

## Benton County Commissioners

June 6, 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, Stacey Quick, Colin Sullivan, Angie Taylor, Gail Lange, Jason Fisher, Carole Hoff, Sarah Cantu, Kelly Balensiefer, Kylee Senesac, Jennifer Greenberg and Dottie Warrick

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

- Roads – they are filling cracks and have started on chip and sealing
- Pipes – there are a few that will need to be replaced
- Soy oil – Mike was able to find some and while it was expensive feels it will be the best option, he is going to get 265 – 330 gallons so they can do 1000 feet on 900 E
- Recycling – Mike presented 3 different quotes for the new recycling building (15X18). Leuck Dirt works (foundation & block work), Deno Home Center (materials purchased) and Shawn Leuck's (to build) quotes total \$26,732.30.
- Excavator – new one was purchased and in use
- Materials – Mike is low on crack seal material, and he needs to restock some pipes. The board asked him to get quotes
- Employee status – Commissioner Berry said that after talking to Mike, he is going to be down 3 positions. The board discussed doing the sign on bonus (\$1500) to be paid after 90 days for those with a CDL they will start there to see if Mike is able to get applications

### **Colin Sullivan – BF & S**

They have completed the inspections and will be working on getting the report put together. He was happy to report that there were no critical findings.

Colin talked about 400 E being done and talked about the Geo Tech they were getting from that – they should get some report this week. Initial findings show that there is some rock and till in the area so the footers should be shorter and wider. Commissioner Berry asked if he meant more of a spread footer and not a drag of pilings, correct. Collin said that will always

Commissioner Berry asked for a status update on the bridge from Mike and asked him to find out for them. Commissioner Berry added that they get a lot of complaints about the signage. Collin stated that he believes that is an INDOT requirement.

Commissioner Fields said that he has some concerns about 1100E / 300S. He said that a farmer was moving some equipment and a car came to the intersection and would not move over. The farmer said that they felt like they were going to lose their planter and asked if the county could go out and build that intersection up with some millings. Commissioner Freeland asked if there was a culvert there. Mike stated that he thought they had done that already, but he would take some guys and check it out.

### **Jason Fisher – EMA / DHS Director**

- Public assistance – Jason got word that it has been approved for around \$28,000. The next step is to have the adjustor come and meet with him
- Ambulance – the repairs to the unit will be a little longer due to them sending the wrong doors.
- Demo – he is going to start reaching out for quotes
- EMS certification – This is coming up and they are working on the new EDA licenses
- Tree removal – Jason would like to get permission to get some quotes so they can extend the parking lot a little bit more. The board is ok with him talking to the highway and getting a couple of quotes if needed
- Suburban – Once the explorer is back there will be a light bar available if needed. They are trying get the exhaust leak fixed.
- IT issues – Jason discussed his ongoing concerns with the current IT firm and feels that they need to be on-site more as there are a lot of outstanding issues. He would like to see maybe a full day every two weeks or so. Commissioner Berry said that it is something that is going to be discussed today and that there will be a lot of changes. He continued by saying that when they do schedule to be onsite that everyone flocks to them, and they are not able to get anything done. Commissioner Berry said that he does not feel that coming onsite every other week is too much to ask. Berry continued saying that no one is sending in service tickets and then gets blamed for not completing those tasks. Jason feels that there should be separate for the dispatch center, yes there will be.
- Bid – Commissioner Berry asked Jason to reach out to his contact about putting in a bid at the annex
- Sign board – Commissioner Berry asked if they could take them out to the Mullers for their weekend event. Jason will make sure it gets out there.
- Trailers – Camera trailer has been received and is in use. It was used for the Circus and the Hub Shakedown
- Doors/Ambulance – Commissioner Berry asked how much of a delay would the doors take. Jason feels it should be done by the week of the 26<sup>th</sup>.

### **Stacey Quick – Extension**

Stacey introduced herself to the board and then she presented a survey that she asked them to complete as well.

Stacy asked the board what they would like to see from her and what their expectations are. Commissioner Berry stated that the biggest issue they have had is having the educator know and follow the county personnel policy for their staff.

Stacy spoke briefly about some up-and-coming projects. She shared that Wes has left is now with Davies County, but he will be assisting with the 2023 County Fair. She is looking at holding some classes as follows.

1. Suicide prevention
2. Mental Health
3. Hotline (988) with live assessment for crisis
4. Community Resource Fair to be held in 2024 with the Health Department
5. Community round table to start this fall
6. Spanish focus round table to be held in Boswell
7. Food Finders – she has put them in touch with Glimmers of Hope and they will be assisting them with a new roof, mobile food pantry trucks, freezers, food storage and parking lot repairs.

8. Low-income housing – working with LTHC and applying for grant funds

**Sarah Cantu & Kelly Balensiefer – Assessor**

They came before the board today to let them know that they have heard back from the PTABOA board regarding the Otterbein Recreational Association. They did vote to rescind their previous vote. Sarah then presented the current tax bill for the ORA, and that nothing has been paid to date, so a delinquent penalty has been added. She stated that she is not sure what else they need to do at this point. Auditor Freeland said that from the previous meeting it was discussed that pending the PTABOA's decision the board of commissioners would review and discuss the outstanding taxes. Commissioner Freeland stated that PTABOA has authority to waive the taxes, and they can only vote to waive the penalties. Commissioner, Mike Freeland made a motion to waive the penalties, second by Commissioner, John Fields. Treasurer, Carole Hoff said that the Treasurer and the Auditor must agree to waive the penalty and she wants it noted that they do not waive fees in her office unless there has been an error made within her office. Commissioner Freeland recommended that the two offices make an agreement to waive the penalties. Attorney Ahler said that upon reviewing the statute it is discretionary between the two offices to agree to waive them.

Sarah then went on and said that the PTABOA voted to go back to the 22P23 assessment date. Sarah did have a question for Auditor Freeland and how it will affect Bolivar township. Auditor Freeland stated that it will affect them and could potentially raise the tax rate. She went on to say that as we found out with the BP situation that when the assessments are different than when they were when the county certified those values.

Commissioner Freeland asked what the total penalty (149.25) is due as of today and then nothing should be due in November. They agreed that if they are not going to be waived that is what would be due now but moving forward if there were other costs due, she (Sarah) could not speak on that. Commissioner Freeland said he would reach out to Barry and let him know what is due and if they will pay it or not. If not, he said that he would pay for them.

The group then discussed that the ORA needs to have better organization. Kelly added that they had to reach out to the state to see if the PTABOA could even go back and rescind their decision. The board thanked them for their efforts in all of this.

Auditor Freeland said that she feels that the phone calls made to the PTABOA were rude and uncalled for and kind of a bully action to take. Sarah said that there were some board members who reached out to her who were taken back by those phone calls. She added that she is not sure who called them or anything but agrees it was in poor taste. Commissioner Berry said that they should have hung up on them as it was not right.

**Business:**

The May 25th, 2023, regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner, Mike Freeland was made, second by Commissioner, John Fields and motion carried.

The May 30th, 2023, Executive Session 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 paid to AT&T Mobility and what the "foundation" listed was. Auditor Freeland had Deputy McGinnis pull the claim for review

The current pay at once claims were reviewed and approved with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried.

Payroll (05.19.2023) and (06.02.2023) were approved as presented. It was approved with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried.

**Jennifer Greenberg & Kylee Senesac – Clerk of the Courts & Dispatch Supervisors**

Jennifer said that there are some on-going IT issues as her office has been waiting for a computer to be put in for six weeks. Commissioner Berry asked if it got fixed yesterday when they were on sight. Jennifer replied that it is in, but they are still having issues getting all the programs to work.

Commissioner Berry asked Jennifer about the May 4<sup>th</sup> email with the note from Odyssey that said it would take a while. Jennifer said that was if they reimaged it which was not done at that time. Jennifer said they determined it was a very old computer, so she decided to replace it, so she reached out to Tom. Tom said that they got one and they would have it up and working the next day, which was three weeks ago. Commissioner Berry asked Jennifer how old her computers are, she was not sure but knows that nothing has been updated since 2015.

Commissioner Berry reviewed the create service ticket process in lieu of emailing and Jennifer said that she would share with her staff. Commissioner Berry said that it is easier for him to track outstanding items that way.

Kylee then spoke to the board about her concerns with IT as well and requested a 911 Board meeting to be called as she feels her issues are more of an IDACS issue.

**Business continued:**

After review of the claim which was clarified and stated that the foundation is a foundation account assigned by AT&T. The monthly claims were approved with a motion by Commissioner, John Fields, second by Commissioner, Mike Freeland and motion carried

The updated Community Investment ordinance to correct the fund number was approved and signed by the board with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion carried.

Commissioner Berry asked Attorney Ahler if there had been any response or payment from O'Malley for the school, no there has not been. Attorney Ahler said that he has not had any correspondence since the emails in May stating that he was going to submit payment within a week to Angie in the Economic Development office. Angie added that she was informed that he told her he thought he was getting an abatement. Commissioner Berry said that equipment only gets the abatement. The county has not received any tax payments to date either. Commissioner Berry said would like to have Attorney Ahler move forward with legal action. Commissioner, John Fields motioned to approve starting legal action, seconded by Commissioner, Mike Freeland and motion carried.

Commissioner Berry said that he spoke with a representative from Metro Com, and they are willing to provide the county offices services for free if permit fees are waived. The request to have permit fees waived was approved with a motion by Commissioner, Mike Freeland and seconded by Commissioner, John Fields and motion carried. Commissioner Berry asked Attorney Ahler to draft a contract regarding their agreement.

Commissioner Berry asked Attorney Ahler if he had spoken with Jeff Cummings lately. Attorney Ahler said that their last communication was regarding CO2. Commissioner Berry said that the rules for capturing, and sequestration are supposed to be out on the DNR website. Berry has spoken with him, and he told Berry that the competing businesses cannot buy each other's but Mike Wortham disagrees and said that they would buy the other company out. Berry asked how they can find out the rules on that but couldn't reach Cummings before the meeting. Attorney Ahler will reach out and see if he can get those questions answered. Berry also wants to see if they can have the landowners sign both the agreement and the lease at the same time. Mr. Wortham called Berry and said that he wants to donate to the Soil & Water group as an environmental donation. Commissioner Berry does not want to accept it and suggests they use those funds to clean their turbines. Auditor Freeland asked if they (BP) planned on reducing their community investment payment for the amount of the donation. No this would be a separate donation.

Auditor Freeland presented the documents from Don Carless (EPIC) RX change and the AMPS payment request. It is not the same one that was presented at the last meeting where Don presented. Commissioner Berry said that no one has given him a number to contract Franciscan. Commissioner Berry asked if Don was recommended to pay this, yes, he is.

Jennifer Greenberg returned, and Commissioner Berry asked her to reach out to the Judge and see what his thoughts are on the safety window that was going to be placed in the clerk's office. He asked her what her thoughts were on placing it somewhere else, she was not sure but would talk to the Judge.

The topic returned to the payment to AMPs \$4884.00, and it was approved to be paid with Don's recommendation after zoom meeting with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion carried

The group then approved the changes to the RX agreement, and it was signed.

The annex air conditioning unit went out and total replacement cost will be \$6,034.00 This was approved with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion carried

KIRPC grant match request in the amount of \$23,111 for the safety grant. The letter of support was signed, and the matching fund grant was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried

Commissioner Berry said that after having some conversations on the carbon if the board thought it would be a good idea to hold a landowner meeting to discuss their feelings on the CO2 projects, yes, they felt it would be a good idea. It was decided to hold the meeting at the annex on Thursday, June 22, 2023, at 7 pm. Commissioner Berry said that there are two companies out in the county for carbon sequestration and they are BP and Vault.

The boiler state inspection results were shared, and Auditor Freeland stated that Custodian, Darren Regnier has begun fixing what he can, and he also called North Mechanical.

Auditor Freeland said that she was asked about the money donated to the Town of Fowler Police department to help them secure a K9 unit and if we were getting a refund since they are not pursuing that now. Commissioner Berry said that he thought they were just assisting with the purchase of an SUV unit but would reach out. Commissioner Berry asked Auditor Freeland to pull the minutes from that meeting and send them to the board and tabled the discussion until they reviewed them.

The board had a brief discussion on ceiling height for the new fairground building and Shawn Leuck felt that 9 ft ceiling height would be sufficient.

The board moved on to talk a little more about what each CO2 hopeful companies are talking about paying and the board agrees that it is not enough for everything they plan on doing.

**Dottie Warrick – taxpayer**

Dottie wanted to introduce herself and share some information she has gathered on CO2 pipelines and their dangers. She said that counties have control. Commissioner Berry asked if she had read HB1209. The pipelines are federally regulated so counties do not have control of them.

**Carole Hoff – Treasurer**

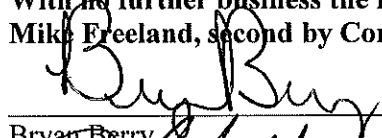
Carole returned and wanted to state that she was informed that a commissioner was going to pay the taxes for the ORA and while she is more than happy to take his money but the reason, they have that in her office is for the penalties it to have standards, so she is not picking and choosing and that it goes against the standards. Commissioner Freeland said that he understands that he is planning on reaching out to Barry about the penalty due. Commissioner Freeland said that he just feels that the whole situation is unfortunate.

**Gail Lange – Benton Review**

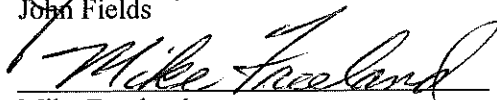
Gail asked the board if they could recap the two companies regarding the CO2 again. The board talked about Vault and BP but added that it would only be one pipeline and they are just competing to get the 70% of landowner agreements.

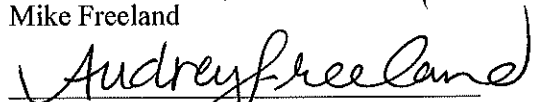
Gail said that they would be running an article on the new superintendent for Benton Community School Corporation, Annette Zupin.

With no further business the meeting was adjourned at 9:55 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

  
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Mike Freeland

  
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Audrey Freeland

Attest: ~~Niccole McGinnis, Benton County Deputy Auditor.~~ *AF*  
Audrey Freeland, County Auditor