

**SECOND REGULAR MEETING DUBOIS COUNTY COMMISSIONERS  
DECEMBER 18, 2023**

The second regular meeting of the Dubois County Commissioners was held in the Commissioners/Council Room of the Courthouse Annex in Jasper, Indiana, beginning at 8:30 a.m. (EST) on December 18, 2023. Present were Commissioners Chad A. Blessinger, Nick Hostetter and Serice Stenftenagel. Also present were County Auditor Sandra L. Morton, Highway Superintendent Steve Berg, Highway Engineer Brent Wendholt and County Attorney Gregory Schnarr. A quorum was declared present and the meeting was opened for business by President Blessinger.

Minutes of the December 4, 2023 meeting of the Board of Commissioners were approved as presented. 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: CLERK'S REPORT**

The Clerk's monthly report for November 2023 was reviewed and accepted as presented.

**RE: TREASURER'S REPORT**

The Treasurer's monthly report for November 2023 was reviewed and accepted as presented.

**RE: HIGHWAY SUPERINTENDENT'S REPORT**

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

White Stallion Meeting – The meeting was held on December 5, 2023 and was well attended. Many topics were discussed with good interactions from the audience. Berg and Michael Costello will meet to review items discussed at the meeting, will work with landowners, and will finalize plans. A second public information meeting will be held in February 2024.

High Weeds and Junk Ordinance Violation – Ms. Chineca Brown, owner of the property located at 2015 E SR 64, Huntingburg, IN, has been summoned to appear later in the meeting.

Expiring Service Agreements with Waste Management – Berg presented Service Agreements with Waste Management for the following sanitation sites:

	<u>Equipment</u>	<u>Haul Rate</u>	<u>Disposal/Ton</u>	<u>Usage/Month</u>
Jasper	42 Yard Compactor	\$189.54	\$37.84	\$300.75
Huntingburg	42 Yard Compactor	\$187.00	\$38.78	\$293.41
Ireland	42 Yard Compactor	\$195.67	\$38.79	\$308.26
Ferdinand	42 Yard Compactor	\$194.00	\$37.05	\$ 83.41
Ferdinand	20 Yard Open Top	\$194.00	\$37.05	\$ 30.00

A motion was made to approve the Service Agreements as presented, was duly seconded, and carried unanimously.

Sanitation Site 2023 Holiday Hours – Because Christmas Day and New Year's Day occur on a Monday, the Jasper, Huntingburg, Ireland, Dubois, and Ferdinand sites will be closed to observe the holiday.

Transfer of Appropriation – Berg requested a transfer of appropriation in the Solid Waste Sticker fund from Highway Reimbursement to Refuse Disposal in the amount of \$5,000. A motion was made to approve the request, was duly seconded, and carried unanimously.

Freeze Thaw Ordinance – To prevent damages caused by excess weight on County roads during periods of freeze-thaw conditions, Ordinance 2023-19 was presented. A motion was made to approve the Ordinance, was duly seconded and carried unanimously.

**RE: ORDINANCE 2023-19**

ORDINANCE NO. 2023-19

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,

OF DUBOIS COUNTY, INDIANA, THAT:

1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2024 through April 15, 2024. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 18, 2023

**RE: HIGHWAY ENGINEER'S REPORT**

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

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Safe Streets for All (Action Plan) - Nothing new to report.

Duff Solar Park Road Use Agreement - EDP has been finalizing the agreement, but they need to get some stuff figured out on their end and it will not be ready until January.

2023 Distressed Road Paving - The Distressed Road Paving projects will be bid on February 5, 2024. The following roads will be paved:

Meridian Road, 130 West, 225 South, 400 South & WITZ Road  
This will be an estimated \$1.1 million worth of paving projects.

2024-01 CCMG Projects - The next round of Community Crossings will be open for applications next month. The plan is to repave the following roads:

Ferdinand Road East (3.44 miles) (From Ferdinand Town Limits to Spencer County Line)  
350 South (1.64 miles) (From St. Rd. 162 to St. Anthony Rd West)  
St. Anthony Road West (1.29 miles) (From C.R. 350 South to C.R. 450 South)  
450 South (0.19 miles) (From St. Anthony Rd West to Ernie's Welding Shop)  
Holiday Lake Road (1.71 miles) (From St. Rd. 162 to C.R. 75 East)  
815 South (0.90 miles) (From St. Rd. 162 to Holiday Lake Road)  
This is an estimated \$1.4 million worth of paving projects.

Road Prioritization Books - The 2023 Road Prioritization Book has been prepared and sent electronically to the Commissioners. The book provides a reference on each road section in the County. Wendholt is available for any questions or comments.

**RE: 2024 APPOINTMENTS**

The following 2024 appointments were discussed:

Huntingburg Planning Commission      Pimitino Nino      1/1/2024 to 12/31/2027

A motion was made to approve the appointment, was duly seconded and carried unanimously.

Airport Authority Board      Mary E "Becky" Beckman      1/1/2024 to 12/31/2027

A motion was made to approve the appointment, was duly seconded, and carried unanimously.

**RE: SECURITY CENTER PHONE SERVICE**

Commissioner Blessinger discussed making a change to the phone service at the Security Center. The service will add ten SIP trunks and be ported from Frontier PRI to the Courthouse SIP service provider which could save approximately \$500 per month. A motion was made to approve the agreement with Matrix Integration at a cost of \$1,947.41, was duly seconded, and carried unanimously.

**RE: COMMERCIAL ENERGY SOLAR PERMIT**

County Attorney Schnarr presented a sample of a Commercial Energy Solar Permit. Consensus was to have Schnarr prepare a final version for approval.

**RE: MEETING RECESS**

The meeting was called into recess at 9:00 a.m. to hold a Commissioner Court for a Weed Violation Hearing.

**RE: WEED ORDINANCE VIOLATION - BROWN**

It being 9:00 a.m., Commissioner Blessinger opened Commissioner Court for a Weed Ordinance Violation. Highway Superintendent Steve Berg and Chineca Brown were in attendance.

A Notice to Appear was sent by certified mail, regular mail, and personal delivery to Chineca Brown for the property located at 2015 E SR 64, Huntingburg, IN, in violation of County Municipal Code 92.02 and 92.03. Highway Supervisor Berg presented photos of the property. A formal complaint and phone calls were received regarding the property. Berg made several attempts to discuss the issues with Ms. Brown. Ms. Brown stated her confusion about the complaint. County Attorney Schnarr read the Ordinance to clarify her questions. She presented updated photos of the property taken earlier in the day and discussed what she has done to clear the property.

Consensus was for Ms. Brown to maintain the property and not to take any action against her on this complaint. Should a future complaint be received or subsequent violation occur regarding her property, it will be treated as a new case.

**RE: MEETING RECONVENE**

The meeting was reconvened at 9:15 a.m.

**RE: BIRK DRIVE PROPERTY**

County Attorney Schnarr provided an update on a pending civil case in Dubois Superior Court involving the County and the County Health Department. Settlement negotiations have occurred

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regarding the clean-up of the subject property located on Birk Drive in Jasper, and an agreed order to proceed with remediation, sheriff sale and the allocation of sale proceeds.

A motion was made to allow the County to enter into an Agreed Order, pursuant to the same or similar terms as discussed, in Cause No. 19D01-2208-CC-000448 regarding the clean-up and remediation of the subject property, subsequent sheriff sale and the allocation of sale proceeds from the sale; and allowing County Attorney Schnarr to enter into the Agreed Order on behalf of the County. The motion was duly seconded and carried unanimously.

A motion was made to allow the County to enter into a contract for cleanup with Bio-Meth Management, LLC, along with the City of Jasper and Springs Valley Bank & Trust, wherein each of the parties will share equally in one-third of the remediation costs, with the County's share coming from the Commissioners' budget ordinance enforcement, and to allow the Board of Commissioners to enter the agreement once in its final form. The motion was duly seconded and carried unanimously.

**RE: KYANA STREET VACATION**

Corey Bettag, Cash Waggner & Associates, appeared to request information for the vacation of Poplar Street in Kyana, an unincorporated town in Jefferson Township. Per the plat, Poplar Street has an 80' right-of-way. Bettag is proposing to vacate a portion of the road which is a .274 acre area on the south side. A discussion was held on the road dimensions and access for the undeveloped lots. Consensus was to proceed with a recommendation to vacate 20' on the south side of the road. Bettag will return at a later date for formal approval.

**RE: AIRPORT AUTHORITY BOARD MEMBER RECOGNITION**

The Commissioners presented a service award to Harvey Berger for serving as a board member on the Airport Authority Board for 28 years. Mr. Berger will retire from his position on December 31, 2023.

**RE: RESOLUTION 2023-18**

County Attorney Schnarr presented Resolution 2023-18, a Joint Resolution with the County Council to adopt and approve an Interlocal Cooperative Agreement with the City of Jasper for the Extension of 15<sup>th</sup> Street Bridge. A motion was made to approve the Resolution as presented, was duly seconded, and carried unanimously.

**RESOLUTION NO. 2023 - 18**

**A JOINT RESOLUTION OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS AND DUBOIS COUNTY COUNCIL TO ADOPT AND APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE GOVERNMENT OF THE CITY OF JASPER, INDIANA FOR EXTENSION OF 15<sup>TH</sup> STREET AND CONSTRUCTION OF A BRIDGE OVER CROOKED CREEK**

WHEREAS, the Board of Commissioners ("Board") and the County Council ("Council") of Dubois County, Indiana ("County") have received a proposed Interlocal Agreement by and between the County and the government of the City of Jasper, Indiana ("City"), said Agreement being attached hereto and made a part hereof, and entitled "INTERLOCAL COOPERATION AGREEMENT FOR THE EXTENSION OF 15<sup>TH</sup> STREET, BETWEEN THE CITY OF JASPER AND DUBOIS COUNTY" ("Agreement");

WHEREAS, a power that may be exercised by an Indiana political subdivision and by one (1) or more other governmental entities may be exercised by one or more entities on behalf of others; or jointly by the entities pursuant to I.C. §36-1-7-2;

WHEREAS, the City is located within the boundaries of Dubois County and the public thoroughfare known as 15<sup>th</sup> Street ("Street") traverses the City from East to West;

WHEREAS, extension of the Street to connect with SR 56 would cross Crooked Creek within the City and would require design and construction of a bridge under the County's jurisdiction ("Bridge");

WHEREAS, the City otherwise has ownership, control and jurisdiction of the Street within its boundaries;

WHEREAS, the City has undertaken a project to extend 15<sup>th</sup> Street to SR 56 ("Project") which includes, extending 15<sup>th</sup> Street west over Crooked Creek to provide a connection to SR 56, including but not limited to approximately 2,200 feet of new two-lane curbed connector roadway and a bridge designed for construction. The roadway connection to SR 56 will be at the current location of the drive approach for Legacy Living and will tie into the existing 15<sup>th</sup> Street at Heather Court. The Project will also include design and construction of any necessary stormwater infrastructure;

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WHEREAS, the Project is scheduled to commence in June, 2024 and the County, through the attached Agreement, has pledged to contribute the sum of approximately One Million One Hundred Fifty Thousand Dollars (\$1,150,000) Dollars to the cost of the project;

WHEREAS, the County and City have reached an understanding on the performance, management, timing and funding of various aspects of the Project improvements and have memorialized that understanding in the attached Agreement under the Interlocal Cooperation Act ("Act") of the State of Indiana (I.C. §36-1-7, *et seq.*, particularly I.C. §36-1-7-9); and

WHEREAS, the Board and Council, in order to make the Agreement effective under the Act, desires to enact this Resolution 2023-18 approving and adopting the Agreement, authorizing its execution, and spreading same upon the public record.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY AND THE COUNTY COUNCIL OF DUBOIS COUNTY as follows:

SECTION 1. The "INTERLOCAL COOPERATION AGREEMENT FOR THE EXTENSION OF 15<sup>TH</sup> STREET, BETWEEN THE CITY OF JASPER AND DUBOIS COUNTY" which is attached hereto and made a part hereof is hereby approved and adopted in all respects.

SECTION 2. The Board of Commissioners and Auditor of the County are hereby authorized to execute and attest to said Agreement, respectively. Upon such execution and the occurrence of the other acts of execution, recording and filing set out in the Agreement, the instrument attached hereto shall constitute the valid and subsisting agreement of the County for the uses and purposes stated therein.

SECTION 3. The provisions of Sections 1 through 19 of said Agreement in their entirety, inclusive, are specifically incorporated herein by reference as if fully set out as an integral part of this Resolution. All resolutions or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This resolution shall become effective upon adoption in the manner required by law.

DULY ADOPTED AND APPROVED this 18<sup>th</sup> day of December, 2023 by the Board of Commissioners of Dubois County, Indiana.

**RE: SURPLUS**

Auditor Morton presented a request from Soil & Water Conservation to declare two desks as surplus. A motion was made to approve the request, was duly seconded, and carried unanimously.

**RE: ANNUAL CERTIFICATIONS**

Auditor Morton presented the elected official's annual certification forms for Nepotism and Contract Disclosure for 2023.

**RE: SECURITY CENTER CONSTRUCTION**

Commissioner Blessinger provided an update on the Justice Center construction project for Emergency Management and the 911 Center.

**RE: 2024 MEETINGS**

The Board of Commissioners will continue to meet on the first and third Monday of each month in 2024, except for holidays that fall on Monday, then will meet on Tuesday.

**RE: FUTURE MEETINGS**

The next regular meeting will be held on Monday, January 2, 2024 at 8:00 a.m. in the Commissioner/Council Room of the Courthouse Annex. The Drainage Board will meet on January 2, 2024 at 9:00 a.m.