

## Benton County Commissioner Meeting May 21st, 2024

The Benton County Commissioners met at 8:15 a.m. in the Commissioners room at the Benton County Courthouse. Those in attendance were Commissioners Bryan Berry, Mike Freeland, John Fields, County Attorney, Jacob Ahler and County Auditor, Audrey Freeland

Others in attendance were: Mike Budreau, Matt Hull, Jasmine Bice, Derrek Fuehrer, John Campagna, Lana Wallpe, Andy Wilkinson, Amy Wilkinson, Sara Niccum, JR Niccum, Justin Bice, Colin Sullivan, Domingo Arredondo, Jennifer Greenberg, Latisha Provo, Samantha Smith, Chris Burgett, Judd Burgett, Gail Lange, Ron Shoup, Jason Fisher, Jonathan Devers, John Cox, Leslie Fisher, Brent Cox, Jim Sheetz, Jud Barce, Chelsey Hamrick, Allen Buchanan, Jon Charlesworth, Christina Lovelace, Scott Lovelace, John Boerman, Jay Hockings, Donna Wilkinson, Kenneth Deno, Shawn Townsend, Sarah Townsend, Colette Childress, Emily Matthys Bennett, Kyle Steiner, Kathy Gretencord, Jon Burgett, Joe Burgett, Mike Sheetz, Cody Akers, Scott Varman, Jacob Achen, Gina Byle. Please see attached sign in sheet for additional names

### **Mike Budreau – Highway Supervisor**

- Roads – been laying stone
- Trucks – received some quotes back
  - \*Freightliner - \$167,000
  - \*M&K - \$172,000
  - \*Mack - \$160,000

A motion to accept the quote from Mack truck was made by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried

- Bridge – no problems per the report
- Chip box – fixed and should be out next week
- Total patcher – will take back out when they get more oil
- Tracks – 800 N the right side is busted back open
- Kubota – just overage on hours so there will be some fees assessed
- Mower – will be picked up today
- Equipment – a request will be put into the 2025 budget request for a truck and a roller

### **Jennifer Greenberg – Clerk**

Jennifer presented a quote from text my gov for election notifications and communication. It is \$1500.0 annually. She has the funding within her budget. Commissioner Berry said that he was ok with it as long as it was not used as a promotional piece, it will not be. The request was approved with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried.

### **Jason Fisher & Jonathan Devers – DHS / EMS / EMA**

Commissioner Berry said that he would like to start off by congratulating Jonathan on 20 years of service.

The Handtevy quote was discussed and the efficiency it provides for the department. The cost is \$3,899.23 and he currently has the funds available (EMS equipment funds) but worries about how the rest of the year might go. There are over 70 agencies that use this app for their protocols and training. Commissioner, John Fields motioned to approve and to be reviewed before renewal, seconded by Commissioner, Mike Freeland and motion carried.

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This week (May 19<sup>th</sup> – May 25<sup>th</sup>) is the 25th National EMS week and Jason presented a proclamation for the board to approve. The proclamation was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried. Jason then read the proclamation. The board wanted to add their thanks for everything they do for the county. The current run total is right at 700 so far this year.

FEMA has provided Jason with their official notice that we were not awarded any mitigation funds. It is believed that we did not receive any because overall there was more funds expended on response than originally anticipated. He plans on applying for a brick community structure grant.

### **John Cox – Sheriff**

- RQAW – quick study update. A full building review of everything will be done if it is new.
- Highway – a shout out to the crew for attending a meeting with INDOT at the fairgrounds. INDOT will be responsible for removing the trees (this fall) due to it housing a bat
- Thanks – thanks to all of the medical services, fire departments, dispatcher center for helping them through the crazy week. Also, thank you to Matt Hull for the fairground's drainage issues
- Grants – applied for 4 grants – Coalition for a Drug Free Benton County, 2 through the Benton Community Foundation and SIA
- Fair building – met with Vic to review the plumbing to see what the next steps are
- 600 – Commissioner Berry asked if he had any questions on the assessment, no but feels that INDOT will be biggest partner in this with the hill

### **Business:**

Minutes were presented and approved with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried

Pay at once claims were reviewed and approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried.

Payroll was presented and then approved with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried.

The quote from Brouillette's for the clerk's office was tabled so other bids can be obtained.

The easement agreement for Gross was tabled.

Auditor Freeland presented the amended bulk user fee ordinance, which was approved at the last meeting, but it needs to be signed. The board signed the ordinance.

### **Christina and Scott Lovelace – Mary T Klinker Foundation (Boswell Armory)**

They came today after resubmitting their rezoning request and are seeking the board's approval. After some discussion regarding the zoning and additions. This was approved with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried. The group then requested that she takes the document to the recorder to be recorded and provide a copy to Samantha in the surveyor's office once it is completed.

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### **Friends of Big Pine Creek – Taxpayers**

Sara started out by asking for transparency from the board in regard to the proposed dairy. She questioned how a road use agreement could be approved when it has not yet been made public to their neighborhood when it is their roads that will be traveled.

Andy then spoke stating that it was public commented that Commissioner Berry said that this dairy would not be possible if the adjacent landowners were against it. He asked Mr. Burgett to say what the adjacent landowners think of the project. Judd presented a map while he spoke and said that the surrounding owners (himself, Campagna's and Sheetz) and they would not cooperate with it in any way. Another landowner is Dan Farrell and is worried about his woods and wildlife. Judd said that this is not a way to draw their children, grandchildren or others to return to the county. John Campagna wanted it on record that he is 100% against the project. He stated that he has spoken to the project manager and there were some inconsistencies with it all. He then spoke about others in the room and asked the board to look at their faces. He said that his farm will not give any product to the dairy or use any product from the dairy and will probably rewrite (if applicable) his cash rent agreement to include that as well. He asked the board to do the right thing. Jim Sheetz then spoke and agreed with what has been stated so far. He feels that there is a better spot where this could be placed not near a creek. While some of them are not going to go anywhere the community could stand to lose community members. He said that it is sad that they were not notified until now. Andy then spoke again and asked for an immediate cease and desist for any further developments until it is evaluated. Per the National Bald Eagle Protection Act US Code 16-668-668D. He read a portion discussing the interference of bald eagles. Along the Pine Creek watershed between 200 N – 300 S is home to nesting eagles and the setback outlined within the code is 660 feet. Andy continued and said that every document that has been provided is by IDEM regulations which states 300 feet, which is 330 feet to close. Commissioner Berry asked Andy if he could pass the code to the attorney to review to which Andy replied no, you can look it up yourself it is easy to find. He went on to talk about the presence of salamander mussels who make their home in Pine Creek, so you are now jeopardizing their habitat. The group has reached out to the US of Fish and Wildlife to request an eagle study and have also reached out to DNR do an environmental impact for the salamander habitat. So, this project needs to be placed on hold until these assessments are concluded, and the right setbacks are performed if it is to go forward. Then the drainage board can review and see if the area left has enough space for the size of the proposed operation.

Many others in attendance shared their thoughts, comments, concerns and questions and they were as follows.

Kyle - Greenwillow has already impacted other locations within Benton County. They have contaminated Mud Creek so that is another area of concern for the group. Property values will drop up to 88% and will be upside down on their mortgage which will cause financial impacts on approximately 50 people and hope the board reconsiders this project. You were elected by them to work for them and support them, and they are asking to be supported, which they do not feel at this time.

Andy – the Dairy has had violations so it is not a matter of if it will happen. The farm manager for this project has been cited and documented when running a project in Minnesota. He has a track record of not doing the right thing and causing environmental impacts that are beneficial to this county.

Jim – I own property along Pine Creek and my well water and aquifers comes from Pine Creek. With the declining school population there are very few places where development can occur. Pine Creek is a prime area where they could bring in high income people who want to build homes in the country. It is not property that is key to farming, but it is potentially high-quality development land. We need to do something for the future of this country.

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A woman within the group spoke briefly about the health risks. There was a study done by John Hoskins University in 2014 in Wisconsin on a dairy. They showed that the lagoons have a tendency to run over storms, there could be air borne virus and other issues which could cause a ripple effect.

Justin – His family have lived out in the area for years and it comes down to that this is happening in the highest populated portion of the county that is not incorporated as a Town. They are not a trailer park; it is a good tax base of people who are building nice homes. He feels that it is a bad idea to place the largest dairy right west of it.

A gentleman who is located close to the proposed site, and they are concerned about the water, traffic and are against the whole idea. He stated that they will not sell any crops to the dairy.

John – he used to live in Benton County, and he stated that there is the worst section of road there for big traffic pulling out onto ST RD 18. His father-in-law was killed out there years ago. He hopes they don't look back and say they did the wrong thing due to an unfortunate death

Kyle – There is an S curve on 850 and with crops in the fields if you meet a semi, it is a disaster waiting to happen. You are putting community members' lives at risk. There are more people who are also against the project who are unable to attend today.

JR – they have lived out at their home for 29 years and have known Mr. Freeland and that he is supposed to be their rep. He said that if you work for the people you should talk to the people in your township not the corporation that want to come into the township. He thought they were personable enough for him to reach out to them and see what they wanted. The people who live in the township chose to live there, and he knows that his grandkids will not want to sit out back with him and see and smell a dairy.

Sara – they have started a petition and so far, they have 120 signatures and that was within 24 hours. They are doing anything and everything they can to fight this

Joe – spoke about the IDEM standards and that they should be viewed as a floor because they are not good. The environmental impacts are real and IDEM has shown that they have a low bar. It showed the LEAP project and the community views. He spoke about Fair Oaks and odor that is associated. He spoke about the tax base increase from the dairy, you also have to look at the tax decrease in the surrounding homes. There are downstream effects.

Chris – Have lived out there for over 30 years and even though their children have grown one was considering moving back and building out on the family land until now.

John – had heard that the project was stopped during the well process, and the way he found out it didn't was while he was driving and received a call from John Boerman the project manager. John told him that there would be 10 loads a day. He asked John how he got his number, and he was told that it was given to him by a board member. He was surprised that he was not contacted directly by him.

Commissioner Freeland apologized to John and JR.

Andy – the amounts are incorrect. The average cow produces between 6-7 gallons, that would be 55,000 gallons a day which would have 36 turns and turn in at the intersection. INDOT needs to do a traffic analysis at that intersection. That is just for the milk not including the hauling of waste.

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John – talking about square foot, maybe they could pipe some of the water from the project to Lebanon because they will have 7 acres of roof on those proposed buildings. Imagine the runoff of water and what that will do to Pine Creek.

Kyle – Pine Creek in that area is already known as a flood area. He will drive his daughter past that every day to take her to school.

A woman in the group stated that 10 years ago her daughter moved out into that area with her husband and now she has a 9-year-old granddaughter. She does not want them to move, she wants to be able to watch her grow and spend time with her. She wants to ask the board to vote no.

Commissioner Berry asked Attorney Ahler about the comment on the bald eagle and mussels. Upon his review there are criminal penalties for violations. The EPA and DNR have their own regulatory bodies who can order cease and desist letters upon investigation if in fact that is an issue. The issue for today is to discuss the RUA and the Drainage but this is not a vote for conditional use just so everyone is aware. That will be a separate hearing and the concerns are heard.

Andy – asked how proper drainage can be assessed if the proper setbacks are not included in the map. The additional 130-foot setback will change the layout. The overflow lagoon already impedes the 300-foot assessment. The guideline also includes that there is about motor vehicle within 600 yards, so they need to go to the drawing board. Attorney Ahler asked for clarification on whether they have reported this to Fish and Wildlife. Andy replied that they have pending calls into Fish and Wildlife in the Bloomington office (for State) and the regional office in Minnesota as of Friday.

Kyle – why is there no public notifications done and just sent to adjacent landowners. Commissioner Berry said that is just how the ordinance is set up. Kyle said that should also be reevaluated

John – just like the LEAP project there was no notification.

Andy – the letter that was sent to adjacent landowners included an incorrect parcel number and is not accurate. It was sent by Jud Barce

John – the main concern is that they did not find out until last week and it has been in the works for while if they have blueprints and stuff. He does not oppose the dairy he opposed the location.

Sara – asked Commissioner Berry if when they spoke that this has been in the works for a year. Commissioner Berry said no he did not, he said that they were up in Raub back in 2020. JR said he thought they tried to find land just north of you. Commissioner Berry said that was the second option, the first was in Newton County. Sara asked how long he had known about this and would testify that he said he has known about it for a year or two. Commissioner Berry that is incorrect. In January of 2023 is when he asked about the Raub property, and he can prove it.

Kyle – how did this location get selected. Commissioner Berry believes that the manager and the person who oversees the property know each other but is not sure exactly who it is. Kyle said he is the only landowner who is in favor, and he does not have any impact at all because he doesn't live here.

Andy – says this goes in. Then Kyle, Niccum's and I decide to stay. Kyle added that no one has reached out to him about selling. Andy says that it is also known that this farm manager has asked about rental properties for all of the amount workers they will need. They have pictures of the temporary housing and campers that surround the area, which looks like a slave camp. If they say no and there is

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nowhere to house the workers, the farm manager owns the acreage directly behind and it will be a little sweat camp and is a never-ending snowball.

A lady asked if a study has been, or will it be done on the water usage and what it will do to the water tables in their wells. Commissioner Berry believes that has already been done. Sara asked if DNR did a base line. You will need to ask DNR

Jim – will it be like the wells that went dry in Templeton. Commissioner Berry was told that no one else was drawing out of it. The people who did the testing is who they would need to get the studies from them.

Kyle – no one set anything on his property during that process. Commissioner Berry said that there should of be test wells out there and how it affected the wells around them. Kyle said that there is a bore hole right next to the creek and assumes it is their first drill hole to find water. Commissioner Berry said that when they were pumping out the water it ran down the roadway ditch.

John – the individuals wells in that neighborhood do not have a base line on what the effect of the draw down is going to be like. He spoke about the Templeton wells drying out again and does not feel that the theirs were included in the study.

Commissioner Berry asked if they should proceed. Attorney Ahler advises the board that the order of operations is a bit off, and Jud might speak to that in a minute. Commissioner Berry asked about the RUA and where the sheriff provided a recommendation if they can use that or should they wait for INDOT. Attorney Ahler said that it depends on how it will be done. Andy stated that per INDOT regulations state and require that a traffic impact study been done based on the square footage of the proposed facility. The only time that they will get involved is if there is a need for a traffic signal. He says that he is saying and based on what Sheriff Cox said that there is potential a need for a traffic signal because it will adversely affect and cause a hazardous intersection at 850 or 600. Attorney Ahler said that INDOT should probably be involved. He will reach out to his contact at INDOT and have them review.

Andy talked about the guidelines for traffic studies and requirements.

John – asked if there was a start date because he was told it was starting this fall. They do not have approval from the BZA at this point. Commissioner Freeland asked John if he wanted to speak about the water study.

John Boerman, Manager of Benton Dairies and Jay Hockings, Co-manager joined the meeting. He said that they drilled monitoring wells around the perimeter of the property. As they pumped over the month, they monitored those perimeter wells to look for impact and Brian Hargan was the well drilling. They saw no impact on any of those water wells. Per NRCS requirements if there is an impact, they are legally required to fix that.

Justin – so you are responsible for the small quantity users for the residential but are you legally bound for like Benton Central or Prairie Crossing if you run their well dry. John said that he is not sure on commercial wells. He thing spoke about doing the test during the spring, which has been a wet one and asked about doing one during a peak time.

A woman then asked if they had talked to any families to talk about this project.

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**Jud Barce and John Boerman – RUA discussion for proposed dairy**

Jud made the changes to take out the written route and added that the drivers would carry a copy of the map in their vehicles to go to and from the dairy. Commissioner Berry said that they asked the Sheriff to go out and do a survey which he emailed to them. The sheriff had no issues with the roads (600 E or 150 S) but has questions about working with INDOT about warning signs and then Andy has brought up the traffic study. Commissioner Berry asked if they should talk with INDOT prior to approving the RUA, yes, Attorney Ahler would like to speak with general counsel first. After some further discussion a motion to table the discussion until the next meeting (June 4<sup>th</sup>) was made by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried.

**With no further business the meeting was adjourned at 9:43 a.m. With a motion by Commissioner, John Fields, second by Commissioner, Mike Freeland, motion carried**

**Following the drainage board meeting the Board of Commissioners reopened their regular meeting at 10:35 a.m. to discuss the following**

Colin Sullivan discussed the drainage plans for the dairy and will attend the June 4<sup>th</sup> meeting to discuss further.

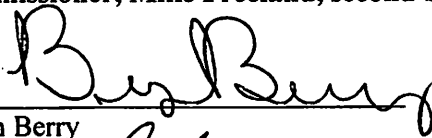
The board was informed that Mr. Wilkinson has scheduled an interview with WIBN.

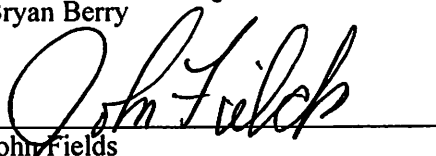
The location for the June 4<sup>th</sup> meeting was discussed due to the volume of people in attendance. The board agreed to move the June 4<sup>th</sup> meeting for the Commissioners, and regular drainage board to the BC Annex building. They will also move the Plan Commission and the BZA meeting set to be held on June 7<sup>th</sup> to the BC Annex building.


Attorney Ahler will contact Jud regarding the environmental study which will be done prior to special exception meeting

The board approved to move forward to send the escrow agreement to Invenergy with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried.

**With no further business the meeting was adjourned at 11:00 a.m. With a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried**

  
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Bryan Berry

  
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John Fields

  
\_\_\_\_\_  
Mike Freeland

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Attest: Audrey Freeland, Benton County Auditor

Commissioners Meeting

5-21-24

Sign in

~~Cofetti Childress~~

~~Matt Hull~~

Jonathan Kopp

~~Sam L. Wilkerson~~

~~Emily Matty Bennett~~

~~Douglas Wilkinson~~

~~Gina Beja~~

~~John Campagn~~

~~Kyle Steiner~~

~~Kenneth Dees~~

~~Nana L. Wallace~~

~~Kathy Sherwood~~

~~JOHN BURGOIN~~

~~Joe Beard~~

~~Colin Sullivan~~

~~Bob Sharp~~

~~Anch Wilkerson~~

~~JOE BURGOIN~~

~~Ben Dizenhoff~~

~~Leslie Fisher~~

~~Shawn Townsend~~

~~Mike Sheetz~~

~~Just h~~

~~Jim Sheetz~~

~~Ang Wilkerson~~

~~Cody Aker~~

~~Sara Niccum~~

~~Brent Cox~~

~~Sarah Townsend~~

~~Christina Jacobs~~

~~JL Hill~~

~~Scott Jacobs~~

~~Cris Bonyatt~~

~~Jon Charlesworth~~

~~Judd Breyer~~

~~Chelsey Hamrick~~

~~Zed Barce~~

~~John S~~



Scott D. Seaman

~~Jacob Nelson~~

~~Scott Harmon~~