

Benton County Commissioner Meeting February 7, 2023

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 Deputy Auditor, Beth Budreau.

Others in attendance were: Mike Budreau, Walt Wilson, Matt Hull, Steve Cox, Colin Sullivan, Jason Fisher, Mike Dwenger, Alan Buchanan, Rod Green, Dave Fisher, John Cox, Randy Miller, David Miels & Preston Miels and Samantha Smith

Mike Budreau – Highway Supervisor

- There is a small structure on 400 W – Cement Structure – fixing the structure will relieve the problem. Mike presented a proposal from E & H Bridge and Grating Inc. for \$44,656.00. They will use the old end vents and put a new steel structure in. It won't be considered a bridge because its not 20 feet long. There was cement added to the sides of it and not it is falling apart. The I beam under it isn't in the best shape either. The E & H Bridge and Grating Inc proposal was approved with a motion by Commissioner Fields to replace the structure and second by Commissioner Freeland, motion carried.
- **Colin Sullivan with BF&S** – Bridge 1010 300 S – 7–8-year-old Bridge – Mike Budreau & Commissioner Berry were worried about the hump in the middle of it with all the repower traffic coming in they wanted them to look at it to make sure that it was good. - \$2250 inspection – so that the bridge engineer/inspector got all the plan specs from BP and review the truck weights and loads and looked at the last inspection rate and everything seemed good. The inspection cost was approved with a motion by Commissioner Freeland and second by Commissioner Fields, motion carried.
- **Colin Sullivan with BF&S** - Bridge Contract – INDOT agreement that can't be changed. It is a county wide bridge inspection contract. It will need to be signed – Attorney Ahler is going to review it and get it back to Commissioner Berry. The county wide bridge contract was approved per Attorney Ahler's approval with a motion by Commissioner Freeland and second by Commissioner Fields, motion carried.
- Mike asked about the Fowler property that is being gifted – Attorney Ahler has a clean copy that he will email Deputy Auditor Beth for the Commissioners to sign. The resolution for the property that the Town of Fowler gifted the County was approved with a motioned by Commissioner Freeland and second by Commissioner Fields, motion carried.

Matt Hull – Building Commissioner

- Commissioner Berry and Matt Hull have had discussion about the decommissioning plan for repower that the county is getting ready to get into with BP. Commissioner Berry said that they are now dealing with a company that their salvage value is 3 times higher than their assessed value is. In the past the county has done bonds, but Commissioner Berry said with the situation now he thinks that the county needs to take cash or check. Commissioner Berry asked Attorney Ahler if the county accepted cash or check would the county need to set up an escrow. Attorney Ahler confirmed there would need to be an escrow set up. Commissioner Berry asked Attorney Ahler if there was any stipulations on what bank was used for the escrow and Attorney Ahler said he would pull the statute on it, but he didn't think there was a requirement of what bank you had to use.
- Commissioner Berry and Matt were talking and in WEX you have to have a special exception during that there has to be a site plan approved by the Building Inspector, Road Use Agreement, decommissioning plan and drainage. Commissioner Berry wants it on record that they are waving everything, the only thing that the Commissioners & Building Inspector are concerned about are the Road Use Agreement, the need to come before the drainage board to let them know

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they aren't going to be disturbing any soils and then they want a decommissioning plan – must be cash.

- Commissioner Berry asked Mike Budreau if he got the figures for the road bond to see how much it would be for the repower. Mike said no he was waiting because he hasn't heard anything about what they are going to charge us for repaving/chip and seal. Mike got a quote from one person, and it went up considerably - \$305,000 a mile for blacktop. Mike hasn't heard back from milestone on their quote.

Jason Fisher – DHS / EMA Director

- The Sheriff's Department Tower – J&K was here the other day and looked at the grounding. They recommended that we run a ground to the building, also in addition to what is there plus that will test the ground that's in the ground. Quote amount - \$1451.50
- Dispatch – EMS – EOC Building – J&K gave a quote to do the Tower there. It needs more work done. The reason Jason had them look at it while they were here is because they have moved so many electronics to the building. Quote amount - \$3242.83 – Jason said that so far these are the cheapest quotes for lightening protection that he has gotten. Jason wanted the commissioners' thoughts on getting the work done before severe weather season hit. Both the quote for the Sheriff's Department Tower work & the Dispatch – EMS – EOC building tower work were approved with a motion by Commissioner Freeland and second by Commissioner Fields, motion carried. Commissioners agreed to wait on the antenna until Jason got a quote back.
- Jason asked about looking ahead for storm warning siren replacement. J&K also did a quote for how much it would be to do a siren replacement – quote amount \$34,583.85 per siren. There are 10 sirens with the one that was relocated in Boswell. Jason mentioned that new poles are not included in the quote. Jason hopes to talk to NIPSCO & Warren County REMC and see if they could help with the pole replacement and the drop line power to them. Commissioner Berry asked Jason which one he would replace first. Jason said that he would like to do an assessment in the early spring of all the sirens to see which ones are in worst shape. Jason said the parts that are probably in the worst shape are the siren boxes themselves. Commissioner Freeland asked if there was any ARPA money left, Jason said he didn't know, he knew that there wasn't any left on the EMS side, but he didn't know if there was a general fund for the commissioners uses that had any left. Commissioner Berry stated that he has the numbers and there is some money left in there. Commissioner Berry stated that the sirens need to start being replaced. The replacement of the weather sirens and poles were approved with a motion by Commissioner Fields and a second by Commissioner Freeland, motion carried.
- Jason discussed about having a successful cardiac arrest save last week in Earl Park. The patient was able to make a recovery and go home. Jason said its pretty rare for them because of the response time and getting to where the patient is. Jason said at the next commissioners meeting he would like to recognize the first responders that were involved in the call. Jason is requesting since there is a new person in charge of the sheriff's department, he presented a quote for AED machines for each patrol vehicle and one for the Jail with a cabinet. The quote amount from Boundtree is \$5281.81 for 8 AED's and 1 wall cabinet. Jason stated they will provide the training and keep the batteries and pads up to date. Jason said that he was looking through some funds – fund 4108 he would like to purchase them out of there, unless the commissioners had a different fund, they would like to pay it out of. Commissioner Berry said he talked with County Auditor Audrey Freeland and said there is a line item in public safety, but he isn't sure how much is left in it. Jason said okay either or works and Commissioner Berry agreed. Jason said that adding these to the police cars it could cut their response time in half depending on where the deputy is when the call comes in. Commissioner Berry asked who will be doing the training and Jason stated he would be. Jason also stated the Jail staff will need some training as well. Jason stated the AEDs are recertified and refurbished units and they are coming from their main

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supplier and that's what they normally buy, they have had great luck with them. The company beats everybody else's price. Commissioner Fields asked Jason if the deputies were comfortable with uses the AED's if they had too and Jason said he believes they are. The quote from Bound Tree to purchase AED machines for the patrol cars and jail was approved with a motion by Commissioner Freeland and a second by Commissioner Fields, motion carried.

- Jason talked about the EMS side, he has 2 possibly 3 in the advanced EMT classes which will give us 4-5 depending on if they all pass their tests, with the extra capability.
- Jason received noticed that they are under a yearlong Medicare audit. They just must upload data to a portal. He's not sure what all it entails yet; they are just getting started. If they don't do it, Medicare will take 10% of their returns next year.

John Cox – Sheriff

- Sally port drain – Sheriff Cox talked to the Commissioners about the drain and stated that it is done and its good. C&M construction fixed the sally port – amount was \$2575.00 – it was approved by a motion from Commissioner Freeland and a second by Commissioner Fields, motion carried.
- Matt Johnson is going to take care of the sewage. Sheriff Cox presented a quote of \$125.00 for him to clean the sewage when it needs done. He is going to check it once a week for free, and when it needs cleaned, he will charge the \$125. It will be paid out of Commissary.
- Blue eyed construction is going to build a wall in the old dispatch it will be a juvenile holding area, interview area and Jail Matron will have her office on the other side of the wall. Evidence will also be process in the new area. The quote is for \$5400 – it was approved by a motion from Commissioner Freeland a second by Commissioner Fields, motion carried.
- Overview of applications – Sheriff Cox has 2 COs hired back; one is a former CO Robin Hobbs. He has received 7 applications for deputies – Sheriff Cox has Sam Smith in the surveyor's office redraw a map for the boundary line for sheriff deputy hiring purposes. Each direction on the map is 12 miles passed the county line. Sheriff Cox asked if the commissioners were okay with the map and the commissioners stated as long as he is okay with it, then they are.
- Ethan Deno came back to the sheriff's department as a deputy. He has started back at patrolling.
- Sheriff Cox stated that him and Attorney Ahler are working on a 3-year employee agreement. So, when employees are hired, they will have to sign the 3-year employment agreement.

John Cox – Fairboard

- John spoke with REMC new management – he spoke with the line supervisor. He is now the one that will come out and see if they are going to help us or not. He must run it by his board. He believes his board will allow him to come out and help John assess the poles on the fairgrounds. There are a few rotten poles, and they lost a pole a couple months ago. If they can assess the poles, they are going to figure out a way to move forward.
- Fair dates – Tuesday July 11th – Sunday July 16th – The Auction will be Monday July 17th.
- Hopefully going to be signing a contract with Flying Toasters to open the fair.
- All day sanctioned go cart race set up for Saturday July 15th.
- Kyle is getting prices on concrete and steel roofing and asphalt for around the arena.

Marci Maris – Probation

- Remodeling in the main office – she would like to remove the big desk and the carpet around it. She would like to get new carpet and paint and replace the big desk with a station that can hold a computer. Commissioner Berry asked if she had the money in her budget and she said yes. Marci said that she only got one quote because it's the company they always use for carpet.

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Quote amount is \$1191 - Remodeling the main office was approved by a motion from Commissioner Freeland and a second by Commissioner Fields, motion carried.

The Board of Commissioners temporarily closed their meeting to hold a drainage board meeting at 9:02 a.m. They reopened their public meeting at 10:06 a.m.

Morgan Stevens – ADA Coordinator – David Miels & Preston Miels ADA Consulting of Indiana

- Title VI Plan & ADA transition plan put together – they are both federal requirements, ready to sign and adopt today. Moving forward we must keep ADA in the forefront to continue federal funding. Each department must be ADA compliant. David went through and explained explains of things that will need to be changed as far as being ADA compliant. Commissioner Berry asked David if we could get by with complying with most things. David said he thinks were going to have a list of things that the county will be working on for 20 years. David explained that all their reports prioritize everything.
 - Priority 1 is usually outside.
 - Priority 2 program access.
 - Priority 3 are always drinking fountains and restrooms.
 - Priority 4 is telecommunications.

Both plans must be accessible to the public, whether they are posted on the internet, or a statement posted on the internet stating that both plans are available to the public by request. Attorney Ahler ok'd the Title VI implementation plan and Assurance A to be signed. David explained that Assurance A states that not only does the county understand that federal dollars must be made and spent for everything to accessible, but the contractors do as well. David said it's the check and balance system to make sure that everything complies. It was approved to sign the Title VI implementation plan and Assurance by a motion from Commissioner Berry and a second from Commissioner Fields, motion carried.

- The March 21st commissioners meeting will be held at the annex, for anyone with disabilities within the county that would like to address any concerns that have with ADA compliance.

Jason Fisher - DHS / EMA Director – Continued

Mortenson Construction is here doing electrical rephasing. They asked about a tornado shelter, Jason asked if they could go to the annex during business hours and then the park after hours. Commissioner Berry asked where they are working at, Jason said south of fowler. Commissioner Berry wasn't aware of them working anywhere. Jason said they contacted the Town of Fowler. Commissioner Berry wondered if they were part of the repower project. Jason said if they go to the Annex, they need to show identification.

Jason asked to spend money that they received from BP, for Spellman flex server addition - \$7,100. Commissioner Freeland made a motion, second by Commissioner Berry, motion carried.

Business:

The January 18th, 2023 regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner Freeland, second by Commissioner Fields and motion carried.

The monthly claims were reviewed, Commissioner Freeland has a question on one monthly claim for Chuck's Home Remodeling and Repairs. It is for repairs being done to the Oak Grove Country Club Golf Course Bridges. At this time the surveyor's office said only one bridge has been done but the invoice is for all the bridges and Dave said to pay the whole invoice. Commissioner Freeland questioned paying any of it at all since they are private bridges. Commissioner Freeland doesn't know if it should come out of ditch maintenance either, maybe the economic development fund. Commissioner Berry asked about

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what was discussed when the ditch was cleaned out or if there was an agreement, Commissioner Freeland said he didn't find one.

Everside Health Invoices -- Deputy Auditor McGinnis is questioning an additional invoice that was received for employee lab work. Commissioner Berry said he was fine with paying the original invoice #3463 and then have Niccole clarify with Everside Health invoice # 3866. Commissioner Berry also stated Niccole could hold both invoices until she got clarification on both.

A motion was made by Commissioner Freeland to the pay monthly claims all except Chuck's Home Remodeling & Repairs and Everside Health, second by Commissioner Fields and motion carried.

Pay at once claims were approved as presented. Commissioner Berry motioned to approve, second by Commissioner Fields and motion carried.

Payroll was approved as presented. It was approved with a motion by Commissioner Fields, second by Commissioner Freeland, motion carried.

The public records data request for BKFS was denied. A motion was made by Commissioner Freeland, second by Commissioner Berry, motion carried.

The public records data request for Ty Kuntz Reality was denied. As motion was made by Commissioner Freeland, second by Commissioner Fields, motion carried.

The Extension Contractual Agreement, Attorney Ahler looked over the agreement to make sure it was added in that the extension would follow the County handbook policy and it was, so a motion was made to approve the extension contractual agreement by Commissioner Freeland, second by Commissioner Fields, motion carried.

Commissioner Berry made a motion for Commissioner John Fields to have access to a County Credit Card and to remove Steve Cox, second by Commissioner Freeland motion carried. Please let the records show that Commissioner Fields abstained from voting.

Deputy Auditor Beth wanted to inform the board the Reuben with BP reached out to be put on the agenda for the March 7th, 2023, commissioners meeting.

Deputy Auditor Beth Budreau presented a request for Treasurer Carole Hoff in her absence, for Comp Time to be approved for Kate Daily Deputy Treasurer -- it was unclear for what year she was requesting the comp time for, so Commissioner Berry made a motion to deny the request and second by Commissioner Freeland, motion carried.

Outbound travel ordinance for highway -- was done in January.

Attorney Ahler stated that he sent Auditor Freeland a copy of the Sheriff donation fund ordinance.

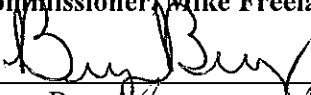
Attorney Ahler said he would get with Auditor Freeland about the Surf Air letter.

Commissioner Berry stated that the County would receive the check from BP at the latest by May 2023. It will be a one-time payment. Commissioner Berry discussed the decommission of phases I & III for Fowler Ridge. He stated that for the county side of it in taxes for 2024 we will get \$23,000 and that's with the assessed value being at 8 million dollars. The salvage value is at 22 million dollars. Commissioner Berry stated he thinks the Road use agreement they stick with the roads they are already on; he wants to set up also add in the roads that I & III sit in. Commissioner Berry wants to tell BP that the county wants

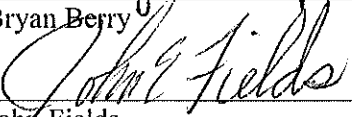
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a cash bond on all roads, since the salvage value is higher than the assessed value. Commissioner Berry wants to also put in there that the county is going to charge a fee for the services that the county is providing. Commissioners Berry states that the fee should go towards the megawatts, whether it be per tower, per road. What percentage does the county want to charge. It will be for the lifetime of the project. Attorney Ahler said that the Commissioners just has to be careful on how they define these services and whether or not it will be stated in an ordinance or a contract. A motion was made by Commissioner Freeland to have Attorney Ahler draw up an ordinance, second by Commissioner Fields, motion carried.

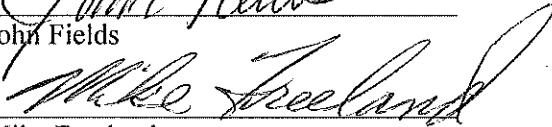
With no further business the meeting was adjourned at 11:18 a.m. With a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried.



Bryan Berry



John Fields



Mike Freeland



Attest: Beth Budreau, Benton County Deputy Auditor