

DUBOIS COUNTY COUNCIL

FEBRUARY 22, 2021

The Dubois County Council met on Monday, February 22, 2021 in the Commissioners/Council Chambers in the Dubois County Annex. Present at the meeting were Board Members Michael W. Kluesner, Craig M. Greulich, Charmian R. Klem, Mary E. Beckman, Sonya Haas, Alex P. Hohl, Doug M. Uebelhor and Auditor Sandra L. Morton. A quorum was declared present and President Kluesner called the meeting to order at 4:30 p.m.

RE: MINUTES

President Kluesner asked if there were any additions or corrections to the minutes from the January 25, 2021 meeting. On motion made by Charmian R. Klem, seconded by Sonya Haas, the minutes were approved as written.

RE: ADDITIONAL APPROPRIATION – HIGHWAY

Highway Supervisor Steve Berg requested an Additional Appropriation in the Highway Fund Personal Services in the amount of \$6,000 for the Assistant Clerk new hire. A motion to approve the request was made by Craig Greulich, seconded by Mary E. Beckman. The motion carried unanimously.

RE: HIGHWAY EQUIPMENT

Highway Supervisor Steve Berg presented the 5-Year Equipment Rotation list for planning purposes and requested assistance with funding. The Department needs to purchase a Sanitation Truck, Dump Truck, 4x4 Ton Truck Flatbed and an Engineer vehicle in 2021. Berg proposed splitting the costs of the vehicles. Consensus was to advertise for \$155,000 from the Cum Cap Fund.

RE: PROBATION LILLY GIFT VII GRANT

Chief Probation Officer Jennifer Lampert presented information on the Lilly GIFT VII grant that was awarded to the Probation Department. The Grant Award was for \$76,666.67 which will be split over a 5-year period. The grant will provide funds for a part time Intern in the Probation Department. The budget for the first year in 2021 will be \$15,333.34. A motion was made by Alex P. Hohl to approve the Additional Appropriation in Personal Services in the amount of \$15,334, was seconded by Mary E. Beckman, and carried unanimously.

A discussion was held on the wage classification and pay range for the position. A Salary Ordinance was presented with a maximum hourly wage of \$13.62. A motion was made by Charmian Klem to approve the Salary Ordinance, was seconded by Craig Greulich, and carried unanimously.

RE: BOARD OF FINANCE

Treasurer Cathy L. Merkley presented information from the Board of Finance meeting held in January.

RE: JAIL BUILDING PROJECT

Commissioner Chad Blessinger provided an update on the Jail and Community Corrections Project. The Construction Plans have been approved and are available to potential bidders. The Commissioners have approved proceeding with a Competitive Bid process for the sale of Bonds.

Rick Hall, Barnes and Thornburg, presented Resolution 2021-06 and explained the Lease payments from LIT-CR tax and the property tax back-up with Building Corporation. A motion was made by Craig Greulich to approve Resolution 2021-06 and was seconded by Sonya Haas. The motion carried unanimously.

RESOLUTION 2021-06

RESOLUTION OF THE COUNTY COUNCIL OF DUBOIS COUNTY,

INDIANA PLEDGING THE COUNTY'S JAIL INCOME TAX REVENUES TO THE PAYMENT OF THE LEASE RENTAL UNDER A LEASE WITH THE DUBOIS COUNTY, INDIANA BUILDING CORPORATION AND APPROVING MATERIALS RELATED THERETO

WHEREAS, Indiana Code 36-1-10-7 provides that the Board of County Commissioners of Dubois County, Indiana (the "Board") may not lease a structure unless the County Council of Dubois County, Indiana (the "Council") determines, after investigation, that the structure is needed; and

WHEREAS, to provide for the acquisition, construction, improvement, and/or equipping of all or any portion of the renovation to and an expansion of the existing jail facility located at 255 Brucke Strasse, Jasper, Indiana 47546 and the community corrections facility located at 257 Brucke Strasse, Jasper, Indiana 47546, any related improvements, all to be used for the purposes of providing incarceration, community corrections or other law enforcement or criminal justice services by Dubois County, Indiana (the "Project"), the Board adopted on February 18, 2021, a resolution approving the terms and conditions of a Lease between the Dubois County, Indiana Building Corporation (the "Building Corporation"), as lessor, and Dubois County, Indiana (the "County"), as lessee (the "Lease"), for all or a portion of the existing and expanded jail facility located at 255 Brucke Strasse, Jasper, Indiana 47546 and the existing and expanded community corrections facility located at 257 Brucke Strasse, Jasper, Indiana 47546, including the site and appurtenances thereto; and

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WHEREAS, the Building Corporation was incorporated to assist the County in financing, from time to time, the construction and renovation of County facilities to be operated by the County, including the Project; and

WHEREAS, such Lease has been presented to the Council; and

WHEREAS, there have been prepared drawings, plans, specifications and estimates for the cost of such Project which have been reviewed by the Council; and

WHEREAS, lease rentals under the Lease shall be payable solely from (i) the revenues of the adjusted gross income tax levied and collected by the County pursuant to Indiana Code § 6-3.6-6-2.7 (the "Jail Income Tax Revenues"), and (ii) to the extent that the Jail Income Tax Revenues are insufficient to pay such amounts, from the revenues of an ad valorem tax levied by the County on all taxable property in the County pursuant to the IC 36-1-10-17 (the "Property Tax Revenues"); and

WHEREAS, the Council has received on the date hereof information regarding the anticipated Jail Income Tax Revenues to be received by the County during the term of the Lease; and

WHEREAS, the County Council of the County (the "County Council") desires to approve the Lease and pledge the Jail Income Tax Revenues to the payment of lease rentals due under the Lease pursuant to the terms of this Resolution.

NOW, THEREFORE, THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA RESOLVES THE FOLLOWING:

Section 1. Findings; Approval of Lease. After investigation, the Council hereby finds and determines that a need exists for the Project and that the Project to be financed through the Lease will be of public utility and benefit to the County. The Council further determines that the Project cannot be acquired, constructed, improved and equipped from any funds available to the County. The Council hereby approves the Lease in substantially the form presented on the date hereof, and the County shall proceed to take such steps as may be necessary to secure the acquisition, construction, equipping and leasing of the Project as provided by Indiana Code 36-1-10.

Section 2. Pledge of Jail Income Tax Revenues. Pursuant to IC 5-1-14-4 and IC 6-3.6, the Council hereby pledges the Jail Income Tax Revenues to the payment of all lease rental due under the Lease. The Council hereby finds and determines that the County reasonably expects to pay all lease rentals due under the Lease from the Jail Income Tax Revenues and not from the Property Tax Revenues. To the extent that that the Jail Income Tax Revenues are insufficient to pay such amounts, the lease rental shall be payable from the Property Tax Revenues.

Section 3. Issuance of Parity Obligations. The County reserves the right to authorize and issue bonds or incur additional lease or other obligations entitled to the pledge of Jail Income Tax Revenues on a parity with the Lease in accordance with the requirements set forth below ("Parity Obligations"). The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) All payments due under the Lease and all payments on any Parity Obligations payable from Jail Income Tax Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) For Parity Obligations payable from Jail Income Tax Revenues, the County shall have received a certificate prepared by an independent, qualified accountant or feasibility consultant certifying the amount of the Jail Income Tax Revenues estimated to be received in each succeeding year shall be at least equal to one hundred twenty-five percent (125%) of the lease rental and debt service requirements with respect to the Lease and the proposed Parity Obligations for each respective year during the term of the Lease and the Parity Obligations. If when the proposed Parity Obligations are issued, the Dubois County Income Tax Council shall have finally approved an increase in the income tax rate, the Jail Income Tax Revenues estimate described in the preceding sentence may be adjusted to take the increased income tax rate into account. The County shall approve and confirm the figures and estimates set forth in the above-described certificate in any resolution or ordinance authorizing the Parity Obligations.

(c) Payments of any Parity Obligations payable from Jail Income Tax Revenues shall be payable semiannually on January 1 and July 1.

The terms and conditions of any Parity Obligations shall be set forth in the ordinance or resolution authorizing such Parity Obligations.

The County may issue obligations payable from Jail Income Tax Revenues on a junior basis to the Lease and the Parity Obligations. Any such junior obligations shall be payable semiannually on January 1 and July 1.

Section 4. Sinking Fund. (a) There is hereby created a separate fund designated as the Sinking Fund, which shall consist of a Principal and Interest Account and a Reserve Account. One day prior to each January 1 and July 1, there shall be deposited in the Principal and Interest Account an amount of Jail Income Tax Revenues, which together with any money contained in the Principal and Interest Account is sufficient to pay the lease rentals or principal of and interest on the Lease and the Parity Obligations therewith due on the following January 1 and July 1. No such deposit need be made into the Principal and Interest Account if the amount contained therein is sufficient to pay such amounts. All money in the Principal and Interest Account shall be used and withdrawn solely for the purpose of paying the lease rentals or principal of and interest on the Lease and any Parity Obligations, including accrued interest on any such obligations purchased or redeemed prior to maturity

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Section 5.

(b) Reserve Account. If it is determined by the Board, with the advice of the County's financial advisor, to establish a reserve account for the Lease, then, on the date of issuance of the bonds of the Building Corporation to finance the Project (the "Bonds"), Jail Income Tax Revenues or a portion of the proceeds of the Bonds shall be deposited in Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement (as defined below). After making the required deposits into the Principal and Interest Account under Section 4(a), Jail Income Tax Revenues shall be set aside from the Sinking Fund and (a) deposited in the Reserve Account in an amount sufficient to maintain the Reserve Account in the full amount of the Debt Service Reserve Requirement, and (b) deposited in any reserve account established for any Parity Obligations secured by a reserve other than the Reserve Account in the amount required thereby. No deposit need be made in the Reserve Account so long as there shall be on deposit therein a sum equal to but not exceeding the least of (i) the maximum annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, (ii) 125% of the average annual debt service and lease rentals due on the Lease and any Parity Obligations secured by the Reserve Account, or (iii) 10% of the proceeds of the Bonds and any Parity Obligations secured by the Reserve Account, plus a minor portion as defined in the Code (the "Debt Service Reserve Requirement"). All money in the Reserve Account shall be used and withdrawn solely for the purpose of making deposits into the Principal and Interest Account, in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums or lease rentals due, if any, on the Lease and any Parity Obligations secured by the Reserve Account, in the event that no other money is lawfully available therefor. Any amount in the Reserve Account in excess of the Debt Service Reserve Requirement shall be withdrawn from the Reserve Account and deposited in the Principal and Interest Account. Money in the Reserve Account shall also be available to make the final payments of interest and principal or lease rentals due on the Lease and any additional Parity Obligations secured by the Reserve Account.

Section 6. General. Any member of the Board of Commissioners or the Council, the Auditor of the County, and the County Attorney are hereby authorized, empowered and directed, on behalf of the County to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 7. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Council.

DULY ADOPTED on this 22nd day of February, 2021, by the County Council of Dubois County, Indiana.

Mark Shireman, Shireman Construction, provided information on the plan bidding process and what to expect from the Construction Manager as this process continues.

RE: RESOLUTION 2021-07 – COUNCIL MEETING RULES OF DECORUM

Resolution 2021-07 was presented for review and approval. A discussion was held. Attorney Greg Schnarr assisted. A motion was made by Charmian Klem to approve Resolution 2021-07. The motion was seconded by Mary E. Beckman and carried unanimously.

RESOLUTION NO. 2021-07

RESOLUTION OF THE DUBOIS COUNTY COUNCIL ESTABLISHING POLICIES AND PROCEDURES TO PROTECT DECORUM AND FOSTER THE EFFECTIVE ADMINISTRATION OF PUBLIC MEETINGS

WHEREAS, the Dubois County Council (the "Council") serves as the fiscal and legislative body of Dubois County, Indiana (the "County"); and

WHEREAS, the Council conduct County business during its regularly scheduled and, if necessary, special meetings, all of which are open to the public; and

WHEREAS, the Council previously adopted, and continue to follow, the general rules of parliamentary procedure as set forth in Robert's Rules of Order regarding the conduct and administration of its public meetings; and

WHEREAS, the Council believe it is in the best interest of the County, as well as those individuals who choose to attend public meetings of the Council, to adopt standard policies and procedures for the administration of public meetings to supplement or, as the case may be, in lieu of the parliamentary procedure set forth in Robert's Rules of Order; and

WHEREAS, the policies and procedures adopted herein are intended to provide the general public with a clear and concise set of standards for public meetings held by the Council and, when applicable, rules regulating the conduct and decorum of members of the general public who wish to attend said public meetings; and

WHEREAS, in order to protect general meeting decorum and foster more effective administration of public meetings, the Council now desire to adopt standard policies and procedures applicable to public meetings held by the Council according to the general parameters stated herein.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF DUBOIS COUNTY, INDIANA:

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1. The Dubois County Council hereby adopt the following rules which shall apply to all individuals attending public meetings of the Dubois County Council. The President or acting chair of the Dubois County Council may waive any of the following rules for part or all of the meeting to accommodate an open discussion:

- a. Members of the general public in attendance at a public meeting of the Council have no rights with reference to the meeting except as otherwise provided by law.
- b. Although members of the general public have no right to speak during a public meeting, the Council, at their sole discretion, may provide for a public comment period, during which time individuals may be given an opportunity to address the Council.
- c. During any public comment period, individuals wishing to speak will be required to sign a speaker registration sheet and provide the speaker's name, address, and issue or topic they wish to address. Individuals will be called to speak in the order of which they have signed the speaker registration sheet.
- d. Individuals who wish to speak and have signed the speaker registration sheet may waive their opportunity to speak once called upon; however, an individual who waives their opportunity to speak may not be permitted to speak at a later time.
- e. Once called upon, all speakers shall first state their name, their county of residence, and the issue upon which they wish to speak. Speakers may only speak from a podium and must speak loudly and clearly so those in attendance may hear.
- f. Any speaker wishing to provide documents to the Council at the meeting shall provide one copy for each of the seven (7) Council members; however, speakers are encouraged to bring additional copies of any documents they intend to distribute during the meeting.
- g. Each speaker may only speak once and will be given a maximum of three (3) minutes to speak unless a shorter period of time is set forth by the Council at the start of the public comment period. Time may not be reserved or yielded to other speakers and once an individual is finished speaking, that individual's remaining time, if any, is waived.
- h. Each speaker will be notified when their allotted time to speak is exhausted and any speaker that does not immediately conclude their remarks at the expiration of their allotted time will be deemed out of order and the speaker will be asked to stop.
- i. Comments which are duplicative or repetitive will be deemed out of order and the speaker will be asked to stop.
- j. Any speaker who is discourteous, argumentative, accusatory, or insulting will be deemed out of order and asked to stop.
- k. Once a speaker is deemed out of order for any reason, that speaker's remaining time, if any, will be forfeited and the speaker will not be granted an opportunity to make any further comment or presentation.
- l. All members of the general public attending a public meeting will be expected to adhere to these rules and, any person failing to do so will be deemed out of order.
- m. The Council are authorized, and have sole discretion, to request any person deemed out of order leave the meeting and once requested to leave, a person must immediately leave the meeting room.
- n. In extreme cases, if a person refuses to leave the meeting after being asked to do so and that person continues to disrupt the proceedings in a way that is obviously hostile to the purpose of the meeting, the Council may order that the person be removed by members of the Dubois County Sheriff's Department.
- o. During its public meetings, the Council will take all measures necessary under the circumstances to maintain order. In exercising this discretion, the Council will be guided by a judicious appraisal of the circumstances, including the conduct and decorum of members of the general public in attendance.

2. Upon the adoption of this Resolution, a copy of the rules stated herein shall be posted outside the Commissioners/Council Room of the County Courthouse Annex and made available to the general public through the internet website for Dubois County, Indiana (<https://www.duboiscountyin.org>).

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3. This Resolution shall be effective upon adoption.

DULY ADOPTED by the Council of Dubois County at a regularly scheduled public meeting held on this, the 22nd day of February, 2021.

RE: ADDITIONAL APPROPRIATION – RAINY DAY FUND

Auditor Morton requested an additional appropriation in the Rainy Day Fund from Other Services for COVID-19 Vaccine Clinic Expenses in the amount of \$100,000. A motion was made by Doug Uebelhor to approve the request, was duly seconded by Craig Greulich and carried unanimously.

RE: TRANSFER – RAINY DAY FUND

Auditor Morton requested a Transfer of Appropriation in the Rainy Day Fund from Other Services to Personal Services in the amount of \$95,000 for clinic staffing expenses. A motion to approve the Transfer was made by Charmian Klem and seconded by Alex P. Hohl. The motion carried unanimously.

RE: SALARY ORDINANCE – RAINY DAY FUND

Auditor Morton presented an Amendment to the Salary Ordinance for the COVID-19 Vaccine Clinic wages as follows: Temporary Clinic Nurses - \$20 per hour; Temporary Clinic Administrative Clerks - \$15 per hour; PRN Nurses - \$22.33 per hour; and Health Staff Compensatory Time \$35,000 to be paid at the employee's current rate of pay. A motion was made by Craig Greulich to approve the Amendment to the Salary Ordinance, was duly seconded by Mary E. Beckman and carried unanimously.

RE: ADDITIONAL APPROPRIATION – ST. CHARLES ANNEX MAINTENANCE

Auditor Morton requested an additional appropriation in the St. Charles Annex Maintenance Fund from Other Services in the amount of \$5,000 for a replacement door at the Health Department. A motion was made by Charmian Klem to approve the request, was duly seconded by Mary E. Beckman, and carried unanimously.

RE: ADDITIONAL APPROPRIATION - COMMUNITY CORRECTIONS – LILLY GIFT VII GRANT

As presented at the January meeting, an Additional Appropriation for the Community Corrections Lilly GIFT VII Grant was presented for approval in the amount of \$151,574 in the following categories: Personal Services - \$123,074; Supplies - \$1,500; and Other Services - \$27,000. A motion was made by Alex P. Hohl to approve the request, was duly seconded by Craig Greulich and carried unanimously.

RE: SALARY ORDINANCE – COMMUNITY CORRECTIONS – LILLY GIFT VII GRANT

Auditor Morton presented an Amendment to the Salary Ordinance for the Community Corrections Lilly GIFT VII Grant as follows: Case Manager - \$1,649.10 bi-weekly and Program Facilitator - \$1,649.10 bi-weekly. A motion was made by Mary E. Beckman to approve the Amendment to the Salary Ordinance, was duly seconded by Craig Greulich and carried unanimously.

RE: APPOINTMENT – JASPER ECONOMIC DEVELOPMENT COMMISSION

A motion was made by Mary E. Beckman to reappoint Mark R. Schmidt to the Jasper Economic Development Commission for a four-year term beginning February 1, 2021 through January 31, 2025. The motion was duly seconded by Sonya Haas and carried unanimously.

RE: 2020 COUNTY ANNUAL REPORT

Auditor Morton reported on the 2020 County Annual Report.

RE: JASPER DOWNTOWN REVITALIZATION COMMITTEE

Committee Members President Kluesner and Mary E. Beckman provided an update on the Jasper Downtown Revitalization Committee progress.

RE: 911 DIRECTOR

Councilman Greulich informed the members that 911 Director Jeana Mathies will be retiring in May 2021. Applications are being accepted for the position.

RE: FUTURE MEETINGS

The Council will meet at 4:30 p.m. in the Dubois County Annex Commissioner/Council Room on the following dates: March 29, 2021, April 26, 2021, May 24, 2021, June 28, 2021 and July 26, 2021.

RE: ADJOURNMENT

With no further business to conduct, a motion to adjourn was made by Charmian R. Klem, seconded by Mary E. Beckman. The meeting was adjourned at 6:08 p.m.