

Benton County Commissioner Meeting October 4th, 2022

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, Steve Cox, Mike Freeland, County Attorney, Jacob Ahler and County Auditor, Audrey Freeland

Others in attendance were: Mike Budreau, Morgan Stevens, Walt Wilson, Angie Taylor, Lucas Darling, Chris Sheetz, Jason Fisher, Beth Budreau and Rex Kepner

Mike Budreau – Highway Supervisor

- Patching – they are finishing up
- Bridges – they are still out trimming and cleaning these up
- Broom – they do not have a price yet
- Roof – Shawn is moving right along and almost has it completed
- Painting – the highway has not painted yet but they will start soon
- Rowe's – Commissioner Berry asked for updates. Mike said one truck will have its pump by January and the other will not until October
- Bears Auto – Commissioner Cox asked if the maroon truck was fixed. Mike Budreau asked for approval to pay a claim to Bears Auto because of how quickly they were able to complete the repairs.
- Fairgrounds – The gas and the electric have both been unhooked but they will have to go back and move the pipe since they did not know the building was coming down. Commissioner Cox said that when it is rebuilt it will be placed right back there.
- Town of Fowler ground – Commissioner Berry asked if anyone from the town had reached out yet. The group then discussed that nothing is done yet and that both parties will need to approve resolutions.

Morgan Stevens – ADA Coordinator

Commissioner Berry said that after talking with Morgan that they want to do the contract in pieces and asked the attorney if they will need to have it rewritten or if more verbiage needs to be added so it is broke down to stages. Commissioner Berry asked Morgan if the courthouse is where she was wanting to start, yes since it is the highest traffic area. Attorney Ahler stated that the language of the contract but he ask them to amend it or add language to state that this is going to apply to each term as the county signs off.

Jason Fisher & Chris Sheetz – EMA / DHS Director and Community Action Rep

Jason comes before the board with Chris Sheetz to start some discussions regarding the needs of the community. Needs for those who are affected by fire, housing, food, therapy and domestic violence victims. The Presbyterian Church located on sixth street in Fowler is currently for sale and they were wondering if this is something that the county could assist with the purchase of.

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If the was purchased and ran/owned by a non-for profit there are a ways the space could be utilized. Some ideas were; food pantry satellite site, wedding venue, Hope Springs, AA meetings and even temporary housing for those displaced. If there was a small fee for those it could help offset some of the building expenses. Chris added that there are grants available to help with those expenses as well and they would have to hire someone to oversee that. The church is asking \$150,000.00 but has expressed their willingness to negotiate. Jason and Chris stressed that they are in the very early stages of all of this. There would have to have a board of directors, grant administrator and facilitator. Commissioner Berry said that the county could not own it or run it but they are willing to assist if they can get the other pieces in place. Jason will reach out to different parties to gather some more information and report back to the board.

Commissioner, Steve Cox asked Chris how the food pantry was getting along. Chris said that they are doing well and have seen an increase of families seeking services. She stated that there are more elderly as well as families and they serving over 40 families each week. Commissioner, Steve Cox motioned to approve a payment in the amount of \$5,000.00 to the Co-op, second by Commissioner, Mike Freeland and motion carried.

Jason then gave a grant recap for the EMA, EMS and DHS departments. He is waiting to hear on some other grants that have not yet been awarded which is around \$50,000.

Jason asked that with the new grants he will need a non-reverting fund ordinance/resolution. He will send Auditor Freeland the grant agreement so she can create the fund and then pass the fund number on to Attorney Ahler to draft the necessary documents.

Commissioner Cox asked how dispatch is going. Jason said it is going better. Commissioner Cox then asked for the status of the ambulance. Jason stated it is ordered that it will be two years out for the build of a new one. Commissioner Cox asked why the demos didn't work. Jason said that the no one was willing to take a price cut and it was more (\$318,000). The one ordered is new and was locked in at the \$266,000.00 quoted price.

Jason informed the board that Jonathan will be finishing up the handicap door today. After that all that will be left will be the floor touch ups and the heating and air. Commissioner Freeland asked about the base board. Jason said that they will do that after the floor touch ups are done, and that all holes and issues were resolved where they could see daylight.

Jason is waiting to get a quote on how much it would cost to get all of the fire alarms identified which will need to be done after hours since each one will have to be tripped. Auditor Freeland said that Miles said that he could send the schematics since they just installed the new system, she will reach out and check on this.

Commissioner Berry asked Jason about the grant discussion and since the ambulance is out about 2 years and the county cannot decommission one for the coroner yet can his vehicle be moved to a towing vehicle can it also be used as Jason's everyday vehicle. If so, would the coroner be willing to share the vehicle and use the old truck for transports until the ambulance situation is finished. Jason did not feel that would be a problem. Commissioner Cox asked if the grant funds cover the topper and everything, yes. Jason is not opposed to a truck but to find a topper

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with a good seal so equipment does not get damaged. He plans on going have his vehicle certified as ALS so he will need to have adequate storage for equipment. He has reached out to Lynn Emerson to let him know they were awarded a grant. The board asked Jason to keep them updated.

Commissioner Berry wanted to let Jason know that the EOC meeting room turned out very nice, aside from the extra noise. Jason said that they have looked at some hanging waffled noise cancellation.

Angie Taylor – Economic Developer

Angie provided an update on the Mainstream project. She is still waiting on tower locations for part of the county. Commissioner Berry said that he was told it would be November before the outskirts are connected. He continued and said that they are finishing hooking up the North side in Earl Park. Angie stated that they are set to have 399 in Oxford, 167 in Boswell, Ambia and Earl Park are done. Angie said that Zach feels the location he had possibly found might extend to Otterbein. Commissioner Berry said that the one they have now is at Pine School and they do not want to go more than 6 miles on a tower. They discussed the different proposed tower locations and how they do not want to go on any grain legs. Commissioner Berry said that if they are going to contract with Americrew he would prefer to own the towers. Commissioner Freeland and Commissioner Cox both agree and prefer that the county owns them also.

Commissioner Berry would like to get moving on the wireless since it is also 60,000 an extra mile and feels it will only go up. Once the wireless is completed then go back and do straight fiber after. Auditor Freeland said that there is an OCRA grant open currently that might help. Commissioner Berry said that there is \$500,000.00 in ARPA and then with the amended capital improvement plan there is \$200,000 over the next three years.

Commissioner Berry added that they want this partnership to be better than the one they have with Mainstream. Commissioner Freeland asked if they were going to be able to purchase the ground where the tower will set. Commissioner Berry no, but in return for the tower placement location they (landowners) are provided free internet, cable and phone services. Commissioner Freeland asked if they would be self standing towers, yes they will and looking at 170 feet but 140 feet is supposed to be sufficient. They will then also put repeaters on them which will help the radio coverage overall in the county also. Commissioner Cox and Angie will work together to get some location possibilities for the Templeton to Otterbein area so they can move forward quickly. Commissioner Freeland asked what they have for the Freeland Park area, Angie said that is another area to be covered.

Angie discussed that she has been asked about BP who is out knocking on doors and discussing carbon capturing. Commissioner Berry said that he was talking with Jenny Alberts and tried asked her a few questions but she has not responded and has blown him off. His concerns are that HB1209 which barely passed the Senate due to all the questions people have. It sounds like they are wanting to place a hood on the top of their towers and then pipe the carbon down to Benton County. Commissioner Cox asked what are they going to do with it. Angie said that

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after so much time the state would be responsible. Commissioner Berry would like to get ahead of it because if they are worried about it in the atmosphere what is it going to do to the water and/or soil. Attorney Ahler said it basically like an underground land fill. Commissioner Freeland asked if they could do an ordinance stating that Benton County will not accept it. Commissioner Berry said that he feels they should a moratorium at least until all of the county's questions have been answered. The board is in full agreement that the county is strongly against this and to have a policy set in place. HB1249 also scares Commissioner Berry because it states that there will be no liability for the carbon capture. Commissioner Cox said that it will be the modern day Erin Brockovich. Attorney Ahler added that there is no long term knowledge on any of this. Angie added that scientist have said that it can cause earthquakes. Commissioner Cox asked Attorney Ahler to draft something for them to sign at the next meeting. Commissioner Freeland added that they need language stating that it has to be approved by the board. Commissioner Berry said that a pipeline will require the Commissioners approval because it would change how something is zoned. Attorney Ahler advised that if or once the county is approached then the county can do a moratorium, he will do an ordinance banning it for Benton County in the meantime.

Commissioner Berry said that he has asked Attorney Ahler to reach out to the DLGF's general council since they will not allow Benton County to amend the CAV for BP.

Rex Kepner – Prosecuting Attorney

Rex would like approval to purchase a PC or laptop that can be used by officers to download any photos or documentation that might be used in prosecution that is obtained from phones. He has funds available in the user fee funds but since it is over \$1,000. Commissioner Berry asked if was going to be kept in his office, yes unless it needs to be brought to court. Commissioner Berry asked Rex to reach out to Tom with Silverback to make sure it is compatible. Commissioner, Mike Freeland motioned to approve the purchase, second by Commissioner, Steve Cox and motion carried.

Business:

Commissioner Berry said that when the county amended BP's decommissioning bond in 2020 (since Dominion was getting out) he dealt with Katharine Descamps. He asked her if that would change anything and Katharine said no. Berry said that how he reads it now they were to notify the county per the statute, yes that is correct. Attorney Ahler will be sending a demand letter notice. Commissioner Berry said since the phone conversation with DLGF last week where they are changing the increase for Next Era (even though it is an increase) which they want us to amend, so can the county want to be an injunction on the Next ERA on until the BP situation is resolved. Auditor Freeland stated that she just wants to make sure that none of this will cause our tax bills not to be sent out timely. Commissioner Berry asked DLGF who has to do the extra work to fix this, they stated that county will. He continued on by saying that the county is stuck doing all the work but the county was not at fault. Auditor Freeland also does not want it be an audit issue down the road. Auditor Freeland stated that without the amendment it will not

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be clear to the taxpayers who are going to have to pay the difference they will be at her counter very unhappy. Commissioner Berry added that we will be losing 1/3 of our AV due to this, and even though it could ruin the renewables in the state but he is tired of the incompetence. The governor was pushing the bill last year about changing the setbacks for wind turbines so Commissioner Berry is wondering what he would say if the county exposed BP and what they are doing. Commissioner Freeland agrees. Attorney Ahler will look into the matter and report back to the board.

Commissioner Berry asked if the board was in agreement to rent a storage unit to store the courthouse windows until next spring so Deno's does not have to continue to store them. Commissioner Cox and Freeland said that they were ok with that.

Jason Fisher – EMA / DHS Director

Jason returned to discuss the additional cameras that Haley's will be adding and asked the board if they wanted it down after hours, on a weekend or courthouse holiday. Commissioner Berry asked if they could complete it within a day, yes Jason believed so. Commissioner Cox asked if they can do it during normal work hours, yes it just might go faster without the extra traffic. The board said that check first if they can just come and do it as soon as possible during normal business and if not reach back out.

Business continued:

Commissioner Cox asked Lucas with the Town of Otterbein if they were able to get their road repaired. Lucas stated that it is all done it has been repaired and the road has been reopened.

The September 20th, 2022 regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner, Mike Freeland, second by Commissioner, Bryan Berry and motion carried.

Commissioner Berry stated that he did not get the Harris monthly claims reports. Auditor Freeland said that the total claims between the old and new software's will be \$406,904.15.

The executive session minutes were approved with a motion by Commissioner, Steve Cox second by Commissioner, Mike Freeland and motion carried.

Commissioner, Steve Cox made a motion to approve payroll, seconded by Commissioner, Mike Freeland and motion carried.

Commissioner Freeland asked what the \$2.00 to the Benton Community Foundation presents. Auditor Freeland explained that it is kind of like a United Way contribution from employees that is sent to the Foundation on their behalf.

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Commissioner, Steve Cox motioned to approve the special event payroll which was second by Commissioner, Bryan Berry and motion carried.

Monthly claims were approved with a motion by Commissioner, Steve Cox, second by Commissioner, Bryan Berry and motion carried.
Commissioner Freeland made a correction to the minutes.

The pay at once claims were reviewed and approved with a motion by Commissioner, Steve Cox, second by Commissioner, Bryan Berry and motion carried.

The Cyber broadcasting agreement was tabled. Attorney Ahler will need to add the additional language the board requested. Auditor Freeland said that the name changed from Surf Air to Surf Internet.

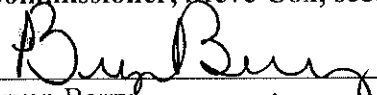
Commissioner, Steve Cox motioned to approve the following individuals to the list for the Fowler State Banks safety deposit boxes, second by Commissioner, Mike Freeland and motion carries. The positions and current names are as follows;

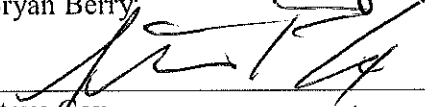
1. Auditor – Audrey Freeland
2. Chief Deputy Auditor – Beth Budreau
3. Assessor – Kelly Balensiefer
4. Commissioner President – Bryan Berry


Commissioner Freeland said that he was contacted by Spyglass wants to come in and get two months' worth of billing to review the funds/accounts to see that the county is being charged right. No decision was made to move forward with this request.

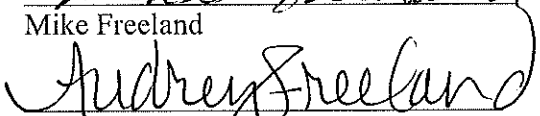
Commissioner Cox discussed the proposed 2023 Commissioner meeting and Holiday scheduled presented for review. After some discussion the board removed the Primary and General Election and Columbus Day from the approved State holiday lists. The schedules will be officially approved at a later meeting.

With no further business the meeting was adjourned at 9:45 a.m. with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.


Bryan Berry


Steve Cox


Mike Freeland


Attest: Audrey Freeland, Benton County Auditor