

Benton County Commissioners Meeting August 1st, 2023

The Benton County Commissioners met at 8:15 a.m. at the Benton County Courthouse in Fowler, IN 47944. Those in attendance were Commissioners Bryan Berry, Mike Freeland, John Fields, County Attorney, Jacob Ahler and County Chief Deputy Auditor, Beth Budreau.

Others in attendance were: Mike Budreau, Walt Wilson, Edwin Buswell, Taylor, Larry Krebbs, Jason Fisher, Valerie Murphy, Kelly Murphy, Glenda Wallpe, Colin Sullivan, Jonathan Devers, Roger Laffoon, Sarah Cantu, Lauren Ganapini, Sue Townsend and John Cox

Mike Budreau – Highway Supervisor

- They are still patching
- Placed a slip pipe on 300 S
- Radius – picking up some stone for the turning radius for windmills
- Capping – they are going to work on recapping some roads
- Bridge report – should have it next week. Mike said that they talked about a full replacement but want to discuss it further. Commissioner Berry does he think the little column needs to stay or can it go. Mike is unsure but if they do a full replacement, it will not stay.
- Recycling tires and other hazardous materials will be this weekend
- Annex – Commissioner Freeland asked if Mike had talked with Brad, no he has not. Brad needs the square footage for the addition. Commissioner Berry asked Matt Hull what the square footage requirements is for a state release and if they would get one on a building 18X20
- Next week they will start picking up some concrete
- Bridge – Commissioner Berry said that the outside edge was not Nicks idea it was made/designed that way
- Old truck – Commissioner Fields asked if they got the truck, yes they did. Mike added that it has been worked on and is ready to go. Commissioner Freeland asked what the cost was; \$17,300.00

Edwin Buswell – KIRPC / Oxford Project

Edwin was coming before the board today regarding the Oxford water grant project and how the county had to be a co-applicant. The Town has gotten their USDA funding and is moving forward. Edwin said that there will be a zoom meeting that will require a county individual to participate, and they might at that time remove the co-applicant portion. Commissioner Berry asked if the board was ok signing the paperwork. Commissioner, Mike Freeland motioned to approve and sign the paperwork, seconded by Commissioner, John Fields and motion carried. Edwin will let the board know once the meeting date has been set.

Benton County Commissioners Meeting August 1st, 2023

Commissioner Berry asked if Edwin had heard any more on the transit and if it was an INDOT thing. Edwin said he has not, but they did have their annual meeting in June. They said that they are trying to get all of the counties into a regional group.

Commissioner Berry asked where they were at with the safety grant. Edwin said that it was submitted in July and should know by October what was rewarded.

Jason Fisher – DHS / EMA Director

- Tuition agreement – Frank Grandstaff and Valerie Murphy are interested in taking the paramedic classes. The total cost each is \$ 6750.00, and they are willing to sign the agreement with the county. The classes will be both live and online and they will start today. Commissioner Berry asked if they would be allowed to study while on duty, yes, they will. Commissioner Berry asked Frank and Valerie if they understood the terms of the agreement. They had not seen it prior to the meeting and reviewed the document then agreed. The cost was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried.
- Stryker cot – the autoload cot purchase was discussed and after Jonathan was done talking to them, they agreed to charge \$7,000 in lieu of \$10,000. If purchased new the cost could be up to \$43,000. The claim will be paid by the Commissioners.
- Radios – Jason stated that his previous request to purchase two radios is now only needed for one. He was able to cover one out of the EMP grant balance and to lower the out-of-pocket costs by around \$500. He still needs one mobile to replace 2 Johnsons. Commissioner Freeland asked how much, it will be around \$3,100 each. The cost was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried. The two radios will be paid out of public safety funds not within the megawatt fund. Jason added that he has brought in over \$300,000 so far to date. They are also up 150 runs from this time last year.
- Austin will graduate tomorrow and will take his registry test and receive his certification within 30 days. Commissioner Berry asked if there are any worries about the job, he will do at all. Jason said no, just need to get some time in the position since he is brand new.
- Incentive – Jason asked about incentive pay for a new hire. Commissioner Berry asked Jason if he was still thinking that \$3500.00 would be paid and what he asked the other board members what they thought. The board agreed that the amount was ok to be paid.
- Paramedic – Jason has someone who is interested in the position but is still working out details as they are trying to find out what the current obligation to IU Health is but is looking to get to back to rural ALS. The board stated that the incentive would be the same and asked him to come back with any details as he gets them. Jonathan will be speaking with the individual today.
- Out of state travel request – Jason asked for permission for out of state travel for him and Jonathan to New Orleans in September for the annual EMS Expo. They also requested to use a county vehicle during the travel dates. Commissioner Berry asked if he had the

Benton County Commissioners Meeting

August 1st, 2023

funds to cover the expenses. Auditor Freeland said that she forgot the out of the travel request form for them to sign. The out of state travel request was approved with all costs to be covered by Jason's budgets was made with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried.

- White Explorer – Jason said that Richland Fire has asked about the white explorer and if they could trade that one back in exchange for the brown one. The request was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried
- Matrix – Commissioner Berry asked Jason about his comparison and how similar it is to what we have in place now. Jason said that it helps to provide public safety employees and extra incentive to stay here long term. Commissioner Berry asked if Jasper and Newton County pay longevity and if it is included in the comparison, he feels that it is. Jason said that the average career for EMS life is 6 years
- Tower – the tower work is done
- Cabinets – Jason would like to get some quotes for EMA & EOC storage
- Parking lot – Jason has been trying to reach Eric Wetli and will try again about the South side of the building. Commissioner Freeland suggested that he reach out to Steve Rettig to see who he used for the IGA when they had it.

Matt Hull – Building Inspector

Matt said that there is a homeowner who would like to build closer (approximately 5 feet over) and they want to make an agreement rather than a variance since it is on the family farm. The request would put it within the setbacks on their in laws property line or maybe to allow an easement. Commissioner Berry said that they would probably want an agreement with the two parties involved, not the county. Attorney Ahler asked if it was on county property and advised that if it is private property that would be something they need to do themselves unless it is within a county right of way or easement infringement. Matt said that the plan commission has setbacks, so he just wanted to double check. The board agreed that it would need to be a private agreement between those parties.

Roger Laffoon – Taxpayer (Raub)

Roger came before the board today to discuss some issues with his neighbor in Raub. He spoke to the board about the neighbor behind him. Nipsco had come out and dropped some trees and never cleared up their mess. Now the neighbor is using the lot for his personal use, and it is starting to look like a junk yard, he is unsure of his name. Commissioner Berry asked him if he could get the down trees marked so they could have the highway come in and clear them out of the way. Mr. Laffoon was unsure of the name of the neighbor but wanted the county to be aware. Matt Hull asked if it was to the east of him, yes, it is.

Benton County Commissioners Meeting August 1st, 2023

Commissioner Berry said that there are a few other issues they will be addressing within the Town of Raub, but they are currently with the courts. Roger shared his contact information with Matt.

Matt gave a brief recap of Raub properties and then some ongoing issues in the Town of Boswell as well.

Commissioner Berry then asked about the old Oxford school and what needs to be done in order to get it torn down. Attorney Ahler advised that in the unsafe building statute grounds for tearing it down have to be structural integrity issues. Commissioner Berry said that the roof is caving in. Ahler continued on stating if it was going to collapse or if there were broken doors or windows. In his experience if the property owner boards up the windows and doors and there is not an immediate threat of collapse then they will not generally issue an order to destroy. Matt said that he believes the order states that it is to be repaired or torn down, he has also installed the fencing and is trying to comply. Commissioner Freeland asked if they ever get the asbestos report back. Matt said that it is supposed to be around somewhere. Matt said Pat's biggest issue is finding a contractor willing to take on the job.

Lauren Ganapini – United Consulting Engineering Firm

Lauren wanted to introduce herself, she is working with the engineering firm of United and shared her contact information with the board. She will be covering mainly the west central but as far south as Terre Haute

Business:

The Commissioner meeting minutes from 07.18.2023 were approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion passed.

Monthly Claims were discussed, and Commissioner Berry had a question on a charge for the sheriff's department and the total cost of the claim.

The board of Commissioners temporarily closed their meeting to hold a brief Drainage Board meeting at 9:00 a.m. They reopened their regularly scheduled meeting at 9:05 a.m.

Larry Krebbs –

Larry about the windmills and how BP comes around to individuals for contracts, and he was wondering if the board would form a committee to keep everyone together to negotiate as a whole. Commissioner Berry said I think you are talking about carbon not wind, that is correct. Berry said that there was talk about Jasper, Benton and Newton joining together but it never

Benton County Commissioners Meeting

August 1st, 2023

occurred. Commissioner Berry said that since the board has no legal rights to private property they should not get involved. Berry said he did that when the first wind farm came in and organized a meeting.

They then talked about the meetings that BP has been holding and the low attendance. Commissioner Berry said that they started their seismic testing on the 16th and they have said they plan on having community meetings again in September. Larry asked about the 70/30 rule within the 9 square mile and if they are the only ones who have a vote. The board said that is correct as far as they are aware. They do not know at this time where any of the wellheads will be placed. Commissioner Berry said that the DNR has a lot of rules to establish yet and they do not have them completed. Larry asked if they don't know where they are going to be and how they are talking to people. Commissioner Berry said that they know where they want to be but have to get those landowners to agree.

Larry asked if there were any other places to get these questions answered. He also asked if carbon dioxide was considered a hazardous material, yes and no it is not but it does suck the oxygen out of the air. Commissioner Berry said that they do not have them yet but will continue to share as they receive any information. He encouraged Larry to contact his legislators and express his concerns. Those legislators' meetings are open to the public as well.

Sue Townsend asked about the seismic testing and dates for upcoming meetings. She said that she had called the number to ask some questions and was told that they would pass along Sue's information and would reach out when any further meetings were scheduled. She was not aware of any schedule but is supposed to be notified. Commissioner Berry said that BP told him that they would be holding one in September.

Matt Hull – Building Inspector

Matt returned and presented 2 orders that have passed the date listed. One was for the Oxford school and the other was for 800 N and the lady is no contact she is in Chicago. Commissioner Berry asked what they can do then. Matt stated that it is passed the date given in the order and there is some verbiage regarding removal. Commissioner Berry asked if they were able to remove the vehicles and have them hauled to a junk yard, no you cannot. Attorney Ahler reviewed and advised that it would require a hearing. The board asked Attorney Ahler to move forward with it. Matt says that a demolishing permit has been filed for on the Oxford school property in the file. Commissioner Berry asked Matt to pull all of the Raub files and get them to Jacob as well.

Colin Sullivan – BF & S

Colin presented an agreement between the county and BF&S for review and approval for the RFP. They discussed the criteria and the template used. As long as there are no changes then the fee will be \$6,800.00. Commissioner Berry asked if the board has any questions or concerns

Benton County Commissioners Meeting August 1st, 2023

after the previous meeting with them. With none, Commissioner, Mike Freeland motions to approved, seconded by Commissioner, John Fields and motion carries. Colin thanked the board and said he would be in touch to schedule another meeting.

Colin stated that the bridge inspection report is completed, the fieldwork is done and there are two bridges that need to be discussed further at a later date once the report is completed with the findings.

Angie Taylor – Economic Development

Commissioner Berry wanted to discuss the 5G project – Mainstream, Ameri-crew and the County. Commissioner Berry would like to see a pie chart since the county is putting up the money how it is all divided up. Angie believes that Kelly has that, and the timeline can be adjusted. Commissioner Berry said that he has a ton of questions so he would also like to get something scheduled with everyone to just have those conversations. Commissioner Freeland stated that county will own the towers, yes that is correct. There has been no response from Freeland Park on a location for one. The group discussed the different possible sites. They then talked briefly about the cloud initiative.

Glenda – Recorder

Glenda came in case there were any questions regarding the new E-recording process that goes into effective January 1, 2024. Attorney Ahler reviewed an email he had received about the collection of sales disclosure fees. Auditor Freeland stated that those funds are already established and have been in place for a while. She asked if anyone had reached out regarding policy procedures, no one has. Auditor Freeland continued and discussed the over-the-counter payments her office can receive but that does not include any ACH/EFT payments which the new process would offer. She read an email from SBOA agreeing that as Auditor she cannot have a bank account, nor does she want one. Auditor Freeland said that the Treasurer does not currently accept ACH's, and Auditor Freeland wants to have some type of policy so that proper steps of operation can be established. She stated that there have not been any in-house discussions between the three offices together. Glenda said that she just wanted to be here if there were any questions, and all statutes are covered. She went on to state that she does not have a problem if the funds run through there but wants to make sure that is within statute. Attorney Ahler said the only statute is pretty clear on how it is to be handled. Auditor Freeland said that there are three questions that have been asked and she has her entire email thread regarding the question she asked. The daily report of collection processes was discussed, and another county's process was shared. The actual process change is not an issue with anyone, the only concern is how the money is to be handled. Attorney Ahler would like to review all of the emails and then compile a proposal for the offices to review. Auditor Freeland stated that would be nice and discussed the segregation of duties.

Benton County Commissioners Meeting

August 1st, 2023

John Cox – Sheriff

- Vehicle – John asked how the board would like to handle requesting replacement vehicles and disposal of old vehicles. Commissioner Berry said for any disposals he feels that for the Tahoe they need to get a report and then sell it outright through a sealed bid process with a set minimum. The board agreed. Auditor Freeland will send the Sheriff a template that was used previously for advertisement.
- Pool vehicles – down to one and the back end is going out
- HVAC – 4 out of 9 systems have been replaced. John said Brouillette's is doing a great job and looking at some plumbing issues also
- Ventilation – Stanley Steamer does commercial cleaning. Commissioner Freeland asked to be notified so he can go around with them and have them also look at courthouse
- Inmate meals – they are reviewing the data to see what/where cost can be reduced
- Fair board – things are getting wrapped up and they have received a lot of donations. He is not sure of the amount left over. They will be looking into some pipe work out there and asked if maybe the highway could assist in digging them up.
- New fair building – Dan Kiser wants to review the blueprints, but the public is excited
- Vehicles – he would like to get a rotation of 2 vehicles then following year 1 vehicle. The board stated that he will need to ask each year for their approval and then request the funding through the budget process
- Jail foundation update – RQAW is doing a summary for the board and will need to consult with an architect before anyone bids.
- Jail door – no bill yet. Mulhualpts provided a bid, but Haley's never did. since the door has been installed Haleys has come out and reviewed some of the other doors and got the keycard access added
- 2024 camera replacement – he would get something in place for long term and on the same system
- Drug dog – Paden's K9 should arrive in September
- BP – the deputies will provide escorts doing the seismic testing but has had no conversations for a couple of months. The board is ok with that but needs to have something in place
- Purchasing – Commissioner Berry wanted to reiterate that any purchases over \$1,000 threshold requires approval
- Academy – there is no academy date for Deputy Marsh at this time
- Tort claim – Attorney Ahler provided a brief update and thanked Sheriff Cox for his assistance. Commissioner Berry was not sure why the county was involved
- App – Sheriff Cox spoke about a possible way to have a link for it on the county website. He is also working with the John about getting the department updates on the website as well

Business continued:

Monthly claims were reviewed. Commissioner Freeland and about the ditch repair claim. The board asked to see the claim paid to Muller Excavating.

Benton County Commissioners Meeting

August 1st, 2023

Pay at Once claims were discussed, and Commissioner Freeland asked about the tax garnishment. Auditor Freeland said that since government employees cannot have outstanding debt to the county so some elect to do a volunteer garnishment and the claims to the Clerk are for those who have been court ordered garnishment. Pay at once claims were approved with a motion by Commissioner, John Fields seconded by Commissioner, Mike Freeland and motion carried.

Payroll (07/28/2023) was approved as presented. It was approved with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields, motion carried. Angie asked about a claim for the 5G work. Commissioner Berry said to just pay it out of the capital improvement.

Commissioner Freeland asked Angie if she had heard about a new grocery store in Oxford. She replied that they are looking to make a possible homestead style restaurant. They had reached out to Steve Cox, and he gave their information to Angie. They discussed some equipment that should be coming back to the county per another agreement that is now void.

Commissioner Berry then discussed drug testing and breathalyzers. While he understands the constitutionality of it all then why does the county carry liability insurance for their vehicles. Attorney Ahler reviewed who can be tested outside of the initial hire. He said any elected official should not be because they cannot be fired. He went on to state that they could propose something saying that if an elected official is going to use/operate any county vehicle then they can be tested unless the official opt out and do not drive a county vehicle. Attorney Ahler said that elected officials should not be breathalyzed. There was further discussion on the job descriptions that are signed and the validity. Auditor Freeland asked about the personnel policy and where it talks about testing and the need to be redacted, yes it should be. He advises the board to put in the option to opt out for those individuals who are not required. The board discussed selling the county vehicles all together. Auditor Freeland asked who was going to police it, who was driving one and who is not. She then asked about another section of the handbook on breathalyzers and the group discussed that topic. She stated that she just wants to understand it from the HR perspective, and she is getting personally attacked over this topic.

The group then discussed who currently has a county owned vehicle tied to their department and how the process works of using them. The county is not required to provide vehicles to departments, with that it was discussed to enforce drug testing at the point of hire and to sell all county own vehicles. Commissioner Berry asked if this is unconstitutional and why would the law firm used for the rewrite not inform them of this.

Page 27 and page 41 of the personnel policy were discussed again and that a redaction/rewrite will need to happen. The group discussed other issues and discussions

A motion to enforce drug testing at time of hire and to have a letter drafted (to be signed at next meeting) to the departments with vehicles that those vehicles to be sold was made by Commissioner, Bryan Berry. Auditor Freeland talked about the current mileage rate (\$0.40) and

Benton County Commissioners Meeting August 1st, 2023

that fuel is not currently reimbursed. Commissioner Fields asked how the mileage claims are handled and that was explained by Auditor Freeland. Commissioner Berry's motion was reiterated to enforce drug testing at time of hire and to have a letter drafted (to be signed at next meeting) to the departments with vehicles that those vehicles to be sold and was seconded by Commissioner, John Fields and motion carried

Since there was an email that accused a commissioner of nepotism, Attorney Ahler explained the laws on this. Auditor Freeland stated that there are annual conflict of interests forms and nepotism forms.

Auditor Freeland asked Attorney Ahler if he could send a letter to the Jersey turnpike people because she has disputed it numerous times and they just keep sending them. It is not a county owned vehicle.

Commissioner Freeland asked if there is a contract or agreement with David Meihls for the ADA compliance review. Yes, there is one and the board asked to have it sent to them to review and they will continue the conversation of cancellation at the next meeting.

Commissioner Berry provided a quick update from Fraiser, there have been 37 of 40 completed on the towers. He also gave an update on the civil crew and their recent event where they had a good turnout. On the AEP agreement where they want to buy 50% of FR Phase II and they do not believe it will affect any AV's, but Commissioner Berry said they have heard that before and they would have something drafted.

Attorney Ahler stated that he might have an affidavit for Auditor Freeland to sign to verify the amount due from J.O.B.S. to the county for the court filings. Auditor Freeland said that it was removed from the tax sale list. Attorney Ahler discussed other things that he will do for the case. Auditor Freeland said that she can confirm what is due to the county from the contract and the Treasurer could verify taxes due so he might want to add her signature to the affidavit as well.

Auditor Freeland spoke about the email from county nurse, Miranda Wirtz on the new public fund hearing. Since it does not meet the criteria for an executive session, she has informed the nurse of this, however, if the county opts in she will need a non-reverting fund ordinance. Commissioner Berry asked what this fund will do for the county. Commissioner Fields shared what has been explained to him. Auditor Freeland said it is a matching grant so the county will have to pay out so much. She went on to say that a lot of counties are totally on board and expressed that the Health Department has lived on grants for years. There is a new fund that has been established and then there is another fund if the county opts in that will need to be created as well. Commissioner Berry asked if the county had to raise their LIT rate. Auditor Freeland said that she has not received a clear answer yet.

The fund 1161 will need to be created regardless if the county opts in to the public health. Attorney Ahler will draw up the ordinance.

Benton County Commissioners Meeting
August 1st, 2023

Summons easement recap that the county has no reservations on this case.

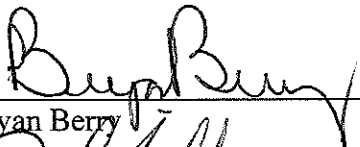
The tuition reimbursement agreement for the paramedic was discussed and they will begin repayment schedule soon.

Angie asked about the make my moves and how they would create marketing ideas for the county and if the board is interested in 2024. She said that they work with IN Vets and she provided a brief explanation. She felt as if it was something that they do not need to entertain at this time.

With no further business the meeting adjourned at 10:57 a.m. with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields, and motion carried. The board reopened at 11:01 to discuss the following.

Commissioner Berry wanted to revisit the monthly claims, particularly the one payable to Dwenger's Excavating. During the work on the Lohman Tile, they broke the tile, and he feels they should fix that and it not be the county's expense. Commissioner Berry motions to deny the monthly claim to Dwenger's for the Lohman tile, second by Commissioner, John Fields and motion carried. Let the record show that Commissioner, Mike Freeland abstained from voting

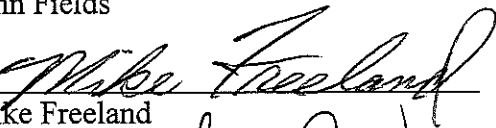
With no further business the meeting adjourned at 11:06 a.m. with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields



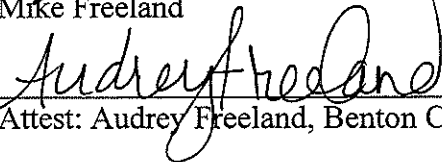
Bryan Berry



John Fields



Mike Freeland



Attest: Audrey Freeland, Benton County Auditor