

REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

November 6, 2023

The regular monthly meeting of the Dubois County Commissioners was held in the Commissioners / Council Room of the Courthouse Annex in Jasper, Indiana, beginning at 8:00 a.m. (EST) on November 6, 2023. Present were Commissioner Chad A. Blessinger, Commissioner Nick Hostetter and Commissioner Serice Stenftenagel. Also present were County Auditor Sandra L. Morton, Highway Superintendent Steven L. Berg, Highway Engineer Brent Wendholt, and County Attorney Gregory S. Schnarr. A quorum was declared present and the meeting was opened for business by President Blessinger. Minutes of the October 16, 2023 meeting of the Commissioners had been previously distributed to the Commissioners and were approved as presented. The minutes were then signed. Incomes for the month of October 2023 were as follows: Recorder: \$15,611.19; Health Department: \$48,984.53; Auditor: \$100.00; Clerk: \$31,771.92. 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: HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Steve Berg presented the following report of Highway projects:

White Stallion Status – December 5, 2023 at 6:00 p.m. is the date set for the landowner's information meeting to discuss the reclamation plan. The meeting will be held at the Ireland Sportsman Club. Michael Costello will have maps available to discuss various impacts and work plans throughout the mine area. Discussions will also involve the County roads; particularly Portersville Road West.

High Weeds and Junk Ordinance Violation – A certified letter was sent to the landowner at 2015 E SR 64 just east of Bretzville regarding a violation of tall weed/junk ordinance.

CDL Training Recommendation – Berg discussed the proposed pay increase for the CDL trainer which was intended to begin upon completion of certification. This occurred on October 19, 2023. A second employee has been hired in need of training. Originally, the increase was budgeted to begin in 2024. Berg requested the pay increase be effective from his completion date. Consensus was to approve the request pending approval by the County Council.

Additional Appropriations – Berg requested additional appropriations from the MVH fund in the amount of \$15,000 for Equipment Repairs; \$7,500 for Tires and Tubes, and \$750 for the CDL Trainer. A motion was made to approve the request pending approval from the County Council, was duly seconded and carried unanimously.

Appropriation Transfer - Berg requested a transfer of appropriations in the MVH Restricted Fund in the amount of \$36,200 from Bituminous to the following: \$25,000 to Stone and \$11,200 to Signs. A motion was made to approve the request, was duly seconded and carried unanimously.

Expiring Waste Management Service Agreements – The current 5-year agreements with Waste Management are expiring. Berg is working on new agreements which will be for a 1-year term. The lease agreements include the compactor lease and hauling charges for the Jasper, Ireland, Huntingburg and Ferdinand sites which contain price increases ranging from 13 to 15 percent depending on the location. County Attorney Schnarr is reviewing the agreements which will be brought to the next meeting for approval.

Annual Material Bid Opening – All material bids will be opened at the meeting on November 20, 2023 at 10:00 a.m. The bids will be taken under advisement and awarded on December 4, 2023 at 10:00 a.m.

New Mechanic Hire - Interviews were conducted. Berg recommends hiring Nathan Libbert of Ferdinand. A motion was made to approve the hire, was duly seconded and carried unanimously.

Haysville Park – A request was received from Tim Eckstein, representing Haysville Park, to assist with a pipe replacement in the creek area. The Highway department will work with Mr. Eckstein to determine the next steps.

RE: TITLE IV-D POSITION

Title IV-D Deputy Prosecutor Michael Fritch appeared to request a status change to a Case Manager position from hourly to bi-weekly. The position will work 35 hours per week and be paid bi-weekly at a rate determined by the County Council. Comp time will be accrued if necessary. A motion was made to approve the request, was duly seconded and carried unanimously.

RE: HIGHWAY ENGINEER'S REPORT

Highway Engineer Brent Wendholt presented the following report of Highway projects:

Safe Streets for All (Action Plan) – The County Council approved the additional appropriation for the County Match to the grant. Wendholt presented the contract with American Structurepoint for the completion of the Safety Action Plan which was recommended for approval. A motion was made to approve the contract, was duly seconded and carried unanimously.

2023 HAC Paving Projects –

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2022-2 CCMG

Portersville Road / Town of Portersville
23-01 100 E, 420 N, & 520 N
23-02 550 W & 450 West
23-03 300 N & 325 E
23-04 Celestine Road North
23-05 500 E & Town of St. Marks

Completed on May 24th
Completed on June 14th
Completed on June 19th & 20th
Completed on August 1st
Completed on September 8th
Completed on July 7th

2023-1 CCMG

Kellerville Rd & 1100 South

Completed on October 19th
There is some patching and finish work to be completed.

RE: ORDINANCE 2023-17

Health Administrative Director Shawn Werner presented Ordinance 2023-17 An Ordinance for Dubois County's On-Site Sewage Systems Ordinance. A motion was made to approve the ordinance as presented, was duly seconded and carried unanimously. The Ordinance will be sent to the Technical Review Panel (TRP) for final approval.

ORDINANCE 2023-17

DUBOIS COUNTY'S
ON-SITE SEWAGE SYSTEMS ORDINANCE

(An Ordinance Repealing Dubois County Ordinance 2018-01)
(Amending Title V: Public Works; Chapter 50: Water;
Section 50.01: Private Sewage Disposal Systems; of the Dubois County Code)

WHEREAS, the Board of Commissioners of Dubois County, Indiana, has adopted Ordinance 2018-01, related to Private Sewage Disposal Systems in Dubois County, and the same is codified in the Dubois County Code at Title V: Public Works; Chapter 50: Water; Section 50.01: Private Sewage Disposal Systems.

WHEREAS, the Indiana General Assembly adopted House Enrolled Act 1402, AN ACT to amend the Indiana Code concerning environmental law, and the same was signed by the Governor on May 4, 2023 as Public Law 232.

WHEREAS, the Board of Commissioners now find that it is in the best interests of Dubois County and its citizens to amend Title V: Public Works; Chapter 50: Water; Section 50.01: Private Sewage Disposal Systems of the Dubois County Code with the following additions.

WHEREAS, this Ordinance and all Ordinances supplemental or amended hereto shall be known as the Dubois County On-site Sewage Systems Ordinance and may be cited as such and will be referred to herein as "this Ordinance". This Ordinance will effectively repeal any recorded Ordinance and any amendments thereto.

WHEREAS, the purpose of this Ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of on-site sewage systems and to otherwise promote public safety and welfare and protection of the environment.

WHEREAS, this Ordinance regulates the location, installation, construction, maintenance, reconnection, replacement, alteration, and repair of all residential and commercial on-site sewage systems in Dubois County, Indiana. It also provides for the administration and enforcement of the provisions contained herein, and affixes penalties for violation.

WHEREAS, this ordinance incorporates by reference the Indiana Department of Health Rules 410 IAC 6-8.3 Residential On-site Sewage Systems, et. seq., 410 IAC 6-10.1 Commercial On-site Sewage Systems, et seq., and Bulletin S.E. 11, The Sanitary Vault Privy, 2021 Edition, et. seq.

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

Section A: Authority

The Dubois County Health Department is hereby authorized to issue residential and commercial on-site sewage system permits, collect permit fees and penalties, perform inspections, hold hearings, order or otherwise compel correction of violations of this Ordinance, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this Ordinance.

Section B: Definitions

All definitions included in Indiana Department of Health Rules 410 IAC 6-8.3 et. seq. and 410 IAC 6-10.1 et. seq. are hereby incorporated into this Ordinance. Supplementary to those definitions, this Ordinance defines:

1. **Construction, New** means
 - a. Construction of a new home or residential outbuilding where there previously was no home or outbuilding;
 - b. Rebuilding or remodeling an existing home or residential outbuilding where the footprint of the new home or outbuilding extends beyond the footprint of the previous structure; or

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- c. When the design daily flow of the new structure(s) exceeds what was previously at the site. Best judgment shall not be used for new construction.
2. **Construction, Repair/Replacement** means repair or replacement of a residential on-site sewage system for an existing home or residential outbuilding or the rebuilding or remodeling of an existing home or residential outbuilding on the same foundation as a previous home or outbuilding without an increase in the design daily flow of the project. In accordance with Rule 410 IAC 6-8.3, the best judgment of the Dubois County Health Department may be used, when necessary and appropriate, for the repair or replacement of a failing residential on-site sewage system.
3. **Health Board** means the Health Board appointed as specified in IC 16-20-2 and having jurisdiction in Dubois County, State of Indiana.
4. **Health Department** means the local health department in Dubois County having jurisdiction over the installation, construction, maintenance, reconnection, replacement, alteration, and repair of a residential on-site sewage system as specified in IC 16-20-1.
5. **Health Officer** means the person appointed as specified in IC 16-20-2-16, or the health officer's duly authorized representative, as specified in IC 16-20-1-14. The Health Officer may conduct inspections and make a decision on an enforcement action in Dubois County, State of Indiana.
6. **Holding tank** means a septic tank(s) or a combination of septic and dosing tanks, for which the outlet of the last tank in series has been sealed off in order to prevent sewage or effluent discharge from any tank.
7. **Installer** means any individual who performs any work in furtherance of construction, installation, replacement, alteration, or repair of any residential or commercial on-site sewage system in Dubois County, State of Indiana.
8. **Involuntary** means a need to modify or improve a dwelling or residential outbuilding due to factors outside of the owner's control, such as destruction by wind, fire, flood, or other natural disaster, or due to condemnation of a dwelling.
9. **Notice of Violation** means a written notification of an ordinance, rule, or statute violation.
10. **Order** (derived from IC 4-21.5-1-9) means a Dubois County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. The term includes a Permit.
11. **Registered Individual** means an individual who registers with the Dubois County Health Department.
12. **Voluntary** means an owner's intentional or deliberate action to construct, modify or improve a dwelling or residential outbuilding.

Section C: Construction Permits for on-site sewage systems

1. All persons owning, leasing, or otherwise occupying property not connected to sanitary sewer shall comply with the requirements of Rules 410 IAC 6-8.3 *et. seq.*, 410 IAC 6-10.1 *et. seq.*, and/or Bulletin S.E. 11 as applicable, and the provisions of this ordinance for an on-site sewage system.
2. An on-site sewage system construction permit shall be obtained by a property owner, or agent of the owner, prior to the start of construction of a home, a residential outbuilding with plumbing or any structure with plumbing, or a commercial facility.
3. The application for a construction permit issued by the Dubois County Health Department shall include:
 - a. An on-site soil evaluation report submitted by a State Approved Soil Scientist;
 - b. Written plans of sufficient clarity that it can be verified that the design of the on-site sewage system complies with the applicable rule and this ordinance;
 - c. A site review will be conducted to verify written plan complies with the applicable rule and this ordinance;
 - d. A completed application form as provided by the Dubois County Health Department;
 - e. A fee established by the Dubois County Board of Health shall be paid with each application for permits filed with the Dubois County Health Department.
 - f. A copy of any necessary recorded easements; and
 - g. Anything else deemed necessary by the Dubois County Health Officer.
4. If the on-site sewage system has not been constructed, installed, or altered after one year and the rules governing it changes, the permit shall automatically expire.
5. 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 on-site sewage system.

Section D: Professional standards

1. All on-site sewage system installers providing services in Dubois County shall abide by all associated requirements in state statutes, rules, and this ordinance regarding onsite sewage systems.
2. An installer must register with Dubois County Health Department if they provide on-site sewage system installation, including new installation, repair, replacement, alteration or abandonment in Dubois County, Indiana. Registration requires:
 - a. Applying to Dubois County Health Department for registration by
 - i. Completing the Dubois County Health Department registration form;
 - ii. Paying the appropriate registration fee as required in the Dubois County Health Department Fee Schedule.
3. Registration is valid from January 1 to December 31 of the same year and must be renewed annually.
4. A lapse of certification and/or registration or repeated violation of any state statute, rules, or this ordinance pertaining to on-site sewage systems may result in revocation or denial of renewal of a registration. An appeal of registration revocation or denial of registration renewal may be appealed to the Dubois County Board of Health.

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- a. The period of revocation shall be no less than ninety (90) days, or a time period deemed appropriate by the Dubois County Health Officer; and
- b. The registered individual shall be advised in writing for the basis of the revocation, the right and procedure for appeal and the opportunity for a hearing.

Section E: Sewage holding tanks

1. A sewage holding tank is an alternative method of sewage disposal pursuant to IC 16-41-25-9 only when all other means of sewage disposal methods in Rules 410 IAC 6-8.3 and 410 IAC 6-10.1 have been exhausted.
2. An application must be filed by the property owner or property owner's agent including:
 - a. An application form provided by the Dubois County Health Department;
 - b. A fee established by the Dubois County Board of Health shall be paid with each application for permits filed with the Dubois County Health Department.
 - c. A construction plan of sufficient clarity to show compliance with this ordinance;
 - d. A copy of a written contract with an operator of a septage management vehicle providing for the removal of septage at regular intervals; and
 - e. A written statement, signed by the property owner, indicating that copies of all receipts and other records as requested be submitted to the local health department within ten (10) days of service.
 - f. For commercial sites where IDOH has completed plan review and approval for a commercial holding tank, a copy of the written approval from IDOH.
3. All sewage holding tanks shall have a capacity of no more than 10,000 gallons.
4. A sewage holding tank shall meet all construction requirements of septic tanks in Rules 410 IAC 6-8.3 and 410 IAC 6-10.1.
5. All sewage holding tanks shall have at least one riser to the surface for ease in pumping the tank. A secondary childproof plug shall be installed under any riser to the surface.
6. A construction permit issued by the Dubois County Health Department is required prior to the installation of the holding tank or gravity sewer.
7. A gravity sewer, meeting the requirements for a residential sewer in Rule 410 IAC 6-8.3 or the requirements for a building sewer in Rule 410 IAC 6-10.1 shall be used to make a direct connection between the plumbing of the structure with plumbing and the holding tank.
8. All sewage holding tanks installed in Dubois County shall have:
 - a. an installation inspection to confirm proper installation and to confirm the outlet of the last tank has been appropriately sealed prior to backfilling; and
 - b. an audible and visible alarm that will activate when the level in the tank reaches two-thirds (2/3) of the tank's capacity;
 - c. the alarm wired in by an electrician and verified operational.
9. Use of a sewage holding tank must be discontinued if:
 - a. Connection to an approved on-site sewage system becomes available to the owner; or
 - b. Connection to sanitary sewer becomes available within three hundred (300) feet of the property line on which the sewage holding tank is being used.
10. Upon connection to an on-site sewage system or sanitary sewer, the sewage holding tank shall be abandoned unless it will be converted for use as a septic tank or a dosing tank in an on-site sewage system.

Section F: Construction and Final Inspections

1. A permit for the installation, construction, reconnection, replacement, alteration, or repair of an on-site sewage system shall not constitute final approval of such system until the same is completed to the satisfaction of the Dubois County Health Officer or the Health Officer's duly appointed representative.
2. The property owner, or agent of the property owner, shall notify the Dubois County Health Officer before the start of construction or installation of any component of the on-site sewage system.
3. The Dubois County Health Officer may inspect the work at any stage of the construction.
4. The property owner, or agent of the property owner, shall notify the Dubois County Health Officer for a final inspection of the on-site sewage system prior to covering any component of the on-site sewage system not previously inspected and approved.
5. The issuance of a construction permit shall serve as due notice to the property owner that the Dubois County Health Officer, bearing proper credentials and identification, shall be permitted to enter upon the property on which the on-site sewage system is being installed at reasonable times for the purposes of inspections, observations, measurements, sampling, and testing necessary to complete construction and final inspections.

Section G: Connection or Reconnection to an existing on-site sewage system

1. An existing residential or commercial on-site sewage system may be considered for reconnection to a new or replacement dwelling, residential outbuilding, or commercial facility if:
 - a. The original system installation was permitted through the Dubois County Health Department; and
 - b. The existing system is appropriately sized for the structure to be served.
 - i. If the connection or reconnection is due to involuntary events, the Dubois County Health Department may utilize their best judgment for system sizing when approving a connection or reconnection to an existing system.
 - ii. If the connection or reconnection is due to voluntary events, the system being connected to must meet the requirements of the appropriate rule, unless the site meets the requirements of the definition of repair or replacement construction in this ordinance.
 - c. All commercial facilities wanting to connect or reconnect to an existing system must be approved by IDOH.

Section H: Enforcement

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1. Any person found to be violating any provisions of this regulation may be served by the Health Officer or his designee with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
2. After receiving an order in writing from the Health Officer or his designee, 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 I: Penalties

1. Any person, firm or entity found to be in violation of any provision of this Ordinance and/or rule shall be fined 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 designee, shall constitute a distinct and separate offense.
2. The Dubois County Health Department shall also be entitled to seek any other legal remedy available against any person who shall violate any provision of this ordinance and/or rule.
3. The Dubois County Health Department shall be entitled to seek all legal fees incurred during enforcement of this ordinance and/or rule.
4. The penalties provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

Section J: Procedure for Appeal

1. If an applicant is refused a permit, the Health Officer shall, upon request, afford the applicant a fair hearing in accordance with provisions of IC 4-21.5-3.
2. The Health Officer 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 K: Validity

1. 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.

Section L: Fee Schedule

1. All applicable fees as set forth in the Dubois County Health Department Fee Ordinance and any amendments or revisions hereafter, shall be made payable to the Dubois County Health Department.

Section M: Prior Ordinances.

1. All ordinances, including but not limited to Ordinance 2018-01, and/or parts of ordinance in conflict herewith are hereby repealed.

Section N: Date of effect.

1. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Dubois County, Indiana, and completion of any other legal requirements, all in the manner as provided by law.

DULY ADOPTED AND APPROVED this 6th day of November, 2023 by the Board of Commissioners of Dubois County, Indiana.

RE: SURPLUS

Administrative Director Werner submitted a list of items to be declared surplus from the Health Department. Upon review, a motion was made to approve the request, was duly seconded, and carried unanimously.

Auditor Morton requested approval to declare six chairs from the third floor courtroom and two library tables from the Recorder's office as surplus. A motion was made to approve the request, was duly seconded and carried unanimously.

RE: 911 NEW HIRES

911 Director Stuart Wilson recommended hiring the following individuals as Telecommunicators: Connie Walker, to begin on November 20, 2023, and Aidan Vernon to begin on January 2, 2024. A motion was made to approve the recommendations as presented, was duly seconded and carried unanimously.

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RE: COUNTY ROAD 420 NORTH

A discussion was held on the road sign for County Road 420 North which has been stolen several times. County Engineer Wendholt will begin discussions with the four landowners living on 420 North to possibly change the road name.

RE: SHERIFF DEPUTY/SOCIAL WORKER POSITION

Sheriff Tom Kleinhelter appeared to continue discussing the creation of a Sheriff Deputy/Social Worker position. The wage classification would be MPOLE II. A discussion was held. Commissioners Hostetter and Stenftenagel are in favor of adding the position; however, would like to allow the JRAC committee to meet before making a final determination on the position. The JRAC committee will meet on Tuesday, November 7, 2023 to discuss the Justice and Mental Health Collaboration Grant which funds a similar position.

RE: COPS FOR HIRE GRANT

Sheriff Tom Kleinhelter and Chief Deputy Jesus Monarrez reported the COPS For Hire Grant was not awarded to Dubois County which would have provided funds for two additional deputies.

RE: AMBULANCE

EMS Coordinator Ryan Young provided a Fleet Summary Report for 2023 and requested an Additional Appropriation in the amount of \$15,000 for ambulance repairs. A motion was made to approve the request, pending Council approval, was duly seconded, and carried unanimously.

RE: CLERK'S OFFICE

Clerk Amy Kippenbrock submitted a request to close the Clerk's office at 4:00 p.m. on November 22, 2023 and on December 27, 2023. Probation and Small Claims are closed on those days as well. A motion was made to approve the request, was duly seconded, and carried unanimously.

RE: REGIONAL SEWER DISTRICT

Mary Austin, Clark Dietz, will begin holding meetings with property owners where lift stations and land acquisition will be needed. The next public informational meeting will be held at Vincennes University Jasper Campus in the CTIM Auditorium on November 16, 2023 at 6:30 p.m.

Austin discussed requirements needed to set up the legal entity. IDEM will hold a public meeting, possibly in December 2023.

Austin also presented a Professional Services Agreement Amendment 1# at a cost not to exceed \$800,000. A motion was made to approve the Amendment, was duly seconded, and carried unanimously.

RE: COUNTY AMAZON ACCOUNT

Auditor Morton and Deputy Auditor Stacy Pancake provided information on county emails being used for personal Amazon accounts by three employees. This item will be discussed at the Department Head meeting on November 15, 2023, and a mass email will be sent to all employees detailing that county emails are not to be used for personal business. The Amazon account will be set up to block future emails using @duboiscountyin.org.

Deputy Auditor Pancake presented information on shipping costs and by using Amazon Business Prime, the County could save additional costs with deeper discounts. The cost for Business Prime would be \$1,299 per year after the first year, which is free. Currently, there are 16 departments using the County Amazon account.

Auditor Morton discussed raising the account credit limit from \$5,000 to \$8,000. A discussion was held on the use of Amazon versus using local vendors.

A motion was made to block employees from using their county email for personal use on the Amazon account, to increase the credit limit to \$8,000, to send an email to all employees to close personal accounts using county email and to begin using the Prime Business Account services. The motion was duly seconded and carried 2-1. Hostetter was the dissenting vote.

RE: WATER FOUNTAIN BOTTLE FILLER

Prosecutor Beth Schroeder submitted a request to purchase a water fountain bottle filler in the Prosecutor's office using Prosecutor Forfeiture funds. A motion was made to approve the request, was duly seconded and carried unanimously.

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RE: JRAC – OPIOID MATCHING GRANT - AGREEMENTS

County Attorney Greg Schnarr presented the following Agreements for consideration:

Dove Recovery House Professional Services Agreement – a motion was made to approve the Agreement, was duly seconded, and carried unanimously.

Memorial Hospital and Health Care Center Professional Services Agreement – a motion was made to approve the Agreement, was duly seconded, and carried unanimously.

RE: CONSTRUCTION UPDATE

Commissioner Blessinger provided an update on the jail construction project.

RE: REGIONAL SEWER DISTRICT

The final public meeting for the Regional Sewer District will be held by Clark Dietz on November 16, 2023 at Vincennes University in the CTIM Auditorium at 6:30 p.m.

RE: FUTURE MEETING

The next regular meeting will be held on Monday, November 20, 2023 at 8:00 a.m. in the Commissioner/Council Room of the Courthouse Annex.