

## **Benton County Commissioners Meeting July 5th, 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 Auditor, Audrey Freeland.

Others in attendance were: Mike Budreau, John Cox, Walt Wilson and Zach Stephens

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

- Chip & Sealing – still working on this. There are 5 projects left, once finished they will resume patching
- 400 – Commissioner Berry said he has not been able to get a hold of Mike Richard and asked when Mike thought they might be able to do that. Mike replied that it could be Friday, weather depending
- CCMG – Michelle is working on getting the projects listed and ready for the next round and they have listed 800 S on there. It will be a complete grind.
- Elliot – Commissioner Berry said that Kevin Elliot dumped 4 loads of concrete and he will be giving Mike a certificate from the EPA & IDEM stating that it is not contaminated for the highway to retain in their records.
- Oil – Commissioner Freeland asked if they were ever able to get that done on 352 S to the dairy. Mike said yes that is done. Commissioner Berry said that it was cheaper to do the calcium sulfate than the soybean oil. Mike said that the other dairy did something as well on their own.
- Employees – Mike is down 3 full-time employees. Damon Munson's last day was June 30<sup>th</sup>. Miller is working out well and after two days he was in the chip box. Commissioner Freeland asked if he had his CDL yet, no he does not. Mike said that the other newest hire has obtained his permit, but he is worried he will not have his license within 90 days. Mike said that he is struggling to get applications even with it on indeed.
- PT help – Commissioner Freeland asked if Gerlach ever called or came back in to talk to him. Mike said no he has not heard from him at all.
- Trailer – Commissioner Fields asked if they were still looking for a semi-tractor. Mike said yes but, in the meantime, they are making another one work for now.

### **Zach Stephens – Mainstream**

Zach came today to give an update on the Swanington project. Zach presented some materials for the board to review. Commissioner Berry started with letting Zach know that there is not a contract prepared to be able to sign today but they would like to proceed and get some things decided.

The Swanington project which is based on a next level base 3 grant that Mainstream was awarded last year. Now that the county project is underway, they are looking at areas within that still need coverage. They received grant awards for 13 address locations in the grant area, but proposed build will cover 40 addresses. Zach said that anyone in the grant area can go online and complete the online service survey. Commissioner Berry wanted to ensure that the

## Benton County Commissioners Meeting July 5th, 2023

outside line will get to them with no out of pocket expense. Zach said that is correct; they have 0-500 feet (buffer zone) will have no installation costs and those that are 501-1000 feet will have some installation fees. Commissioner Freeland said that the map shows it going across 300 S to 200 E; so those on 300 E will be able to hook up for nothing but those south of there will have fees? The group reviewed the map that showed the address list of those who will have no installation cost. Commissioner Freeland said that there are 3 houses that would be interested in services. Zach said that the initial project would not reach them, but he will have their contact information. Zach went on to say that if they are approved and can get the permit approvals, he has crews ready to begin this week.

Commissioner Berry asked how tall the poles would be this time and if they would be the same height or a little taller. They will be the same height and same poles because they are using the same distributor. Zach said that the plans they have is a mixed deployment they will utilize a lot of the existing poles, once they are in Swanington it will be underground. Commissioner Berry said that he thought there was a section that will require new poles on 300, yes that is correct. Berry then asked if they are going to the same poles as before if they could put arms on there so the line is a little higher. Zach asked if there is a field access or somewhere of concern. Commissioner Berry said that they just get a lot of complaints of them being so low. He went on to say that a lot of people unload on the road and with the size of combines they are low. Commissioner Fields added that 16 feet is not enough, and the machinery will grow and will start ripping them down. Zach asked the board what the potential attachment height would be. The board said 18 would be the lowest, Zach will check into it. Commissioner Freeland asked Mike Budreau where he felt they should be set, 25 feet from the center to the back of the pole. Commissioner Berry asked if it would be Mainstream or Americrew set the poles. Zach said that his understanding that they have a crew coming in and then Americrew will be doing the underground work. Commissioner Berry then asked if the pole crew had gotten any better at setting the poles because that is another complaint. Zach said they are working on that. Mike Budreau asked him to remind them to be mindful of the pole placement.

Commissioner Berry asked Zach that once they get the flags set, he reaches out to Mike Budreau or Evan Puetz to verify that they are ok with where they are placed before moving on. He also asked that anything is updated or changed that it be sent to the board and Mike Budreau. This project will be at no cost to the county.

Zach said that they are working with Americrew teams to finalize the tower locations, both existing towers, water towers and other structures. Americrew has done their wireless study and they have begun the conversation on where any new towers will be placed. Once Americrew is able to get their 5G technology on the structures that will be direct to Mainstreams fiber lines there would be a coverage option for everyone in the county.

Commissioner Berry asked how soon they were going to start in Swanington. Zach said that they would like to start as early as tomorrow if the board can approve the permits. Attorney Ahler advised that while he is ok with it being documented in the minutes, they will still need to materialize it into a contract, all parties agreed. Commissioner Berry added that in the contract

## **Benton County Commissioners Meeting July 5th, 2023**

it will state that if there is any equipment not marked and left in the road they will be fined, and it will be the responsibility of Mainstream to pay those fines. Even during the daytime while working at minimum there needs to be signage if they cannot have a flagman. Commissioner Berry said nothing to be left out at night. Commissioner Berry asked what kind of timeline for Will Ridge Heights in Templeton. Zach said that there is no timeline yet as they are working to complete the project with the county, but their goal is 2023. The Templeton and Will Ridge project will be part of 150, yes that is correct.

Commissioner Berry asked if they have talked with the towns about putting equipment on them. Zach replied that he does not have that information today and there is no update currently regarding the water tower placement. Commissioner Berry said that he asked about putting equipment on grain legs and how in the beginning of the discussions that Zach said they did not like to place equipment on them and asked if that had been resolved. Zach stated that they must keep up with the times and they will use existing structures will able.

Commissioner Berry then asked when the three of them can sit down and see what the costs will be. Zach said that he was hoping to have it this week but that will not occur but sooner rather than later. Berry wanted to verify that the county will be receiving a discount on the services provided to them, yes, they will. Zach said that he would like to verify all the county locations during the meeting.

The board then motioned to approve the discussion today with Zach from Mainstream on the NLCS3 to move forward and that the county on the permit fees, poles, streets and everything else with a motion by Commissioner, Bryan Berry, seconded by Commissioner, John Fields and motion passed.

Zach talked about the recovery fee that is listed on each customer's bill. Commissioner Berry asked how many customers they have currently. Zach was going to have to look that up.

### **John Cox – Sheriff**

- New hire – J. Marsh has moved into phase 2 of her training in the FCO program and head to the academy hopefully in October
- Jail – John reported that a former correction officer will be returning to Benton County as of August 7<sup>th</sup>. Commissioner Freeland asked him how many that will leave him short. John replied that he will have one opening
- Budgets – he has completed the budget requested and submitted
- Fairground – 4H clean up will commence this afternoon. They have done ground and track work
- Lowe's contract – John asked Attorney Ahler if he saw the email that he was cc'd on about a contract that was signed back in June for fencing. The individual they were working with is now MIA so John has reached out stating that the fence was not completed and that the County Attorney will be involved. The last correspondence indicated that they would be on site today.

## Benton County Commissioners Meeting July 5th, 2023

- Tile – They had Matt Hull come out to check out a tile that was backing up on the track. It appears something was blocking the outlet, they have it opened up
- Newton Co REMC – approached the board at the fairgrounds and said that they could pay for the poles they would donation all the work.
- Commercial building – that is the temporary home for the project barn and exhibits. They are going to put up some window air units. John asked the board about installation and if there were any ARPA funds available to assist with the costs of this. Auditor Freeland said that there is none currently assigned to that area.
- New building – John said it is moving along with blueprints. Commissioner Freeland stated that there is a lot of storage on the one end so that might need to be revisited. John said that his suggestion was that the patio needs to be bigger than 12 feet. The group talked about 40X40 and other possibilities
- Bleachers – they will probably have to fix them after the fair and they are going to price different things. Commissioner Berry said that there were previous discussions on getting portable bleachers, but they would prefer not to purchase those. John agreed with that. He continued to talk about what measures they have taken to secure this year's fair. All the support posts of the south side of the arena are rotted out. They did what the FBI company had done to some previously and will have them come out after the fair to assess. The wood up is good.
- Asphalt – They are looking at maybe tearing up the walkway to the drive where it is really starting to break up. that will depend on funding available after the fair.
- ADA compliance – The group talked about the compliance report and suggestions and what could possibly be done and what is not feasible without funding assistance.
- Water spots – There are a variety of spots showing up on the fairgrounds. They had Matt Hull come out and he jetted one and found that a 1-inch pipe had broken, so he made that repair. John asked if there were any blueprints for the fairgrounds. Auditor Freeland said maybe in the vault in her office. They discussed that they needed to determine where the lines all went. The board informed him of lines that they were aware of their location. Commissioner Berry said that from the old 4H to the cattle barn was done about 4 years. Commissioner Fields said that between the bathroom and the cattle barn is the main line runs and services all the buildings to the north. Those were dug up about 10 years ago.
- Security – Commissioner Berry said that he spoke with Judge Wright, and he informed him that the Sheriff was going to be taking over the security department and that it will be placed in John's budget for 2024. Yes, that is correct, and John is on board with all of that and plans to put the security team on an hourly basis and will be utilizing the timeclock system.

Zach Stephens came back and let the board know that they currently have 735 active customers in Benton County. Mainstream will also have a booth at the 2023 Fair and they had a booth at the Fourth of July celebration in Fowler.

## Benton County Commissioners Meeting July 5th, 2023

### **Business:**

Attorney Ahler informed the board and Auditor Freeland that he has been in contact with SRI legal counsel regarding the revocation of a tax deed.

Commissioner Freeland asked Attorney Ahler if he had spoken with Brooke on the Oxford school situation, yes, they have had some conversations on the board's wishes. Brooke will be filing with the court.

The June 20th, 2023, regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner, John Fields was made, second by Commissioner, Mike Freeland and motion carried.

Commissioner Berry asked about a claim to Security Automation. Auditor Freeland said that is for the Sheriff. He then asked about a claim paid to IN Digital because he was under the impression that they provided those services to us. Auditor Freeland said that they do not, and the claim was paid out of ARPA funds.

The special meeting minutes from 06.22.2023 were approved with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion passed.

Monthly claims were approved with a motion by Commissioner, John Fields seconded by Commissioner, Mike Freeland and motion carried

Commissioner Freeland asked about the amounts listed for payment made for contracted services. The current pay at once claims were reviewed and then tabled for review and verification of amounts paid. They will be represented at the July 18<sup>th</sup> meeting for approval.

Payroll (06.30.2023) was approved as presented. It was approved with a motion by Commissioner, John Fields, second by Commissioner, Mike Freeland, motion carried.

Commissioner Freeland asked if the individuals doing some maintenance work for the county ever came in to get things set up properly for payment. Auditor Freeland said that one of them has not and that she was not sure how they were clocking in or if they were just tracking hours that would require them to be manually added. Auditor Freeland said that she needs something. Commissioner Fields asked if it needed to be separate, yes, it should. Auditor Freeland said that she is not sure what the rate of pay is and how it is all to be paid out. Commissioner Freeland said that he will reach out to them and remind them to come into the office and speak with Beth. Auditor Freeland said that she can create a line titled as maintenance, but she needs to know what the pay rate is because those doing the work are paid at different rates in their other positions. Commissioner Fields asked if they could be paid as a contractor and receive a 1099. Auditor Freeland replied that in this situation no because they are employees and that only non-employees can be paid as contractors per federal law. They continued to discuss the rate of pay.

## Benton County Commissioners Meeting July 5th, 2023

Commissioner Berry asked if the Co-op was going to come to a meeting to request funding. Commissioner Freeland said that they were just talking one night, and he inquired how things were going. Chris had said that they have seen quite an increase as they do each summer when kids do not have access to food and donations are lower. Commissioner Berry said that he feels that they need to come to a meeting and request funding.

Commissioner Berry stated that to date there have been 18 windows replaced in the courthouse and they will complete the court room this week as there is no court. Auditor Freeland asked if the board had anything in place or if it is a case by case or if an office can be closed. Commissioner Berry said that he is inclined to just have it be a case by case but that he does not feel that need to close offices.

Commissioner Berry asked if there had been any communication from Franciscan on the claim that was discussed at a previous meeting on a past employee, no there has not been.

Commissioner Berry presented a quote from Smart Roofing for the Annex building roof. The total estimate was \$40,000 which included tear off. The group discussed if they wanted to get another bid and what type of roof would be used. The amount could change depending on what they find when they do the tear off. After further discussion Commissioner, Mike Freeland motioned to accept the bid by Smart Roofing, seconded by Commissioner, John Fields and motion carried. The board will determine where they will pay it from later.

Commissioner Berry discussed the IT room window. He stated that they have a window to replace it. They have also talked about bricking it up, but he feels they might be better to change the window out and then having some glass specialty or someone come and put a coating on it. It will be hard to match brick and in the event of an emergency it will be another exit.

The group revisited the discussion of the Benton County Food Co-op and if they were going to approve any funding at this time or not. Commissioner Fields asked how much was typically given. Commissioner Berry said that they have given \$5,000 in the past to the Co-op and then \$2,500 to the Earl Park food pantry. Commissioner Freeland asked if they wanted to wait until Chris was able to come before them. Commissioner Berry stated that he just does not want to get in the habit of the board releasing funds without them coming before the board. Commissioner Freeland said that she did not ask him they were just talking, and he asked her. The motion to approve a payment in the amount of \$5,000 to the Benton County Co-Op and \$2,500 to the Earl Park Food Pantry was made by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion carried.

Commissioner Fields asked if there was ever any funding given to the Fowler Food Pantry. Auditor Freeland said that all of the senior centers receive money each year through a sharing contract, but nothing is paid directly to the pantry. Commissioner Berry said that a few years back they reached out to the pantry in Fowler and there was no response.

## Benton County Commissioners Meeting July 5th, 2023

Auditor Freeland said that she now has the hourly rate of the individual who has been providing the maintenance work at their regular job. Brian's rate is \$15.45 an hour for his custodial work. The board discussed what they felt would be a fair rate for the maintenance work being done. Commissioner, John Fields made a motion to pay those working on maintenance to be paid at a rate of \$22.50 per hour and they will use the timeclock and select "maintenance" that motion was seconded by Commissioner, Bryan Berry and motion passed.

The board then discussed some concerns regarding employees who are full-time but not working a full-time schedule. There is a current full-time employee who is not working their full-time hours per week for their scheduled position and does not have any PTO left. Commissioner Berry said that they need to follow the personnel policy. Attorney Ahler advised that the policy should be followed, and a letter should be sent to the employee. Commissioner Berry asked if part time employees were offered access to the wellness clinic, no they are not. The board discussed moving the position to part time. After further discussion it was decided that the position itself will remain as a full-time position, but the individual will be moved to a part-time status as of August 1<sup>st</sup> and a letter will be sent to the employee of this change. This was passed with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields.

Auditor Freeland presented an out of state travel request on behalf of Leslie Fisher for August 6-9, 2023, in Des Moines, Iowa. She has been asked to speak at the SWCS Conference and the request form shows that there will not be any out-of-pocket expenses claimed during the travel. Commissioner, Mike Freeland motioned to approve the travel request, seconded by Commissioner, John Fields and motion carried. The board asked her to request that any future requests be made in person.

Auditor Freeland asked the board how they wanted to handle keycard replacement. She would like to know how long someone is to be given before they are required to pay the \$25 fee and a new card issued. There is an individual who has misplaced their keycard and was issued a new one. The misplaced card has all access removed. Auditor Freeland wants to make sure that everyone is managing these situations the same way.

Attorney Ahler asked Commissioner Berry to review the Cyber email he forwarded to him and what his thoughts are on it. Ahler read a portion of the email for discussion purposes. Commissioner Berry asked if Ahler still has the changes they discussed from the original contract, he believes he does. A contract will be drafted to include those changes some of which are diagram of locations and what they have on the tower, the contract renewable on a more frequent basis. Attorney Ahler will work on a contract

Attorney Ahler then provided a brief update on the J.O.B.S. lawsuit. Auditor Freeland stated that the property is listed on the upcoming tax sale listing. The group discussed the issues of whether it was allowed to be offered at the sale and the taxes due. Commissioner Berry asked if they purchased it in 2021 if they had to pay any taxes in 2022. Auditor Freeland said that she is not sure on what year the back taxes due are from. It was advised by Attorney Ahler that the county voted to have that parcel removed. Commissioner, Bryan Berry motioned to approved

**Benton County Commissioners Meeting  
July 5th, 2023**

removing the J.O.B.S. parcel from the tax sale list, seconded by Commissioner, John Fields and motion carried.

**With no further business the meeting adjourned at 10:18 a.m. with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried**

  
\_\_\_\_\_  
Bryan Berry

  
\_\_\_\_\_  
John Fields

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

  
\_\_\_\_\_  
Attest: Audrey Freeland, Benton County Auditor