

DUBOIS COUNTY COUNCIL

October 28, 2024

The Dubois County Council met on Monday, October 28, 2024, in the Commissioner/Council Chambers in the Dubois County Annex. President Michael W. Kluesner called the meeting to order at 4:30 p.m. Present at the meeting were Board Members Michael W. Kluesner, Alex P. Hohl, Doug Uebelhor, Meredith I. Voegerl, Ryan Craig, Sonya Haas, Deena J. Lewis, and Auditor Sandra L. Morton.

RE: MINUTES

President Kluesner asked if there were any additions or corrections to the minutes from the public hearing held on October 9, 2024. On motion, made by Ryan Craig, and seconded by Meredith Voegerl, the minutes were approved as written.

RE: ADOPTION – DUBOIS COUNTY BUDGET

President Kluesner asked for a motion to adopt the 2025 Dubois County budget in the amount of \$36,633,324. On motion, made by Ryan Craig, seconded by Alex Hohl, the budget was adopted. The motion carried unanimously. Auditor Morton presented Ordinance 2025 – An Ordinance establishing Salaries and Wages for Elected Officials and Employees of Dubois County, Indiana and Appropriations and Tax Rates for 2025. A motion was made to approve Ordinance 2025 by Alex Hohl, was duly seconded by Ryan Craig, and carried unanimously. (see separate document)

RE: ADOPTION – SOLID WASTE MANAGEMENT DISTRICT

President Kluesner asked for a motion to adopt the 2025 Solid Waste Management District budget in the amount of \$389,762. On motion, made by Meredith Voegerl, seconded by Sonya Haas, the budget was adopted. The motion carried unanimously.

RE: ADOPTION – DUBOIS COUNTY AIRPORT AUTHORITY

President Kluesner asked for a motion to adopt the 2025 Dubois County Airport budget in the amount of \$7,045,025. On motion, made by Sonya Haas, seconded by Ryan Craig, the budget was adopted. The motion carried unanimously.

RE: ADOPTION – NORTHEAST DUBOIS FIRE PROTECTION DISTRICT

President Kluesner asked for a motion to adopt the 2025 Northeast Dubois Fire Protection District budget in the amount of \$135,300. On motion, made by Meredith Voegerl, seconded by Sonya Haas, the budget was adopted. The motion carried unanimously.

RE: ADOPTION – NORTHEAST DUBOIS COUNTY SCHOOL CORPORATION

President Kluesner asked for a motion to adopt the 2025 Northeast Dubois County School Corporation budget in the amount of \$13,370,491. On motion, made by Ryan Craig, seconded by Sonya Haas, the budget was adopted. The motion carried unanimously.

RE: ADDITIONAL APPROPRIATIONS - NE DUBOIS FIRE PROTECTION DISTRICT

Fire Chief Steve Kalb requested an additional appropriation for the Northeast Dubois Fire Protection District Special Fire General Capital Outlay in the amount of \$131,000. Deena Lewis made a motion to approve the request which was duly seconded by Meredith Voegerl. Following discussion, it was determined the amount needed was only \$121,000. The motion died due to the lack of a vote. A motion was made by Ryan Craig to approve \$121,000, was duly seconded by Alex Hohl, and carried unanimously.

Fire Chief Steve Kalb requested an additional appropriation for the Northeast Dubois Fire Protection District Special Cum Fire Capital Outlay in the amount of \$100,000. Deena Lewis made a motion to approve the request which was duly seconded by Sonya Haas. The motion carried unanimously.

RE: AMENDED SALARY ORDINANCE – GENERAL FUND

Clerk Amy Kippenbrock requested approval to amend the Salary Ordinance for 2024. She explained when the Deputy Clerks work on election day, they are paid less than their current rate of pay. She requested their pay for working on election day as a clerical assistant match their current rate of pay as a deputy clerk. Sonya Haas made a motion to approve the Amended Salary Ordinance as follows:

Clerical Assistant- Full Time Deputy Clerks	\$25.09 per hour	maximum
1 st Deputy	\$25.09/hour	
2 nd Deputy	\$24.44/hour	
3 rd , 4 th , and 5 th Deputy	\$23.95/hour	
Clerical Assistant- Part Time Seasonal	\$20.00 per hour maximum	

DUBOIS COUNTY COUNCIL

October 28, 2024

Deena Lewis seconded the motion which carried unanimously.

RE: ADDITIONAL APPROPRIATION REQUESTS - JAIL

Sheriff Tom Kleinhelter appeared to request additional appropriations from the General Fund Jail Other Services in the amount of \$60,000 for utilities and \$40,000 for inmate medical. The consensus was to advertise the appropriations for the November meeting.

RE: ADDITIONAL APPROPRIATION REQUEST – CUM CAP

Sheriff Tom Kleinhelter and Chief Deputy Jesus Monarrez appeared to request an additional appropriation from Cum Cap Capital Outlay in the amount of \$14,000 to outfit and equip sheriff cars. The consensus was to advertise the appropriation for the November meeting.

RE: SHERIFF DEPUTY REQUEST

Sheriff Tom Kleinhelter reported that the COPS grant application was denied for 2025. He wanted to know the status of the two deputy positions which were contingent on receipt of the grant in the 2025 budget. He needs more deputies to assist with road duties. The consensus was to confirm with the Commissioners whether the creation of the positions was contingent upon the receipt of the grant funding or not. The request was tabled to research options.

RE: ORDINANCE 2024-16

President Kluesner presented Ordinance 2024-16 an ordinance imposing a moratorium on tax abatements for commercial solar development in Dubois County for 36 months as discussed at the previous meeting. Alex Hohl made a motion to approve Ordinance 2024-16, which was duly seconded by Ryan Craig, and carried unanimously.

ORDINANCE 2024 - 16

**AN ORDINANCE OF THE DUBOIS COUNTY COUNCIL
IMPOSING A MORATORIUM ON TAX ABATEMENTS FOR
COMMERCIAL SOLAR DEVELOPMENT IN DUBOIS COUNTY, INDIANA**

WHEREAS, pursuant to Indiana Code § 6-1.1-12.1-2(a), a designating body may find that a particular area within its jurisdiction is an economic revitalization area;

WHEREAS, pursuant to Indiana Code § 6-1.1-12.1-2(g), in finding an area to be an economic revitalization area, a designating body may adopt general standards, as long as the standards have a reasonable relationship to the development objectives of the area;

WHEREAS, the Dubois County Council adopted Ordinance No. 2012-1, as amended by County Council Ordinances 2017-02 and 2021-10 (Dubois County Code of Ordinance § 35.20, *et seq.*) approving tax abatement procedures in Dubois County, Indiana;

WHEREAS, pursuant to Indiana Code § 6-1.1-12.1-1(7) and Indiana Code § 36-2-3-2, and Dubois County Code of Ordinance § 35.20, *et seq.*, the Council is the fiscal body for Dubois County, State of Indiana (“County”) and is a “designating body”;

WHEREAS, the Board of Commissioners of Dubois County, Indiana (“Commissioners”) adopted Ordinance No. 2022-12 (Dubois County Code of Ordinance § 150.35, *et seq.*), an ordinance establishing and adopting default standards for commercial solar energy systems in Dubois County, Indiana;

WHEREAS, the Council acknowledges Ordinance No. 2022-12 (Dubois County Code of Ordinance § 150.35, *et seq.*), and that this Ordinance shall not be deemed to impact Ordinance No. 2022-12 (Dubois County Code of Ordinance § 150.35, *et seq.*);

WHEREAS, the Council has found that, especially with the most recent discussions and within the Dubois County community, there is a lack of overwhelming public support for commercial solar facilities and the suggestion of offering tax incentives for commercial solar facilities is even less popular;

WHEREAS, the Council believes that tax incentives for commercial solar development in the rural areas of the County should be prohibited, subject to any comprehensive plan; and

WHEREAS, pursuant to Indiana Code § 36-1-3, *et seq.* (“Home Rule”), a unit in the State of Indiana has all powers granted it by statute and other powers necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise those powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Dubois County, State of Indiana, that:

DUBOIS COUNTY COUNCIL

October 28, 2024

Section 1. Name. The name of this ordinance is the “Solar Development Tax Abatement Moratorium,” or the “Tax Abatement Moratorium” where the context is obvious.

Section 2. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

Section 3. Moratorium. Council hereby imposes a moratorium for a period of thirty-six (36) months, following the effective date of this ordinance, on the filing, processing, review, consideration, and granting of all applications for tax abatement and other subsidies that relate to Commercial Solar Energy Systems or CSE System as defined by Indiana Code § 8-1-41-2 or other alternative energy generation, storage systems, or facilities. This moratorium shall not impact the effectiveness of Dubois County Ordinance No. 2022-12 (Dubois County Code of Ordinance § 150.35, *et seq.*).

Section 4. References. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office without reference to another jurisdiction shall be construed as if it were preceded or followed, as appropriate, by the words “(of) Dubois County (Indiana).”

Section 5. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

Section 6. Conflict of Laws. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.

Section 7. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 8. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

Section 9. Codification. As this ordinance concerns a moratorium on the filing of certain applications, the codifier of ordinances shall omit codification of this ordinance.

Section 10. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the County Council, and completion of any other legal requirements, all in a manner provided by law

DULY ADOPTED AND PASSED on this 28th day of October, 2024, by the County Council of Dubois County, Indiana.

RE: APPOINTMENT – DUBOIS COUNTY REGIONAL SEWER DISTRICT

President Kluesner discussed the need to appoint a council member to the Regional Sewer District Board to fill the unexpired term for Daryl Schmitt. Michael Kluesner made a motion to appoint Deena J. Lewis, was duly seconded by Alex Hohl, and carried unanimously. The term will expire on January 31, 2025.

RE: 2025 APPOINTMENTS

A list of expiring appointments for 2025 was reviewed. Appointments will be made at the meeting on December 16, 2024.

RE: ADDITIONAL APPROPRIATION – ST. CHARLES MAINTENANCE

Auditor Morton requested an additional appropriation from the St. Charles Annex Maintenance Fund Other Services in the amount of \$9,000 for Repair and Maintenance of the building. The repairs were declared an emergency by President Kluesner on September 24, 2024, when mold was found in the ductwork insulation during the demolition and renovation of the previous 911 area at the St. Charles Annex. Ryan Craig made a motion to approve the request, was duly seconded by Deena Lewis, and carried unanimously.

RE: ADDITIONAL APPROPRIATION – COMMUNITY TRANSITION PROGRAM

Auditor Morton requested an additional appropriation from the Community Transition Program (CTP) Capital Outlay in the amount of \$12,982 for Equipment/Furniture. Michael Kluesner made a motion to approve the request, was duly seconded by Ryan Craig, and carried unanimously.

RE: ADDITIONAL APPROPRIATION – GENERAL FUND

DUBOIS COUNTY COUNCIL

October 28, 2024

Auditor Morton requested an additional appropriation from the General Fund Commissioners Other Services in the amount of \$10,000 for Building Insurance/Liability. Ryan Craig made a motion to approve the request, was duly seconded by Sonya Haas, and carried unanimously.

Auditor Morton requested an additional appropriation from the General Fund Commissioners Other Services in the amount of \$5,000 for Animal Control. Doug Uebelhor made a motion to approve the request, was duly seconded by Ryan Craig, and carried unanimously.

RE: ADDITIONAL APPROPRIATION – HIGHWAY RESTRICTED

Auditor Morton requested an additional appropriation from the Highway Restricted Fund Capital Outlay in the amount of \$43,000 for Highway Equipment. Doug Uebelhor made a motion to approve the request, was duly seconded by Meredith Voegerl, and carried unanimously.

RE: ADDITIONAL APPROPRIATION – CUM BRIDGE

Auditor Morton requested an additional appropriation from the Cum Bridge Fund Supplies in the amount of \$60,000 for Bridge Materials. Sonya Haas made a motion to approve the request, was duly seconded by Deena Lewis, and carried unanimously.

RE: ADDITIONAL APPROPRIATION – SOLID WASTE (STICKER)

Auditor Morton requested an additional appropriation from the Solid Waste (Sticker) Fund Other Services in the amount of \$23,000 for Refuse Disposal. Meredith Voegerl made a motion to approve the request, was duly seconded by Michael Kluesner, and carried unanimously.

RE: TRANSFER OF APPROPRIATION – LOCAL EMERGENCY PLANNING COMMITTEE

Auditor Morton requested a transfer of appropriation in Local Emergency Planning Committee (LEPC) from Other Services in the amount of \$4,476.68 from Printing and Advertising; \$423.84 from Equipment Rental; and \$11,299.48 from Consultant Services to Capital Outlay for Hazmat Equipment. Doug Uebelhor made a motion to approve the transfer, seconded by Ryan Craig. The motion carried unanimously.

RE: TRANSFER OF APPROPRIATION – PARK & RECREATION

Auditor Morton requested a transfer of appropriation in the Park Operating Fund from Supplies in the amount of \$1,000 from Shelter House Repair to Other Services for Dumpster Services. Ryan Craig made a motion to approve the transfer, seconded by Meredith Voegerl. The motion carried unanimously.

RE: TRANSFER OF APPROPRIATION – GENERAL FUND

Auditor Morton requested a transfer of appropriation in the General Fund Auditor from Other Services in the amount of \$2,000 from Travel to Supplies for Stationery/Office Supplies. Ryan Craig made a motion to approve the transfer, seconded by Alex Hohl. The motion carried unanimously.

RE: EMA MEETING ROOM SOUND PANELS

President Kluesner presented a thank you letter to be sent to Jeff Eckert, Senior Vice President, and Brandee McKim, of OFS Brands, for donating sound panels to the Dubois County Emergency Management Agency office training room. They were publicly thanked for their donation. The letter was signed by the members.

RE: COURTHOUSE SECURITY

President Kluesner reported that the Courthouse Security Committee met on October 16, 2024. The County was not awarded the 2024 State Homeland Security Program Grant (SHSP) and will need to find funding for security equipment needed. The Emergency Management Agency is obtaining quotes for the equipment needed which will be presented to the Commissioners on November 4, 2024. The consensus was to wait until the next meeting to discuss funding sources.

RE: OPEN ENROLLMENT

Auditor Morton informed the members the Open Enrollment period for employees to sign up for health insurance benefits is from November 6-20, 2024.

RE: PUBLIC COMMENT

Resident Mark Nowotarski wanted clarification on Ordinance 2024-16, the Abatement Moratorium for Commercial Solar Development.

RE: OUR PRECIOUS ANGELS

DUBOIS COUNTY COUNCIL

October 28, 2024

Ryan Craig reported the Indiana Association of Realtors approved a grant to pave the walkway to Our Precious Angels Monument located at the County Park/Fairgrounds. Concrete work should begin this week.

RE: COMMITTEE REPORTS

Solid Waste Management District – Sonya Haas reported the District is looking to replace the 2002 Isuzu truck.
Indiana 15 Regional Planning Commission – Meredith Voegerl reported the Commission is trying to hire a Grant Writer/Program Coordinator.

4-H Council – Alex Hohl reported the 4-H Council will be hosting a Trivia Night fundraiser on November 23, 2024.

RE: FUTURE MEETINGS

Future regular meetings will begin at 4:30 p.m. as follows: November 18, 2024; and December 16, 2024. The final meeting of the year will be held on December 30, 2024, at 9:00 a.m. All meetings will be held in the Dubois County Annex Commissioner/Council Room on the 2nd floor.

RE: ADJOURNMENT

With no further business to conduct, Doug Uebelhor made a motion to adjourn the meeting, seconded by Meredith Voegerl. The meeting was adjourned at 5:45 p.m.