

SECOND REGULAR MEETING DUBOIS COUNTY COMMISSIONERS

JUNE 19, 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 June 19, 2023. Present were Commissioners Nick Hostetter and Serice Stenftenagel. Also present were County Auditor Sandra L. Morton, County Attorney Gregory Schnarr and Highway Engineer Brent Wendholt. A quorum was declared present and the meeting was opened for business by Vice-President Hostetter. Commissioner Chad A. Blessinger and Highway Supervisor Steve Berg were absent.

Minutes of the June 5, 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: TREASURER'S REPORT

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

RE: CLERK'S REPORT

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

RE: 2024 BUDGET - SOLID WASTE MANAGEMENT DISTRICT

Director Carla Striegel-Winner requested an appropriation of \$258,000 from the County for the 2024 budget. A motion was made to approve the budget request pending County Council approval in the amount of \$258,000 for the 2024 Commissioner budget. The motion was duly seconded and carried 2-0.

Director Striegel-Winner requested approval to start searching for a used vehicle to replace the Isuzu NPR at a cost not to exceed \$20,000. A motion was made to approve the request to purchase a vehicle pending approval by the County Council, was duly seconded and carried 2-0.

RE: H.E.L.P. STRATEGIC INVESTMENT PLAN

Auditor Morton presented the final version of the Hoosier Enduring Legacy Plan Strategic Investment Plan. A motion was made to approve the SIP, 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) – Wendholt presented the proposed Safe Streets Contract with FHWA and recommended approval. A motion was made to approve the contract, was duly seconded and carried 2-0.

Bridge #14 Replacement (Division Road) – The asphalt paving for the approaches is being completed this week, then the shoulder stone will be placed, the guard rail installed, and striping applied.

CCMG 2022-2 - The Community Crossing project is complete, as well as the Change Order with a net decrease of \$254.88 for the entire project. A motion was made to approve the Change Order decrease, was duly seconded and carried 2-0.

2023 HAC Paving Projects –

2022-2 CCMG	Portersville Road/Town of Portersville	Completed on May 24 th
23-01	100 E, 420 N, & 520 N	Completed on June 14 th
23-02	550 W & 450 W	To be paved June 19 th and 20 th
23-03	300 N & 325 E	Not Yet Scheduled
23-04	Celestine Road North	Not Yet Scheduled
23-05	500 E & Town of St. Marks	Not Yet Scheduled

RE: HIGHWAY SUPERVISOR'S REPORT

Due to the absence of Highway Supervisor Steve Berg, no report was given.

RE: BRESCHER HOUSING LLC

Phil Buehler, Brosmer Land Surveying and Engineering, presented a Petition to Vacate Part of the Dedicated Public Alley in Jesse C. Corn's South and West Addition to the Town of Ireland in Madison Township. A motion was made to accept the Petition to Vacate the Dedicated Public Alley, was duly seconded and carried 2-0.

RE: ORDINANCE 2023-09

County Attorney Greg Schnarr presented Ordinance 2023-09. A motion was made to adopt Ordinance 2023-09 – An Ordinance Vacating Part of Public Alley in Jesse C. Corn's South and West Addition to the Town of Ireland, Indiana in Madison Township. The motion was duly seconded and carried.

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ORDINANCE NO. 2023-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS

OF DUBOIS COUNTY, INDIANA

VACATING PART OF PUBLIC ALLEY IN JESSE C. CORN'S SOUTH AND WEST ADDITION TO THE TOWN OF IRELAND, IN MADISON CIVIL TOWNSHIP, DUBOIS COUNTY, INDIANA

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

SECTION 1. It is the finding of this Board, after public hearing held on June 19, 2023, that adequate reason exists for the vacation of certain portions of the following undeveloped alleys located in Jesse C. Corn's South and West Addition to the Town of Ireland, Madison Civil Township, Dubois County, Indiana, to-wit:

Alleys Between Lots 5 & 6 and West of Lots 5 & 6 Between Clay Street and South Street to be Vacated:

The alley situated along the west line of Jesse C. Corn's South and West Addition between South Street and Clay Street and the alley situated between Lots Five (5) and Lot Six (6) of Jesse C. Corn's South and West Addition, Dubois County, Indiana, as recorded at Plat Book 2, Page 35 of the Dubois County Recorder's Office, being that 0.111-acre tract surveyed by Philip J. Buehler, Indiana Professional Surveyor No. LS21000213, with Brosmer Land Surveying & Engineering, Inc., as shown on a plat of survey certified on 5 April 2023, and being more completely described as follows:

Commencing at an existing MAG spike at the southeast corner of the Southeast Quarter of Section Nineteen (19), Township One (1) South, Range Five (5) West;

thence North 00 degrees 02 minutes 36 seconds East a distance of 1677.21 feet along the east line of said quarter section to an existing MAG nail bearing bronze surveyor's tag inscribed "BUEHLER 21000213" at the southeast corner of Jesse C. Corn's South and West Addition to the Town of Ireland, as recorded at Plat Book 2, Page 35 of the Dubois County Recorder's Office;

thence South 89 degrees 57 minutes 25 seconds West a distance of 699.99 feet along the south line of said Jesse C. Corn's Addition to an existing 5/8-inch iron rebar bearing an orange plastic surveyor's cap inscribed "BUEHLER 21000213" (hereafter referred to as a "capped iron rebar") at the southwest corner thereof;

thence North 00 degrees 02 minutes 36 seconds East a distance of 50.00 feet along the west line of said Jesse C. Corn's South and West Addition to the northwest corner of vacated Clay Street (Ordinance 99-05, Record Document 219725), being the **point of beginning** of the herein described tract;

thence continuing North 00 degrees 02 minutes 36 seconds East a distance of 3.18 feet along the west line of said Jesse C. Corn's South and West Addition to an existing capped iron rebar at the southeast corner of the Trust No. 155402 dated 6/20/75 G. Douglas Edwards Trustee, as recorded at Record Document 2004007259 of the Dubois County Recorder's Office;

thence North 00 degrees 59 minutes 30 seconds West a distance of 314.56 feet along the west line of said Jesse C. Corn's South and West Addition to a capped iron rebar set this survey at the south line of South Street;

thence South 89 degrees 07 minutes 01 seconds East a distance of 10.76 feet along the south line of said South Street to the northwest corner of Lot Five (5) of said Jesse C. Corn's South and West Addition;

thence South 00 degrees 59 minutes 30 seconds East a distance of 152.78 feet along the west line of said Lot Five (5) to the southwest corner thereof;

thence South 89 degrees 20 minutes 46 seconds East a distance of 119.63 feet along the south line of said Lot Five (5) to the southeast corner thereof, being at the west line of vacated St. James Street (Ordinance 99-05, Record Document 219725);

thence South 00 degrees 02 minutes 57 seconds West a distance of 12.00 feet along the west line of said vacated St. James Street to the northeast corner of Lot Six (6) of said Jesse C. Corn's South and West Addition;

thence North 89 degrees 20 minutes 46 seconds West a distance of 119.41 feet along the north line of said Lot Six (6) to the northwest corner thereof;

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thence South 00 degrees 59 minutes 30 seconds East a distance of 152.78 feet along the west line of said Lot Six (6) to the southwest corner thereof, being at the north line of said vacated Clay Street;

thence North 90 degrees 00 minutes 00 seconds West a distance of 10.81 feet along the north line of said vacated Clay Street to the **point of beginning** of the herein described tract.

Containing **0.111 acre.**

A plat/map depicting the dedicated Public Alleys to be vacated is attached hereto as "Exhibit A".

This Board further finds as follows:

- (a) That proper notice has been given by publication for said public hearing.
- (b) That the adjacent property owners were served with notice of the public hearing by certified mail.
- (c) That the described portions of the dedicated alleys have never been developed, but are currently in yards or private use areas, are of no essential public purpose, are not necessary for the extension of public utilities to any property contiguous thereto, are not necessary for access, ingress or egress with respect to any property contiguous thereto, are not necessary for the growth or orderly development of the immediate neighborhood, and vacation would not hinder access to any church, school or public building or place.
- (d) That all developed Lots within Jesse C. Corn's South and West Addition to the Town of Ireland are served with utilities situated within public rights-of-way or by easement agreements entered into by the respective Lot owner(s) and the respective public utility service. The development of the undeveloped Lot 5 and Lot 6 will coordinate utility extensions and the corresponding required utility easements, said easements not to be situated within the existing dedicated public alleys proposed to be vacated. The vacation of the existing dedicated public alleys will not adversely affect any Lot's current or future ability to be served by public utilities. Said vacation will not adversely affect the conveyance of surface storm water within Jesse C. Corn's South and West Addition to the Town of Ireland.
- (e) That developed adjacent lots are all served by direct access to other developed public streets.
- (f) That the adjacent property owners have been notified of the petition by Certified mail and have represented to the Petitioner and the County, through its attorney, they have no interest in taking possession of any portion of the vacated alleyways.
- (g) There are no known public utilities existing along, over and/or under said dedicated street. Pursuant to I.C. § 36-7-3-16, this ordinance shall not deprive any public utility of the use of all or part of said public way to be vacated, as the utility is occupying and using all or part of the public way for the location and operation of its respective facilities, and that the easements for said utilities shall continue after vacation of the street.
- (h) That the vacation of said public alleyways will not diminish the value of any other real estate located in the vicinity thereof.
- (i) That no reason exists for the continued existence of said alleyways and the same should now be vacated.

SECTION 2. That the portion of said alley situated along the west line of Jesse C. Corn's South and West Addition between South Street and Clay Street and the alley situated between Lots Five (5) and Lot Six (6) of Jesse C. Corn's South and West Addition, Dubois County, Indiana, as herein described shall be and is hereby vacated, subject however to a continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

SECTION 3. That legal title in and to said real estate shall be and is hereby vested fully in the petitioning property owner, to-wit: Brescher Housing, LLC.

SECTION 4. This Ordinance shall be in full force and effect from and after its adoption.

DULY PASSED ADOPTED at a public meeting, this 19th day of June, 2023 by the Board of Commissioners of Dubois County, Indiana.

RE: SURPLUS ITEMS

Purdue Extension Director Chelsea Brewer presented a list of items to be declared surplus. The list of items was reviewed. Following discussion, a motion was made to declare all listed items except the

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Office Safe, was duly seconded, and carried 2-0. Brewer was directed to reach out to Junk-It for a dumpster drop in exchange for the metal items. The office items may be sold to employees on a first come, first served basis with all proceeds to be deposited into the County General fund.

RE: PROSECUTOR STAFF REQUEST

Prosecutor Beth Schroeder requested the creation of a new full time Prosecutor Assistant. She has decided not to seek the creation of a part time Investigator. A discussion was held on the following options: hiring a part time position, increasing the weekly work hours of the current staff, or sharing an employee from a different office on a lateral move. Due to the absence of Commissioner Blessinger, the consensus was to table a decision until the meeting on July 3, 2023.

RE: 911 STAFF REQUEST

911 Director Stuart Wilson requested an additional telecommunicator position for the 2024 budget. Due to the absence of Commissioner Blessinger, the consensus was to table a decision until the meeting on July 3, 2023.

RE: 911 RADIO CONSOLE BID OPENING

It being 10:00 a.m., the time advertised for the receipt of bids for the Radio Console the following bids were thereupon received, opened and read aloud:

Advanced Radio Communications	\$251,957
Motorola Solutions – ERS Wireless	\$459,687

The bids were taken under advisement.

RE: 911 CONSULTING CONTRACT ADDENDUM

911 Director Wilson presented Addendum No. 1 of Exhibit B to the Managed Services Contract with RSS Consulting Services for an estimated cost not to exceed \$3,000. The expenses will be paid with the Commissioner Other Operating. A motion was made to accept Addendum #1 as presented, was duly seconded and carried 2-0.

RE: PUBLIC HEALTH - RESOLUTION 2023-08

Health Administrative Director Shawn Werner discussed the Governor's Commission on Public Health. A motion was made to approve Resolution 2023-08 to accept (opting-in) the State Public Health Funding, was duly seconded and carried 2-0.

**RESOLUTION NO. 2023-08
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF DUBOIS COUNTY, INDIANA ACCEPTING STATE PUBLIC HEALTH FUNDING**

WHEREAS the Board of Commissioners of Dubois County, Indiana is the county executive body and authorized by law to adopt ordinances and resolutions for the administration of Dubois County Government; and

WHEREAS the Indiana Legislature has passed Senate Enrolled Act 4-2023 and House Enrolled Act 1001-2023, to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being; and

WHEREAS the Board of Commissioners of the Dubois County, Indiana recognizes the importance of public health to support a healthier community and create a better quality of life for its residents.

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED by the Board of Commissioners of Dubois County, Indiana as follows:

1. The Board of Commissioners of Dubois County, Indiana supports initiatives that sustain and maintain core public health services at the county level with local input and flexibility to meet the needs of the community.

2. The Board of Commissioners of Dubois County, Indiana commits to the County's right to self-direct and acknowledges that by opting-in and accepting these funds it retains authority and control of the county health department otherwise afforded to it under state law or code pursuant to Indiana Code 16-20-1-12(i).

RESOLVED this 19th day of June, 2023.

RE: PUBLIC HEALTH - ENVIRONMENTAL HEALTH/ HEALTH EDUCATOR

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Health Administrator Shawn Werner requested the creation of an Environmental Health/Health Educator Position, with a wage classification of PAT III, to be funded through the Governor's Commission funding. The position will begin January 1, 2024. A motion was made to create the position, was duly seconded and carried 2-0. Sample job descriptions were presented and will be finalized with Human Resources.

RE: PUBLIC HEALTH - COMMUNITY HEALTH WORKER

Health Administrator Shawn Werner requested the creation of two Community Health Worker positions, with a wage classification of COMOT III, to be funded through the Governor's Commission funding to begin January 1, 2024. A motion was made to create the two positions, was duly seconded and carried 2-0.

RE: ST CHARLES ANNEX - WIC LEASE

Auditor Morton and Health Administrator Werner discussed the need to update the Lease with St. Mary's Warrick Hospital for office space in the St. Charles Annex for the Women, Infants, and Children (WIC) program. County Attorney Schnarr will review and update the current lease.

RE: SEPTIC ORDINANCE 2018-1

Health Administrator Werner discussed a change in the Indiana Code which will affect County Ordinance 2018-1. The County Ordinance is under review and will be amended.

RE: PORTERSVILLE WEST ROAD PAVING

Paul Gary Schnarr and Max Renner, Boone Township Residents, appeared to request chip seal/paving on Portersville Road West in Boone Township near the Pike County line. Per Mr. Schnarr, an original request was made in 2004 but no paperwork was presented. The current chip seal policy was discussed. County Engineer Wendholt will research the issue and look for any documents or notes that may exist.

RE: BICYCLE AND PEDESTRIAN TRAIL PLAN GRANT

Councilmember Daryl Schmitt had questions on the Bicycle and Pedestrian Trail Plan. Currently, Mark Nowotarski has agreed to work on the DNR Next Level Trails Grant and to apply in 2024.

RE: FUTURE MEETING

The next regular meeting will be held on Monday, July 3, 2023, at 8:00 a.m. in the Commissioners/Council Room of the Courthouse Annex.