

## Benton County Commissioner Meeting April 19th, 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, Mike Freeland, Steve Cox, County Attorney, Jacob Ahler and County Auditor, Audrey Freeland

Others in attendance were: Gail Lange, Angie Taylor, Lucas Darling, Mike Budreau, Jason Fisher, Walt Wilson, Ron Shoup, Matt Hull, Tim Clark, Lynette Carpenter, Edwin Buswell, Tonya Robinson, Samantha Dalton, Phil English and Dave Fisher

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

- Patching – they are still patching and fixing roads whenever the weather will allow
- Pipe – they had to put a pipe in at 200 S 50 W due to the road caving in
- LPA documents – Mike asked Auditor Freeland if Liz had given her the paperwork to see about getting it corrected. The board advised Auditor Freeland to amend the minutes as requested and resend to them.
- Window – Commissioner Berry asked if the window worked, yes they are still working out what charges there will be
- Macks – Commissioner Cox asked for a status. Mike should be done this week and then the bed will be done about 10 days after that. Mike stated that the Auditor informed him that the money will come out of this year's budget.
- Cement stabilization – Commissioner Berry asked if they were still planning on the end of May, yes they are. The sign was not removed as of Sunday
- Mower – Auditor Freeland stated that the custodian thanked him for showing him around and where the mowers were kept.
- County Home – Commissioner Freeland asked if the highway had any of the OSB remaining, if so he would like to have a couple of guys go out and remove the exit doors and put the OSB in place so they can be painted. Commissioner Berry thought that they were to be painted while hung
- Clinic – Commissioner Berry asked if Mike could have a few guys go clean the gutters at the clinic
- Town of Otterbein – Ron Shoup wanted to thank Mike and his crew for their assistance for all of their help.

### **Angie Taylor – Economic Developer**

- Cell Tower – the map was reviewed and the board was ok with the placement. Attorney Ahler had reviewed and said that he has no issues with the verbiage within the contract.

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**Jason Fisher – DHS / EMA Director**

- Mulhaupts – Jason presented an agreement for the fire alarm annual inspection which will be \$547.50 annually. Commissioner, Steve Cox motioned to approve, second by Commissioner, Mike Freeland and motion carried.
- ADA Review – David Buck reviewed all structures and they are a certified engineer firm. Jason is asking if the board wants to move forward since the plan is completed. Commissioner Berry asked if he was wanting to do the Title 6 or ADA portion. Jason feels the ADA first but both need completed. Commissioner Cox stated that it needs to be done. Jason is going to discuss at the EMA meeting about sirens and this as well because they need to get back to the plan. Commissioner Berry asked Attorney Ahler asked if when he reviewed the capital improvement plan if he understood it as if it was clear that each town needed to have their own capital improvement plan put into place that is correct. Commissioner Berry will have Auditor Freeland reach out for a copy of it because the new owner is seeking some assistance from the board and the Town. Jason said he would get with Angie to get their contact information and ask him to come to a Town board meeting
- Tuition Agreement – Jason asked for an update on the amended agreement. Attorney Ahler feels that he should be able to send it within the week
- Building – progress is coming along but they are hoping to use the bays in a week or two. Commissioner Berry would like to have the IT room cleaned up and labeled.
- EOC – Jason said that Kyle from North Mechanical suggested a few changes that will help with heating space with a dropped ceiling
- Huston – Jason has not received any response yet
- Annex – The gutters at the annex will be cleaned and project is in Jason is waiting to receive install quote. Commissioner Berry asked for a timer to be put on the project for auto shut off. Commissioner Freeland asked if they determined where the water leak was. Jason will look into it
- Cadaver lab – Jason asked for approval to use a credit card for 11 people to attend the class. The board approved Jason to use the credit card

**Ron Shoup & Tim Clark – Town of Otterbein**

The Town of Otterbein will be celebrating their sequential over 4 days (August 4-7<sup>th</sup>, 2022). They spoke what they will be hosting and offering to all of those attending. They are possibly purchasing a traveling stage which the Town would be willing to allow others to utilize. They are looking at one in the amount of \$12,000.00 and are seeking some monetary assistance. Commissioner Berry asked if they were going to put up any of their capital improvement money, yes they are. Commissioner Freeland asked if they have reached out to the other Towns to see if they would be able to assist with funding. Commissioner Cox asked Tim and Ron to reach out to the other towns and see what other funding they are able to contribute and then to come back.

They thanked the board for the time and will get with Angie to get the information put onto the what's up 24/7 app.

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**Lynette Carpenter and Edwin Buswell – KIRPC**

They came before the board today to discuss public transit. They are looking into expansion funds to expand into further counties such as Benton and Warren. Edwin and Lynette are looking to get the boards support to get that service. Commissioner Berry said yes they are, but had heard that INDOT was not going to allow it. There is a meeting coming up in June they will be attending and wish to be able to say that Benton County is on board, yes we are.

Commissioner Cox asked what counties are involved. They are Newton, Strake, Pulaski and Jasper. Commissioner Freeland asked if they have enough drivers. They do not have enough drivers yet but they are slowly finding them and getting them certified. Commissioner Berry asked who owns vehicles. KIRPC does and then after the useful life they would transfer to the counties but now the money goes to help with vehicle replacement.

After further discussion on who oversees the project, who pays the drivers, who handles the claims which is Lynette who works with the IN Department of Aging. Commissioner, Steve Cox motions to help with 20% match, second by Commissioner, Mike Freeland and motion carried.

Edwin then gave a quick update on the Oxford grant and the water tank project. Commissioner Cox attended their last town meeting and said they are still need lines and another tank. At this time it is unsure what they are going to request from the county.

**Matt Hull – Building Inspector**

Commissioner Berry asked Matt if he was here for the BZA variance request, yes. They discussed what the BZA had given a favorable recommendation. Commissioner, Steve Cox said that he would like the minutes to state that if there are any damages sustained that the county will not be responsible. Commissioner Berry stated that usually Jud Barce comes to present the favorable recommendation and since he is not present asking for guidance. The Commissioner minutes can be use but Attorney Ahler would like to have a hold harmless agreement signed. Commissioner, Bryan Berry then motioned to allow variance with a hold harmless agreement for the county to be in place, second by Commissioner, Steve Cox and motion carried. Attorney Ahler will reach out to the BZA attorney and have her send the hold harmless agreement. The board informed Matt Hull that no permits are to be issued until the hold harmless agreement is signed and recorded.

**Tonya Robinson & Samantha Dalton – County Home**

They came before the board to discuss some ongoing issues with an individual who has been harassing staff at the home. They have video of the individual kicking in the door at 2:27 a.m. and they have contacted the sheriff department. Attorney Ahler gave advice on what steps need to be taken to ensure that if they return they can be charged criminally. Commissioner, Steve Cox motioned to approve, second by Commissioner, Bryan Berry and motion carried.

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Commissioner Berry said that he wanted to clarify the emails the board had received from her and when they moved Tonya to be paid hourly that was not to single her out and that they plan to move all non-elected officials to hourly. Tonya asked how she is to be compensated for those who contact her after hours. Commissioner Berry stated that the job description is a 24/7 position and they were given an on call phone, and they asked her to ask them to contact her during business hours.

Commissioner Berry asked Tonya to explain her email about a dart tournament she is wanting to hold. Tonya stated that she would like to have a tournament to raise funds to put towards donations and residents. Depending on the outcome she would like to hold this annually.

Commissioner Berry asked with the residents being down to 10, are there any prospects. Tonya gave a brief update on a recent emergency situation she assisted on. In the end the person did not come to the home but went to stay with a friend. Tonya is still in contact with them so she will keep them updated. Matt Hull added that he would like to thank Tonya for her quick response and assistance.

Commissioner Berry said that they will have the wires labeled in her office and that the timeclock will be hard wired.

**Business:**

Commissioner Freeland asked Matt Hull if there was date in place for the tiles in the new addition, yes it will be this week

Angie informed the board that the Town of Fowler signed the Mainstream agreement at their meeting and it will be used as a precedent for other towns.

The April 5th, 2022 regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner, Mike Freeland, second by Commissioner, Steve Cox and motion carried.

The executive session minutes from April 5<sup>th</sup>, 2022 were approved with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.

The executive session minutes from April 8<sup>th</sup>, 2022 were approved with a motion by Commissioner, Bryan Berry, second by Commissioner, Mike Freeland and motion carried. Let the record show that Commissioner, Steve Cox abstained from voting since he was not present.

Commissioner Berry asked what the state fine and forfeitures claim was. Auditor Freeland stated that it is an annual payment that has to be and it was not an actual fine. Pay at once claims were reviewed and approved with a motion by Commissioner, Steve Cox, second by Commissioner, Bryan Berry, and motion carried.

Payroll was approved as presented. They were approved with a motion by Commissioner, Mike Freeland, second by Commissioner, Steve Cox, and motion carried.

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The County Home report was approved with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.

Auditor Freeland presented the amended ordinance for pay at once claims to include payments made to the BMV for title purposes. This was approved with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried. Let the record show that Commissioner, Bryan Berry abstained from voting and was not in favor.

A payroll deduction agreement was presented and approved by the board. Commissioner, Mike Freeland will take the signed document to the employee for their signature and return to the HR department.

Auditor Freeland presented a letter to the following departments regarding closing their offices early prior to Election Day so the building is secured. The letter was approved with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried. Auditor Freeland will send the letter to the departments affected which are: Recycling, BEMA, County Nurse and Purdue Extension.

Commissioner Berry asked about the IT services provided during the election and asked if she was going to come before the board. He would not like any claims paid for the election until they are approved by the board. Auditor Freeland stated that aside from those in payroll the rest of the claims will be paid through monthly claims. Commissioner Berry stated that he was informed that they are not going to prove election results at the club and he feels that if they are paying for IT services or they will get someone else who will.

Attorney Ahler gave his advice on the Tillman Infrastructure and it was then tabled with no further discussion.

**Phil English – Hub Shake down tractor pull**

Phil is requesting some help getting the fairgrounds ready for the tractor pull and thanked the board for once again allowing them the use of the fairgrounds. He would like some help getting the barrier wall back to where it was originally placed. Commissioner Freeland asked when this needed to be completed, before June 4<sup>th</sup>. Commissioner Berry will reach out to Mike Budreau and have him get a hold a Phil. Phil thanked the board for their help and time.

**Business continued:**

The board discussed the need to change the Menards charge accounts due to individuals who are no longer employed still being listed as authorized users. There are four departments who currently have charge accounts. After speaking with the front end managers at Menards they suggest that we close those four accounts and open a new account under Benton County Government and the board can then approve who is authorized. Auditor Freeland needs the board to specify the amount of credit line they would like to apply for. After discussion the

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board asked to put in a \$4,000 credit line. The board approved the following employees as authorized users on the account with a motion by Commissioner, Mike Freeland, second by Commissioner, Steve Cox and motion carried; Sheriff Don Munson, Deputy Austin Rennick, Tonya Robinson, Samantha Dalton, Jason Fisher, Jonathan Devers, Mike Budreau and Evan Puetz.

Commissioner Cox asked if the board wanted to make any changes to the ITI Drug Testing contracts on who shall receive notice of who will be tested as well as results, yes it should be handled by the HR department. Commissioner, Steve Cox motioned to approve all contact information to be changed to HR department for the county and county highway, second by Commissioner, Mike Freeland and motion carried.

There were two claims presented for approval to be paid to Schumer's Heating and Cooling. Commissioner Berry stated that the who to contact was contacted but unable to provide the service. They are to be presented for payment.

The board asked Auditor Freeland to set a Drainage board meeting to be held during the May 4<sup>th</sup> Commissioner meeting regarding bill from Newton County's request for funds to be returned due to their error in the amount of \$3,636.46 for the Upper East side ditch.

Commissioner Freeland said that he would like reached out to Matt Akers about installing the gutters at the County Home.

Auditor Freeland then asked for an update on the additional verbiage to be added to the ACH agreement with Fowler State Bank for the payroll side of things. Attorney Ahler will send that over via email so she can send it to the bank.

Commissioner Berry and Angie Taylor met with new owner of the Fowler IGA. Trent is hoping to be open by June 1<sup>st</sup> and is seeking assistance with purchasing of some equipment. Berry went on to state that it would be a huge benefit to the community and is in favor of assisting. If the county does approve assisting with the purchase it will be understood that in the event the store closes the equipment will remain at location. They will do a contract for 5 years and are looking to purchase new coolers and a deli case. No decisions were made today to allow time to see what funding the Foundation and/or Town of Fowler can assist with. Attorney Ahler provided some advisement on what needed to be in place.

Commissioner Berry stated that Auditor Freeland had invited LOW Associates to come and present a demonstration of their product. She invited the Treasurer, Assessor and Auditor staff to attend the demo. Commissioner Berry said that from those office they were receptive and liked the products. He then reached out to GUTS another software provider and asked them to answer some questions on what they can offer the county. GUTS does not offer a financial software and is a cloud based software. Commissioner Berry said that Auditor Freeland did do her due diligence and followed county protocols while looking into the potential change.

Commissioner Cox said that he was impressed with the LOW demonstration and what they will offer the county. Commissioner Freeland said that their on-site training hours was another

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positive. Commissioner Berry corrected his previous statement that after implementation it will save the county \$20,000+ annually and has given a \$40,000 discount on overall costs. Commissioner, Steve Cox motioned to approve the purchase of the LOW software, second by Commissioner, Mike Freeland and motion carried.

Commissioner Berry talks about the drug testing and results. He feels that they need to follow the personnel policy. He then asked the board what day would work for the executive session to discuss with the employee the findings. An executive session will be set for May 4<sup>th</sup> at 10:00 a.m. Auditor Freeland was asked to notify all parties involved.

Gail Lange asked the board to explain more about the appointed employees being moved from salary to hourly. Commissioner Berry said that during the last audit it was difficult to get the requested proof of hours provided. Auditor Freeland stated that only an elected official is not required to report hours. During the 2023 budgets the board will be requesting the Council to move all others to an hourly rate.

Gail spoke about some upcoming changes to staff at School Corporation and possibly job/position share that they are looking into possibly doing. Commissioner Berry asked what cuts are looking at doing since they have taken the referendum to the max. Gail said that she feels the job share of the librarian going to each school is part of it.


They gave the I-read test to 3<sup>rd</sup> and 2<sup>nd</sup> graders and there were two perfect scores.

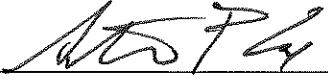
Attorney Ahler provided the following updates:

- SOS Election – he spoke with Brad King regarding the board request again the clerk. It was determined that the county does not have the authority to do this and said that the county can create a policy
- Keener – needs to send a response and while he does not agree with the payment requested it could be more if they go to court. He does feel if the board wants to settle that they get a signed full release. They are requesting \$5,000 to cover the attorney fees involved with the suit. Attorney Ahler's recommendation was to accept and be done with this. Auditor Freeland asked if an invoice can be sent made payable to the firm directly in lieu of the formerly employee, they can request that in the response. Commissioner, Steve Cox motions to pay the \$5,000 with the signed release. Commissioner Berry states that he does not agree and feels that the extra pay that received an accepted should suffice. Attorney Ahler cited IC code 22-2-9-3. Commissioner, Steve Cox re-motions to pay the \$5,000 with the signed released, second by Commissioner, Mike Freeland and motion carried. Let the record show that Commissioner, Bryan Berry strongly opposed this motion

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With no further business the Commissioners meeting was adjourned at 11:03 a.m. with a motion by Commissioner, Bryan Berry, second by Commissioner, Mike Freeland and motion carried.

  
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Bryan Berry

  
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Steve Cox

  
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Mike Freeland

  
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Attest: Audrey Freeland, Benton County Auditor