

**DUBOIS COUNTY COUNCIL**

**April 24, 2023**

The Dubois County Council met on Monday, April 24, 2023 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, Sonya Haas, Alex P. Hohl, Doug Uebelhor, Ryan Craig, Meredith I. Voegerl, Daryl L. Schmitt and Auditor Sandra L. Morton.

**RE: MINUTES**

President Kluesner asked if there were any corrections or additions to the minutes from the meeting held on March 30, 2023. On motion made by Ryan Craig, seconded by Sonya Haas, the minutes were approved as written.

**RE: PERSONAL PROPERTY TAX ABATEMENT – SANDER FAMILY MEAT MARKET**

Auditor Morton presented the Compliance with Statement of Benefits Personal Property CF-1/PP forms for Sander Family Meat Market. Kent Sander, representing Sander Family Meat Market, was in attendance to provide information on the company's operations.

A motion was made to approve the compliance form by Alex Hohl, was seconded by Sonya Haas and carried unanimously. President Kluesner signed the form as presented.

**RE: ORDINANCE 2023-02 – INNKEEPER TAX**

Treasurer Craig Greulich and Dubois County Tourism Executive Director Whitney Lubbers appeared to request a change in the collection method for the Innkeeper Tax from locally to the Indiana Department of Revenue effective July 1, 2023. Ordinance 2023- 02 – An Ordinance Amending Ordinance 91-12A, County Council 2000-01, and County Council 2005-01 (Dubois County Code of Ordinances Section 35.04) to create and impose an Innkeeper's Tax in Dubois County, Indiana was presented for approval. A motion was made to approve the Ordinance by Alex Hohl, seconded by Daryl Schmitt. The motion carried unanimously.

**ORDINANCE 2023 - 02**

**AN ORDINANCE OF THE DUBOIS COUNTY COUNCIL AMENDING ORDINANCE 91-12A, COUNTY COUNCIL 2000-01, AND COUNTY COUNCIL 2005-01 (DUBOIS COUNTY CODE OF ORDINANCES SECTION 35.04) TO CREATE AND IMPOSE AN INNKEEPER'S TAX IN DUBOIS COUNTY, INDIANA**

WHEREAS, the Dubois County Council is the fiscal body in and for the County of Dubois, State of Indiana; and

WHEREAS, the Dubois County Council desires to promote and encourage conventions, visitors, and tourism within Dubois County; and

WHEREAS, the Dubois County Council adopted Ordinance No. 91-12A, as amended by County Council Ordinances 2000-01 and 2005-01 to create and impose an Innkeeper's Tax in Dubois County, Indiana; and

WHEREAS, the Dubois County Council desires to amend Ordinance No. 91-12A, and its amendments to require the Dubois County Innkeeper's Tax to be imposed, paid, and collected by the Indiana Department of Revenue in accordance with Indiana Code 6-9-18-3;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Dubois County, State of Indiana, that County Council Ordinance No. 91-12A, as amended by County Council Ordinance 2000-01 and County Council Ordinance 2005-01, (Dubois County Code of Ordinances Section 35.04) is hereby amended in its entirety as follows:

Section 1. An innkeeper's tax is hereby levied on every person, as defined by Indiana Code 6-2.5-1-3, engaged in the business of renting or furnishing, for periods of less than (30) days, any room or rooms, lodgings, or accommodations in any of the following located in Dubois County ("Innkeeper's Tax"):

- a. Hotel;
- b. Motel;
- c. Boat motel;
- d. Inn;
- e. College or university memorial union;
- f. College or university residence hall or dormitory; or
- g. Tourist cabin.

Section 2. The Innkeeper's Tax does not apply to gross income received in a transaction in which:

- a. A student rents lodging in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- b. A person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

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Section 3. The Innkeeper's Tax shall be levied at the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under Indiana Code 6-2.5.

Section 4. The Innkeeper's Tax shall be imposed, paid to, and collected by the Indiana Department of Revenue in accordance with Indiana Code 6-9-18-3.

Section 5. All of the provisions of I.C. 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the Innkeeper's Tax, except to the extent those provisions are in conflict or inconsistent with the specific provisions of Indiana Code 6-9-18 or the requirements of the Dubois County Treasurer.

Section 6. The Dubois County Council previously established by County Council Ordinance No. 91-12A the Dubois County Convention, Visitor, and Tourism Fund (Fund 136-7304 – Innkeeper Tax Collections) and said fund shall remain in effect, and in which all amounts received under this Ordinance shall be deposited.

Section 7. Money in the Dubois County Convention, Visitor, and Tourism Fund shall be used to promote and encourage conventions, visitors, and tourism within Dubois County. Such expenditures include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

Section 8. Any person, corporation, or other entity described in Section 1 of this Ordinance shall begin collection of the Innkeeper's Tax on July 1, 2023.

DULY ADOPTED AND PASSED on this 24<sup>th</sup> day of April, 2023, by the County Council of Dubois County, Indiana.

**RE: HIGHWAY – ADDITIONAL APPROPRIATIONS**

Superintendent Berg requested an Additional Appropriation in the Highway Restricted Fund Supplies in the amount of \$225,000 for Bituminous. A motion was made to approve the request by Doug Uebelhor, was duly seconded by Ryan Craig, and carried unanimously.

Superintendent Berg requested an Additional Appropriation in the Highway Restricted Fund Capital Outlay in the amount of \$1,375,000 for Paving Projects. A motion was made to approve the request by Ryan Craig, was duly seconded by Meredith Voegerl, and carried unanimously.

**RE: LOCAL ROAD & STREET – ADDITIONAL APPROPRIATIONS**

Superintendent Berg requested an Additional Appropriation in the Local Road & Street Fund Supplies in the amount of \$425,000 for Bituminous. A motion was made to approve the request by Meredith Voegerl, was duly seconded by Sonya Haas, and carried unanimously.

Superintendent Berg requested an Additional Appropriation in the Local Road & Street Fund Other Services in the amount of \$230,000 for Paving Projects. A motion was made to approve the request by Ryan Craig, was duly seconded by Alex Hohl, and carried unanimously.

**RE: SOLID WASTE (STICKER) – ADDITIONAL APPROPRIATIONS**

Superintendent Berg requested an Additional Appropriation in the Solid Waste (Sticker) Fund Other Services in the amount of \$18,000 for Dumpster Sites to finish chip/seal at the Ireland, Ferdinand and Huntingburg sites. A motion was made to approve the request by Daryl Schmitt, was duly seconded by Doug Uebelhor and carried unanimously.

**RE: LIT-ED ADDITIONAL APPROPRIATION REQUEST**

Superintendent Berg reported the County received a Community Crossings Grant award for the paving of CR 1100 S from the Town of Ferdinand all the way to US 231 for a total distance of 5.33 miles and for Kellerville Road from Cathy Lane to just beyond CR 300N for a total distance of 1.62 miles. The cost estimates are \$1,313,068.57. The grant award was for \$984,801.43 making the local match \$328,267.14. Asphalt costs exceeded expectations. To cover the match from the MVH fund, it is necessary to pull the Ferdinand Road East project from the project list for 2023 and complete it in 2024. Berg inquired about the possibility of appropriating LIT-ED funds to keep the road on the list for 2023. Consensus was to wait until 2024.

**RE: HIGHWAY DEPARTMENT RENOVATIONS**

Superintendent Berg reported on the progress of the office renovations. Demolition of the breakroom has begun where termite damage was found on load bearing walls. They also found an area along the west wall where the exterior wall of laid stone had been allowing water penetration. Department

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manpower was used to replace the wall and exterior stone. This was not covered by insurance and will be paid using the Rainy Day Fund.

**RE: GENERAL FUND – ADDITIONAL APPROPRIATIONS**

911 Director Stuart Wilson requested an Additional Appropriation in the General Fund Personal Services for a new Communications Officer approved by the Board of Commissioners on April 3, 2023, in the amount of \$31,636. A motion was made to approve the request by Daryl Schmitt, was duly seconded by Ryan Craig, and carried unanimously.

**RE: STATEWIDE 911 FUND – ADDITIONAL APPROPRIATION**

911 Director Wilson requested an Additional Appropriation in the Statewide 911 Fund Personal Services for the Holiday Pay and Benefits in the amount of \$1,767. A motion was made to approve the request by Meredith Voegerl, was duly seconded by Doug Uebelhor, and carried unanimously.

**RE: SALARY ORDINANCE AMENDMENT – GENERAL FUND 911**

Auditor Morton presented an Amendment to the Salary Ordinance for the 911 Communications Officer to be paid a maximum bi-weekly salary of \$1,772.50. The position is effective April 24, 2023. Holiday pay will be paid per the Employee Handbook from the Statewide 911 Surcharge Fund. A motion to approve the Amended Salary Ordinance was made by Doug Uebelhor, was duly seconded by Ryan Craig, and carried unanimously.

**RE: SHERIFF PENSION**

Sheriff Tom Kleinhelter discussed two potential plan design changes to the Sheriff Pension Plan to assist with recruitment and retention of deputy officers as recommended by the Sheriff Merit Board. Sheriff Merit Board member Gil Eckerle was also in attendance. The following scenarios were presented:

Scenario 1 - reflects the addition of a pre-retirement death benefit to vested participants who deacease prior to the commencement of benefits. The surviving spouse of a married vested participant would be entitled to a monthly benefit payable for life equal to the survivor's portion of a joint and 100% survivor option commencing at his normal retirement age. The designated beneficiary of an unmarried vested participant would receive a monthly benefit payable for 240 monthly payments equal to the benefit that would have been payable if the participant had elected a life annuity with 2240 guaranteed payments commencing at his normal retirement age. Sheriff Kleinhelter recommends starting this scenario as soon as approved.

Scenario 2 – reflects the increase in the maximum years of credited service allowed under the monthly benefit formula to 32 years of service (from 26 years presently in effect). The proposed monthly benefit formula would be the sum of 2.5% of Final Average Monthly Salary plus \$1.00 multiplied by credited service not to exceed 20 years, plus 2% of Final Average Monthly Salary multiplied by credited service in excess of 20 years, not to exceed 12 years. Sheriff Kleinhelter recommends starting this scenario on January 1, 2024.

Executive Vice-President Brent Sternberg, German American Wealth Advisory Group, provided information on calculating the annual County matching contributions to the plan. Today, the plan is funded at 102%. The defined benefit plan is based on a 6.25% return.

Following discussion, consensus was to proceed with preparation of the necessary documents including both scenarios, be reviewed by the County Attorney and to present them for approval at the next meeting.

**RE: GENERAL FUND – ADDITIONAL APPROPRIATION**

Sheriff Tom Kleinhelter requested an Additional Appropriation in the General Fund Sheriff Personal Services for a new Deputy approved by the Board of Commissioners on April 3, 2023, in the amount of \$40,175; \$38,261 for wages and \$1,914 for holidays and overtime. A motion was made to approve the request by Ryan Craig, was duly seconded by Alex Hohl, and carried unanimously.

Auditor Morton requested an Additional Appropriation in the General Fund Commissioners Personal Services for benefits in the amount of \$9,038; FICA \$5,494 and PERF \$3,544. A motion was made to approve the request by Sonya Haas and seconded by Meredith Voegerl. The motion carried unanimously.

**RE: SALARY ORDINANCE AMENDMENT – GENERAL FUND 911**

Auditor Morton presented an Amendment to the Salary Ordinance for the Sheriff Deputy to be paid a maximum bi-weekly salary of \$2,125.60. The position is effective April 24, 2023. Holiday pay will be paid per the Employee Handbook. A motion to approve the Amended Salary Ordinance was made by Ryan Craig, was duly seconded by Daryl Schmitt, and carried unanimously.

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**RE: LATCF FUND – COURTHOUSE MAINTENANCE**

President Kluesner provided information on the various projects to be paid from the LATCF (Local Assistance Tribal Consistency Fund). To date, the fund was used for the dedicated air conditioner in the server room at a cost of \$4,575 and new landscaping at the Courthouse at a cost of \$7,010.04. New projects at the Courthouse are as follows:

ADA Auto Door Operators	\$5,768
ADA Auto Door Operator Electrical	\$2,200
\$5,000 will be paid from the Commissioner ADA budget	
Clerk's North Office – Door & Frame	\$5,616
Clerk's Keyless Entry	\$3,975
Clerk's Office Carpeting	\$6,980
\$9,591 will be paid from the Clerk's Perpetuation fund	
Records Library Door Keyless Entry	\$1,000
\$1,000 will be paid from the Clerk's Perpetuation fund	
Assessor's Keyless Entry	\$2,815
Recorder's Keyless Entry	\$3,975
Recorder's Office Carpeting	\$6,980
\$10,955 will be paid from the Recorder's Perpetuation fund	
Commissioner/Council Meeting Room Chairs	\$8,734.73

The total payments to be made from the LATCF fund will be \$33,082.77. Custodian Scott Hopf is awaiting quotes for the Assessor's office through-wall service window and on securing the second floor courtroom hallway. Consensus was to proceed with the projects as discussed.

**RE: SALARY ORDINANCE AMENDMENT - PARK**

President Kluesner presented a request from the Dubois Park Board to raise the wages for the Park Assistant Superintendent. Currently, the assistant superintendent position is vacant and Superintendent Bob Gress will be retiring after the 4-H Fair in July. The Board has advertised and interviewed to fill the assistant position with the intent to move the candidate into the superintendent role. However, the chosen candidate does not want to live on the property and is requesting a higher wage. A lengthy discussion was held on the request. A motion was made by Daryl Schmitt to increase the Assistant Superintendent wage to \$1,440.80 biweekly which is equal to \$18.01, the maximum wage range for an LTC III. Ryan Craig seconded the motion which carried 6-1 with Uebelhor being the dissenting vote. Auditor Morton presented an Amended Salary Ordinance which is effective on April 24, 2023.

**RE: CUM CAP – ADDITIONAL APPROPRIATION**

Auditor Morton requested an Additional Appropriation in the Cum Cap Fund Capital Outlay in the amount of \$34,000 for the additional costs of an ambulance in the amount of \$27,000 and for election storage cases at a cost of \$7,000. A motion was made to approve the request by Ryan Craig and seconded by Meredith Voegerl. The motion carried unanimously.

**RE: LIT- ED – ADDITIONAL APPROPRIATION**

Auditor Morton requested an Additional Appropriation in the LIT-ED Fund Other Services in the amount 129,732 for computer maintenance in the amount of \$19,732 and for building insurance and liability at a cost of \$110,000. A motion was made to approve the request by Ryan Craig and seconded by Doug Uebelhor. The motion carried unanimously.

**RE: DRUG COURT USER FEE – ADDITIONAL APPROPRIATION**

Auditor Morton requested an Additional Appropriation in the Drug Court User Fee Fund Personal Services for a part-time Case Manager Supervisor in the amount of \$5,310; for comp time in the amount of \$2,065; and for benefits in the amount of \$1,392. A motion was made to approve the request by Meredith Voegerl and seconded by Doug Uebelhor. The motion carried unanimously.

**RE: SALARY ORDINANCE AMENDMENT - DRUG COURT USER FEE**

Auditor Morton presented an Amendment to the Salary Ordinance for the Drug Court Case Manager Supervisor at a rate of \$29.50 per hour maximum. The position is a temporary part time position that will work an additional 10 hours bi-weekly on supervisory tasks in addition to the Community Corrections Case

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Manager Supervisor position of 35 hours per week. The salary is to be paid retroactively from March 6- April 22, 2023 for comp time earned while working on the Drug Court User Fee program. A motion to approve the Amended Salary Ordinance was made by Sonya Haas, was duly seconded by Ryan Craig, and carried unanimously.

**RE: JUSTICE PROJECT CONSTRUCTION UPDATE**

President Kluesner provided an update on the construction progress at Community Corrections. Construction is scheduled to be completed by the end of the year.

**RE: 2023 BUDGET ADJUSTMENTS**

Councilmember Schmitt discussed placing a halt on salary adjustments or new positions to the 2023 Budgets. He would like to maintain the current benefits for employees, look at pay raises for 2024, and not have an increase in the tax rates. Daryl Schmitt made a motion to place a halt on salary adjustments or the creation of new positions until budget time, was seconded by Michael Kluesner and carried 6-1 with Alex Hohl being the dissenting vote.

**RE: 2024 BUDGET PREPARATIONS**

The members will meet in small groups to discuss wage increases for the 2024 budget preparations.

**RE: FUTURE MEETINGS**

The Council set the next meeting for Monday, May 22, 2023 at 4:30 p.m. Future meetings are as follows: June 19, 2023; and July 31, 2023. All meetings will be held in the Commissioner/Council Room on the 2<sup>nd</sup> floor of the Courthouse Annex and begin at 4:30 p.m. The Budget Review meeting will be held on Wednesday, August 16, 2023 beginning at 8:00 a.m.

**RE: ADJOURNMENT**

With no further business to conduct, a motion to adjourn was made by Doug Uebelhor, seconded by Ryan Craig. The meeting was adjourned at 8:10 p.m.