

DUBOIS COUNTY COUNCIL

November 16, 2020

The Dubois County Council met on Monday, November 16, 2020 in the Commissioners/Council Room in the Dubois County Annex. President Jerry R. Hunefeld called the meeting to order at 4:30 p.m. Present at the meeting were Board Members Jerry R. Hunefeld, Charmian R. Klem, Mary E. Beckman, Michael W. Kluesner, Sonya Haas and Auditor Sandra L. Morton. Craig M. Greulich was present via teleconference. Doug M. Uebelhor entered the meeting at 4:45 p.m.

RE: MINUTES

President Hunefeld asked if there were any additions or corrections to the minutes from the October 26, 2020 meeting. On motion made by Charmian R. Klem, seconded by Mary E. Beckman, the minutes were approved as written.

President Hunefeld asked if there were any additions or corrections to the Dubois County Council 2021 Budget Adoption Minutes and Salaries and Wages Ordinance 2021. On motion made by Michael W. Kluesner, seconded by Charmian R. Klem, the Minutes and Ordinance were approved as written.

RE: HEALTH DEPARTMENT - 2019 ANNUAL REPORT

Health Administrator Shawn Werner presented the 2019 Health Department Annual Report.

RE: HEALTH DEPARTMENT

Health Administrator Shawn Werner provided information on the denial of an IT Grant the State of Indiana originally had awarded to the Health Department. The Department needs to purchase certain items in the amount of \$14,928.30. Discussion was held on whether to approve the expenditures from the Rainy Day COVID-19 appropriation or not. A motion was made to approve the purchases from the Rainy Day fund by Michael W. Kluesner, seconded by Mary E. Beckman. The motion carried unanimously.

RE: HEALTH DEPARTMENT – POSITION CHANGE

Health Administrator Shawn Werner requested a change of job duties and wage classification for the vacant Environmental Health position which was approved by the County Commissioners. The position will change to Clerk and the wage classification will change from PAT III to COMOT III effective November 30, 2020. A motion to approve the requested changes was made by Charmian R. Klem, seconded by Sonya Haas. The motion carried unanimously. The salary for the Clerk will be the same as the salary of the Financial Clerk; \$1,207.55 bi-weekly in 2020 and will increase in 2021 to \$1,435.00 bi-weekly. Werner and Human Resources will create a new job description for the Clerk.

RE: AIRPORT LOAN – RESOLUTION 2020-10

Resolution 2020-10 – A Resolution Authorizing the Lending of Funds and a Loan Agreement with the Dubois County Airport Authority, State of Indiana was presented for approval. A motion was made to approve the Resolution by Mary E. Beckman, and duly seconded by Michael W. Kluesner. The motion carried unanimously. The Resolution was previously approved by the County Commissioners.

RESOLUTION 2020-10

**A RESOLUTION AUTHORIZING THE LENDING
OF FUNDS AND A LOAN AGREEMENT WITH
THE DUBOIS COUNTY AIRPORT AUTHORITY, STATE OF INDIANA**

WHEREAS, Dubois County Airport Authority, acting thorough its duly constituted Board of Aviation (the "Airport"), owns and operates the Huntingburg Regional Airport, a public general aviation airport situated in Dubois County, State of Indiana, and is engaged in a runway extension and improvement project funded in part by the Federal Aviation Administration, the Indiana Department of Transportation, and local Airport funds (the "Project"); and

WHEREAS, Airport is in need of a short term loan to pay construction costs until such time as grant funding from the Federal Aviation Administration and the Indiana Department of Transportation is fully funded and paid to the Airport; and

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WHEREAS, the County Commissioners of Dubois County and the County Council of Dubois County, Indiana (collectively "County of Dubois") have authorized a loan to the Airport in a principal sum not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) with interest on the unpaid principal balance at the rate of five tenths of one percent (0.50%), for a term ending November 15, 2022.

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. That the County of Dubois, State of Indiana is hereby authorized to lend to the Airport, a principal sum not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) with interest at the rate of 0.50% per annum, coming due and payable on November 15, 2022, said loan proceeds to be applied to the cost of the Project.

Section 2. The indebtedness hereby authorized shall be an indebtedness of the Dubois County Airport Authority and is payable solely from:

- a.) the cumulative building fund established under I.C. 8-22-3-25; and
- b.) revenues of the Airport that are derived from airport operations or revenue bonds, and including state and federal grants.
- c.) This indebtedness may not be paid by a general operating fund tax levied on property located within the Airport district.

Section 3. The form of the Loan Agreement by and between the Airport and the County Commissioners of Dubois County, Indiana, and the County Council of Dubois County, Indiana, attached hereto and made a part hereof as Exhibit A is hereby in all respects approved and the President and Secretary of the County Commissioners of Dubois County, Indiana and the President and Clerk of the County Council of Dubois County, Indiana are hereby authorized and directed to execute and deliver the same on behalf of the County of Dubois.

Section 4. The President and Secretary of the County Commissioners of Dubois County, Indiana and the President and Clerk of the County Council of Dubois County, Indiana are hereby authorized to take such further action and execute and deliver such additional documents as may be necessary to consummate the loan hereby authorized in accordance with the terms of said Loan Agreement attached hereto.

Section 5. This Resolution shall take effect upon its adoption by the Board of County Commissioners of Dubois County, Indiana, and its approval by the Dubois County Council.

DULY ADOPTED AND APPROVED this 16th day of November, 2020 by the Board of Commissioners of Dubois County, Indiana.

RE: AIRPORT LOAN AGREEMENT

A Loan Agreement between the County Commissioners and County Council of Dubois County, Indiana and the Dubois County Airport Authority was presented for approval. A motion was made to approve the Agreement by Sonya Haas, and duly seconded by Charmian R. Klem. The motion carried unanimously.

RE: INNKEEPER'S TAX – ORDINANCE 2020-11

Treasurer Cathy Merkley appeared to request a change in the collection method for the Innkeeper Tax from locally to the Indiana Department of Revenue effective January 1, 2021. Ordinance 2020-11 – An Ordinance Amending Ordinance 91-12A, County Council 2000-01, and County Council 2005-01 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 Doug Uebelhor, seconded by Sonya Haas. The motion carried unanimously.

ORDINANCE 2020 - 11

AN ORDINANCE OF THE DUBOIS COUNTY COUNCIL AMENDING ORDINANCE 91-12A, COUNTY COUNCIL 2000-01, AND COUNTY COUNCIL 2005-01 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

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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, 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) day or more.

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 January 1, 2021.

DULY ADOPTED AND PASSED on this 16th day of November, 2020, by the County Council of Dubois County, Indiana.

RE: ADDITIONAL APPROPRIATION – LIT-ED

Auditor Morton requested an Additional Appropriation in the LIT-ED Fund Capital Outlay in the amount of \$1,500,000 for the Airport Loan. A motion to approve the request was made by Charmian R. Klem, seconded by Mary E. Beckman. The motion carried unanimously.

RE: ADDITIONAL APPROPRIATION – CUM CAP

Auditor Morton requested an Additional Appropriation in the Cum Cap Fund Capital Outlay in the amount of \$58,000 for Computer Upgrades. A motion to approve the request was made by Michael W. Kluesner, seconded by Sonya Haas. The motion carried unanimously.

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RE: ADDITIONAL APPROPRIATION - RAINY DAY

Auditor Morton requested an Additional Appropriation in the Rainy Day Fund Capital Outlay in the amount of \$300,000 for COVID-19 Expenses. A motion to approve the request was made by Doug Uebelhor, seconded by Mary E. Beckman. The motion carried unanimously.

RE: EMERGENCY APPROPRIATION – CUM CAP

Following an outage of the security camera server in the Courthouse and Annex on November 6, 2020, President Hunefeld approved an emergency appropriation to replace the system at a cost of \$3,394.35. A motion was made to approve the emergency declaration by Doug Uebelhor, seconded by Michael W. Kluesner. The motion carried unanimously. The Additional Appropriation will be advertised and formally approved at the next meeting.

RE: RESIGNATION

President Jerry R. Hunefeld informed the members of his intent to resign from the County Council effective December 31, 2020. He has served as councilman for 46 years.

RE: FUTURE MEETINGS

Future meetings will be held on Monday, December 14, 2020 beginning at 4:30 p.m. and Tuesday, December 29, 2020 at 10:00 a.m. in the Commissioners/Council Room of the County Annex.

With no further business to conduct, a motion was made by Charmian R. Klem, seconded by Mary E. Beckman. The meeting was adjourned at 5:39 p.m.