

Board of Commissioners  
December 15, 2009 – 2:30 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

### Legislative Update

Adam Dickey, Field Representative for Congressman Baron Hill, discussed a bill proposed by Hill regarding FEMA Regulations. It would allow a state that is a neighbor of a state that was declared a disaster area to receive benefits if the damage reaches a certain threshold.

Dickey also gave the commissioners a list of frequently asked questions regarding the House's version of the Health Care Bill. Logsdon asked if there was a good website to visit to research both sides of the issue. Dickey suggested [www.factcheck.org](http://www.factcheck.org).

Dickey further stated that Hill's office is following the progress of the gasification project with interest and offered help if needed.

### Drainage- Little Pigeon Creek

Surveyor Herron reported the bids were opened at the Warrick County Drainage Board meeting for the joint project on Little Pigeon Creek. The bid was awarded to the low bidder, Bigge Excavating, for \$19,500. The bill will be divided equally between Warrick County and Spencer County. Herron's estimate on the project was \$28,000 to \$32,000.

### Annual Highway Supply Bids

Painter discussed the six bid packages opened at the prior meeting. He and the commissioners made the following decisions:

Package #1 (Gas & Fuel): Painter stated that three fuel suppliers made bids for unleaded gasoline, off-road diesel, and on-road diesel. All three bid both a flexible rate and a firm rate. Painter reported that with two of the suppliers restrictions were placed on the firm price, requiring the county to comply with the usage estimates. The third supplier told Painter they would be willing to set the firm price for variable lengths of time and would not hold the county to the usage estimate. Gogel made a motion to defer making a decision on the fuel until the meeting on December 29 to give Painter time to get the offer in writing. Logsdon seconded. All in favor.

Package #2 (Crushed Limestone): Logsdon made a motion to accept the bid from Mulzer Crushed Stone (the only bidder). The price will remain the same as the price in 2009. Gogel seconded. All in favor.

Package #3 (Gravel & Sand): Logsdon made a motion to accept the bid from Mulzer Crushed Stone (the only bidder). The price will remain the same as the price in 2009. Gogel seconded. All in favor.

Package #4 (Bituminous Materials & Services): Gohmann Asphalt, J.H. Rudolph, and Metzger Construction were all responsive bidders. Logsdon made a motion to accept all three bids. Gogel seconded. All in favor.

Package #5 (Transport Seal & Prime Oil): Asphalt Materials and Marathon Oil Co. both presented bids for the AE-90, but only Asphalt Materials presented a bid for the AE-Prime. Gogel made a motion to accept the bids from Asphalt Materials. Logsdon seconded. All in favor.

Package #6 (Pipe): Logsdon made a motion to accept the bid from CPI Supply (the only bidder). Gogel seconded. All in favor.

### Rickleman Property

Logsdon reported he went to the Rickleman property and spoke with the Harpers. The Harpers removed the fence over the alley Rickleman used as access to his property. The Harpers said they would drop the complaint against Rickleman if he is willing to let them replace the fence over the alley and his is willing to use the drive on the west side of his property. Further discussion was had on any progress Rickleman made on cleaning up the property. Gogel made a motion to table the discussion until December 29, asking for notification to be sent to Rickleman requesting him to attend. Logsdon seconded. All in favor. Notice will also be sent to Harpers.

### Luce Sewer – Ed Ingram

LTRSD Board President Ed Ingram was present at the commissioners' meeting per the request of the commissioners. Rininger stated Ingram is not representing the commissioners' opinion on the board as agreed when the appointment was made. Rininger asked Ingram to resign from the board.

Ingram stated the LTRSD is an independent entity and he is a representative of the people of the district, not a puppet of the commissioners. He said he votes his conscience and votes how he feels is best for the district.

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He stated that the sewer district has a stipulation in the bi-laws for the removal of a board member and they can only be removed "for cause", and not voting the way the commissioners want is not "cause".

He stated he has never been in the majority on the board, so he has never been able to sway a decision on the board. He said it is the people of the district who are stopping the progress.

Logsdon asked Ingram what would have happened if Ingram had been unbiased or had been more positive in his role as a leader in obtaining funding. Ingram said the funding for the district has been pursued by outside people other than the board and he has been nothing but a figurehead. Logsdon stated Ingram publicly and verbally opposed the project. He asked Ingram if he saw any positives to Luce Township having a sewer system. Ingram stated nothing really would change except causing people who do not need it to spend money on it. Ingram said he is not against having a sewer system but he is against this system. Logsdon asked if Ingram saw any advantages for the tax base. Ingram said some need the sewer, some do not. Logsdon stated there is a top rate school in a community that is declining; he asked if Ingram thought a sewer system would help the community. Ingram stated it would only help the people who have a system that is failing.

Ingram stated that stimulus funding is available to green projects and the district should be putting in the smaller "green" systems.

Rininger stated the sewer project was started because of the toxins in the ditches and the faulty systems in the area. He also stated that assistance would be available for those that need it. Rininger stated the county gave the money with the expectation of a sewer system being built.

Ingram stated the money was supposed to go toward building a system not to pay off debt. Logsdon stated as long as the board is divided, more money will be wasted.

Ingram stated 2.4 million was added to the project just by moving the pipe to the county roads.

Logsdon stated when the Luce Township people are behind a project, nothing will stop it from being completed. He said the leadership needs to find a way to bring the community together. Ingram said people have been lied to from the beginning.

Board member Wayne Bond stated the project was ruined early on when it was taken away from the Luce people and given to Rockport. Discussion was had on the size of the treatment plant required by IDEM. Bond said the size of the project would require a treatment plant that would be too large for the area. Bond also stated the engineers underestimated the money needed for chemicals to treat the sewage. He further stated that if the district is forced to connect with Rockport, then the boards should just combine into one. Logsdon asked if Rockport has enough capacity to handle Luce. Bond said yes.

Logsdon stated the whole county is paying for the Luce Sewer Project and the county wants to see the community have the opportunity to grow. He said with a sewer system the potential is there for Luce Township to grow.

Bond stated that even after a big push to get easements only 16 easements were signed. Rininger stated there has also been a big push by some to stop people from signing. Bond said that once construction begins people will want to sign their easements.

Logsdon asked if it was possible for all the board members to agree to push to get all the easements signed and then come together and decide on a system. Bond said some would go along and some would not because they are locked in to the current system. Ingram said some will not sign unless they know what system will be pursued.

Logsdon asked if anyone would be able to sleep if the opportunity to improve the area passes. The stimulus money currently being offered does not have to be paid back and may never be offered again. Ingram said it depends on the results of the income survey if they qualify.

Rininger, returning to his original statement, said the Indiana Statutes do not address the removal of a sewer board member and so home rule will apply. Ingram stated home rule does not apply to sewer districts. If the commissioners replace him on the board, he will have the LTRSD attorney defend the bi-laws of the district with the remaining \$6,000 the district has in the bank. Ingram further stated that removing him will not affect

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whether Luce Township builds a sewer system. Logsdon asked Lueken to research the issue again and contact the sewer district attorney.

Logsdon stated the commissioners made a mistake by not giving a list of expectations when the appointment was made, and it will not happen again. He said he was happy with Ingram's appointment at the time it was made because he thought he was an expert who could get the project completed. Ingram said for the first five years of the district the board was united and they still were unable to get a system.

Gogel stated that Mariah Hill has not grown since the sewer system was installed but it is a much cleaner and better smelling community as a result. He further stated Luce Township may not have this opportunity again.

Logsdon asked Ingram when his term will expire. Ingram stated it will expire in April of 2011. Rininger said a decision will be made at the December 29 meeting.

A brief discussion was had on the letters received from IDEM.

#### Engineer Report

Stimulus Projects – Engineer Lloyd will be attending the final inspection meeting for the stimulus projects on Thursday, December 17 at 9:00 am.

Striping – Lloyd reported the cost of adding the white line striping on the outside edge of a county road is approximately the same as the cost of a double yellow line down the middle. She will add the cost estimates and recommendations to the CEDIT plan so the commissioners can decide where it might be needed.

Rumble Strips – Lloyd stated the cost of adding a rumble strip to a dangerous intersection on one side is \$1,500. Lloyd and Painter said the county could do a test intersection.

Bridge Software – Lloyd found bridge design software ranging from \$8,000 to \$20,000. She will be contacting other county engineers to see which is the best. Logsdon asked Lloyd to find out how much of the bid for the last bridge accounted for the engineering costs.

#### Highway Report

Highway Memorials – Highway Superintendent Painter obtained a copy of the Dubois County policy regarding highway memorials. None of the other surrounding counties have a policy. Painter showed a picture of a memorial currently in the county right-of-way.

CR 350 E. South of Dale – Painter stated the railroad crossing CR 350E South of Dale is being removed and the railroad company would like the county to put up a barrier to insure people will not fall in the gap that will be left. INDOT will be closing the road eventually and making a cul-de-sac due to the construction of new SR 231, but the railroad may be removed before INDOT can complete it. Painter will contact INDOT and find out their timeline.

#### Health Insurance

Auditor Shelton asked the commissioners to sign an agreement provided by SIHO dropping the option to offer Encore as an alternative to Sagamore Select. The insurance committee recommended the change because Sagamore Select now includes Deaconess Hospital and doctors. Gogel made a motion to sign the agreement. Logsdon seconded. All in favor.

#### Health Benefit Trustees

Shelton asked the commissioners for approval to change the trustees of the Health Benefit Trust. The trustees currently listed include two past commissioners and the past payroll clerk. Shelton asked for the current commissioners and the current payroll clerk to be named the trustees. Logsdon made a motion to appoint Dan Rininger, David Gogel, himself and Tammie Roth as the Trustees of the Spencer County Health Benefit Trust. Gogel seconded. All in favor.

#### CAD System - Single Source Provider

Attorney Lueken presented a Determination of Single Source Supply for the CAD system the commissioners signed the contract for at the prior meeting. Vote was taken when the contract was signed.

#### Courthouse Maintenance – Tuck-Pointing

Lueken discussed the tuck-pointing specifications drawn up by Courthouse Maintenance Supervisor Bill Glenn. Lueken explained that due to the estimated cost of the work to be done, the commissioners could authorize

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Glenn to accept a minimum of three quotes from qualified contractors rather than going through the full bid process. After a brief discussion, Gogel made a motion to instruct Glenn to obtain three quotes from qualified contractors. Logsdon seconded. All in favor.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 4:39 pm.

Board of Commissioners,

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President  
Attest:

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Cindy Shelton, Auditor

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