, on motion duly made and seconded, the Commissioners appointed Gerald Apple to the City of Jasper Wage Determination Committee (Badendorff Storm Sewer Replacement).

**RE: EMERGENCY MANAGEMENT – INVENTORY**

On motion duly made and seconded, the Commissioners declared as surplus with no value the following items:

- GPS Magellan GPS
- Adjustable Mount Bracket
- Clocks
- Video Tape Rewinder
- Rolodex Files
- Kenwood TK-2160 (HT)
- Alinco DR 570 2M/440 Radio

Alinco DJ – F1T 2M Handheld  
Alinco DJ – F1T 2M Handheld

and ordered the same to be delivered to Solid Waste for disposal. The Commissioners directed that typewriters and printers be sold and/or delivered to Security Center for storage pending future sale.

**RE: CLAIM APPROVAL**

Since the Commissioners meeting in March will be in the second calendar week, on motion duly made and seconded, the Commissioners authorized the Auditor to pay claims in the week of March 1-4, and to report claims paid to the Commissioners at its meeting on March 7, 2011.

**RE: CELL PHONE EXPENSE – COUNTY CORONER**

The Auditor discussed with the Commissioners a request from the County Coroner that he be permitted to cease use of his County issued cell phone and be permitted to acquire his own cell phone, with the County paying him the cost of his County phone. The cost of the current County issued phone is \$40.00 per month, and payment to the Coroner would be included on his pay check. On motion duly made and seconded, the Commissioners approved the Coroner's request.

**RE: DUBOIS STORMWATER PROJECT**

On motion duly made and seconded, the Commissioners approved a Contract for Services with Indiana 15 Regional Planning Commission for the Dubois Storm Water project, at a cost of \$43,000. The project is funded with a \$1,000,000 Community Development Block Grant from the Indiana Office of Community and Rural Affairs, with requirement of \$200,000 match from the County.

**RE: WELLNESS PROGRAM**

The County Auditor discussed with the Commissioners a proposal by Memorial Hospital to conduct wellness programs for County employees, at the employees' expense and time. The Commissioners granted the Auditor permission to seek employee interest in the program and authorized use of the Commissioners' Room as a meeting room for that purpose.

**RE: HEALTH BENEFITS GUIDE**

On motion duly made and seconded, the Commissioners authorized the Auditor's Office to obtain Benefits Guide for employees, to be prepared by SIHO Insurance Services, at a cost of \$1.50 per Guide.

**RE: FUTURE MEETINGS**

The Commissioners established the following future meeting dates: February 22, 2011, continued meeting; March 7, 2011, regular meeting; March 21, 2011, continued meeting; April 4, 2011, regular meeting, April 18, 2011, continued meeting; all starting at 9:00 am at the Courthouse Annex.