

Benton County Commissioners

June 20th, 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, Angie Taylor, Gail Lange, John Cox, Jason Fisher, Dave Fisher, Jennifer Greenberg and Paul Jackson

Mike Budreau – Highway Supervisor

- Chip and sealing – they are working on this, and it is going well. Bryan asked if there were any more problems with the chip box, no it is working fine.
- Oil – Commissioner Berry asked if Mike had gotten any more information on the soybean oil, no he has not. Berry said that he does have a number for Cargill, but they would have to take a full tanker load. Mike said one gallon does 36 square feet – which will cover a 18 foot wide road about 600 feet long and that was around \$2300. Commissioner Fields asked about putting down grindings instead, but Mike said with a heavy rain it would wash away.
- Pipes restock with delivery–
 - Debco - \$ 20,467.00
 - E3 Bridge - \$ 18,476.49Commissioner, Bryan Berry motioned to approve the bid from Debco. Commissioner, Mike Freeland motioned to approve the bid from E3 which was seconded by Commissioner, John Fields and motion carried.
- Crack seal material bids – Mike said he has the funds in his budget
 - Sealmaster - \$32,062.50
 - Klink Group - \$28,350.00Commissioner, Mike Freeland motioned to approve the bid from Klink Group, seconded by Commissioner, John Fields and motion carried
- Recycling new building –
 - Brouillette's - \$13,559.00
 - Matt Hull to do water and sewage hook ups – waiting on official quote
 - Lyle Garrelts will do electricity – waiting on official quoteCommissioner Fields asked for the dimensions. It will be 15X18
- Recycle letter – The annual grant paperwork was presented to board members
- Chips – Mike said the guys have started putting chips down on the tarring roads
- Oil/Sprayer – Commissioner Freeland asked how much oil they would need to purchase. Commissioner Berry asked if Andy though the sprayer could handle the soybean oil, yes it can. Commissioner Berry would like to have the cost difference between the calcium sulfate and soybean oil before a decision is made.
- Road – Commissioner Berry 400 N (off 71) that road used to be black topped or chip and sealed. He would like Mike to go out and get them an idea of what it would cost to do one or the other again. Berry asked if it was chip and sealed from 71 to where Mr. Flynn lived. They would like the quote to go past the last house.

- NWSWD letter – The recycling letter to accept the grant funds from the NWSWD (Northwest Solid Waste District) was approved and signed with a motion by Commissioner, John Fields, second by Commissioner, Mike Freeland and motion carried.
- Mike did reach out to a guy to come see if he is able to give him a quote to fix the bailer. Commissioner Berry said that Gene Beasley also does bailer repairs

Jason Fisher – EMA / DHS Director

- Teen Mobile – they have begun testing and are getting a good signal clear up to 71. Jason is still working on getting a price comparison. Commissioner Berry asked if it was better than AT&T. Jason said that it is the same if not better. He stated that the coroner had recently switched and is having success
- Claims – Jason asked again about wanting to move the Glotzbach, Deno Home Center and other local business claims to a pay at once claim to avoid surcharges. The board did not approve any changes at this time
- FEMA – The reimbursement process has started. The dumpster went over but we will be reimbursed for those expenses as well.
- Mitigation grant – There is a 25% county match requirement. PA did not balk at a total siren replacement, but we will have to push. Another big part would be those who had damage or those who are willing to pay to put in safe rooms. There will be more information coming which Jason will share as he receives it. They spoke briefly about possible locations and existing ones within the county.
- Lightning protection – they will be on site July 13th and will need the lift. Commissioner Berry said that the contractors installing the windows might be done.
- Town Marshall – we had an agreement with the marshal where we provided the Boswell marshal with a portable and mobile radio. By providing these the marshal would respond to calls as able. Jason said that he has asked Board member Brost about returning it so it can be placed in the new ambulance. Jason asked what the board wanted him to do since it is the last APX4000 radio, does he leave it with the Town or ask for it to be returned? The board wants them both to be returned.
- EMS building – Jonathan is working on drafting something up for new building
- IT room – Commissioner Berry asked Jason where they were with this. Jason said that he reached out to Tom about some items that need to be purchased and the total amount they have available to spend. Tom did not feel that they would cost more than allotted. The window was discussed, and Jason said if grant funds are used it will require a rewrite of part of the grant. Jason said that if they can get the inside done, they can come back to the window later and make those changes. Jason talked about blocking windows in the event they need to ventilate the room for any reason. Jason will talk with Dave. Commissioner Berry asked if they were going to drop the ceiling, yes they are. Jason wrapped up by providing a quick thought process they had for the remodel and securing of the room
- Parking lot – Commissioner Freeland asked Jason if he had gotten any information on expanding the parking lot. Jason replied that he has not done anything since the last meeting
- Generator – Commissioner Berry wants Jason to touch base with Curt Metzinger about a dedicated generator for the IT room. Jason said that Houston is the only one that has responded but isn't sure if they will be available. Commissioner Berry said that regardless of if the grant can cover the expense or not it will need to be placed. Commissioner Fields asked about the EMS building generator and if instead of placing a second one if an upgrade would be a better option. Jason replied that after the remodel they are good down there now.
- Ambulance – July 10th the new one will arrive, and Andrew is scheduled to do the graphics. Commissioner Berry asked how much was placed in the budget for the demo. Auditor Freeland will have to review.

- EMT staff – he has only 1 opening right now for an EMT. Austin will be done with paramedic school in August so if that opening has not been filled, he will have 2 openings.

John Cox – Sheriff and Fair board President

- Fairgrounds – sponsorships are coming in and they have had a great response. They have some projects going such as paint, concrete and roofing
- Water leak – there was a leak detected and Matt Hull will be going over to find out what the problem is
- New building – John said that he and Commissioner Freeland met with Dan along with Shawn Leuck about the new building. For Dan Kiser (architect) to move forward he presented an invoice for \$9,200 for his services and is requesting the first draw of \$3,600. John would like to have this paid so hopefully there is time for Dan to draft out the new building so fairgoers can see it. The group discussed that if they accept the invoice that Dan would be the general throughout the project along with Shawn Leuck. Commissioner Berry would like to set an hour limit for everything above the 9200 fees, and stipulations on how often he needs updates to the board. The payment was approved with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried.
- HVAC – the 2nd unit is going in today. once that is completed, they will review how much funding is left and see if they can get any more in
- Sheriff truck – 2nd truck is in and is ready to be outfitted when they can get that scheduled. John spoke about possibly having Alsop doing the work instead of Move Over Outfitters
- Crane movement – they continue to work with Justin (Mortenson) and Jessie (Barnhardt) about moving the cranes over the next two weeks
- IT – John wanted to give a shout out to Tom and Tracy with Silverback for their quick responses
- BC Foundation grant - \$5,000 grant has been awarded
- DHS – John wanted to give Jason a shout out to his team doing an amazing and quick job getting all of the radios updated
- New hire – Julie Marsh (newest merit deputy) begins her pre-basic today and she will be hopefully attending the academy in October. Commissioner Berry asked if she will be signing a contract of service, yes she is.
- Jail – John is down one position in the jail, he currently has 8 but his overtime budget is about depleted. He is hopeful that someone will apply soon but the pay is the biggest hold up. Commissioner Berry talked a little bit about the EMS public safety tax and some possible solutions for the upcoming budget season.
- Re-establishing cum jail rate – this topic was briefly covered just stating that it will be reviewed again in 2024 for a 2025 effective date.

Jennifer Greenberg – Clerk

Jennifer presented the board with a quote for new computers for her office, they are 10+ years old. She has the funds within her document storage fee fund but is seeking approval for the purchase (\$8,761.06). Commissioner, Mike Freeland motioned to approve the purchase of the new pcs, seconded by Commissioner, John Fields and motion carried

Jennifer said that there is no estimate yet for the wall.

Commissioner Berry asked if the window was going to be sold, yes it is. She is not sure yet but will look at online options to sell it as well.

Angie Taylor – Economic Developer

Angie asked what the county had for the 5G Wi-fi. Commissioner Berry said that while there is money in the fund some of that has already been spoken for. He also said they need to find out who all the partners are and if that 2 million dollars is going to split three ways and what each partner will be responsible for.

Angie said that if she that they request to use the Skywater project as the match. Commissioner Berry asked if through READI or Kelly. Angie replied it is through READI. Commissioner Freeland asked if the housing is something we have to do. Angie said that she doesn't want to forfeit the 1.5 million if it will be feasible for the county. Commissioner Berry asked if the county has to have matching funds for it, yes, we will.

Angie asked if the board knew how many liquor licenses were available in the county. Auditor Freeland informed Angie that Chief, Bill Burton is one of the county reps for the ATC board and when their next meeting is.

Commissioner Fields asked when the county purchased the church for the preschool/daycare was it from a grant, no it was paid for out of capital improvement funds. Angie went on to explain that those funds will count against the \$75,000 3-year match by purchasing it. Commissioner Berry said it is confusing because they call it a grant, but it isn't a typical grant and there are two parts. For the childcare projects - over the next two years the county will have another \$25,000 to pay out as other daycare providers obtain the certifications to be eligible for those grants. The other part to the READI is for housing (which is the 1.5 million) but the county needs to get the total matching requirement required before they decide if they will participate in that. Commissioner Fields asked what those funds can be used towards. Angie said that those funds were originally said that they could be used for a whole variety of things but now it will be used for housing, wi-fi, fiber and broadband, sidewalks, curbs and now they want to do a regional developments.

Business:

The June 6th, 2023, regular scheduled meeting minutes were reviewed and approved with an amendment to the attest line with a motion by Commissioner, Mike Freeland was made, second by Commissioner, John Fields and motion carried.

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 (06.16.2023) was approved as presented. It was approved with a motion by Commissioner, John Fields, second by Commissioner, Mike Freeland, motion carried.

The county home report was approved with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields and motion carried.

The annual covered bridge certification was reviewed and signed with a motion by Commissioner, Mike Freeland, seconded by Commissioner, John Fields and motion carried

Commissioner Berry said that on Friday the plan commission moved to extend an additional 30 days to the gentleman in Oxford as a recommendation to the board. Berry feels that he is already in contempt and recommends that the board moves forward with legal action. Commissioner, Bryan Berry motioned to approve the legal action for Mr. Malone in regards to the Oxford school to begin, seconded by Commissioner, Mike Freeland and motion carried.

Commissioner Berry asked Auditor Freeland if they had received a response from the DLGF on the reduce state utility assessments, not as of today she has not.

Commissioner Freeland asked about the Opioid settlement and if the county had received anything yet. Auditor Freeland said that they have received their distribution for this year, but it is supposed to be paid out over 6 years. The group discussed the restricted versus non-restricted funds.

Commissioner Freeland asked if Auditor Freeland had everything she needed for Brian Brown to work out at the county home. Auditor Freeland replied that yes, they have got him set up in the timeclock system now so he can clock in accordingly. Commissioner Freeland said that his sister will be assisting him and asked if that was a problem, yes because she is also an employee and will need to be set up as well before working out there so she can clock in accordingly. Per federal law they are described as employees and all their compensation must be paid for through the payroll system. Commissioner Freeland asked if they would be paid at their regular rate. Auditor Freeland stated that she is unsure because she has not been provided with an agreement, an offer of employment or anything for either one of them.

Commissioner Berry asked Attorney Ahler about the letter from Mr. Chavez about BP Fowler Ridge II wanting to sell their portion to Sempro to Finergy and Blackstone and the revocable letter of credit in the amount of \$965,000. Berry said that he responded that we would not sign anything until Attorney Ahler was able to draft a letter stating that they understand that their taxes would never change. Mr. Wortham got involved. Commissioner Berry said that they do not want BP writing the contract and asked if they could hold them for ransom while we get the AV situation straightened out. Attorney Ahler asked for clarification that he means signing the document, yes that is what he meant. Berry and Ahler will meet to discuss the details to be included in the contract. Commissioner Berry also expressed his concerns about who exactly are the owners. Attorney Ahler advised them of their contractual rights.

Commissioner Berry asked Auditor Freeland if she was able to locate the EDA for Fowler Ridge II because he only received the transportation agreement. Auditor Freeland said she did but would resend it and added that she sent multiple attachments. The board agreed to try and continue to get the AV situation corrected.

Commissioner Berry said there have been rumors about BP wanting to “gift” some funding to the foundation to which Berry replied that they are not accepting any of their money but if they want to put it to good use, they could use it to get their turbines cleaned.

Commissioner Berry said that for the special meeting on Thursday he will compile a small agenda/talking point. The meeting will be held at the annex building and was advertised in the Benton Review.

The group discussed their desire to move forward with a lawsuit again Mr. Malone (Oxford School) since they have agreed to reject the plan commissions recommendation.

Commissioner Fields asked for status on the Boswell school lawsuit. The case has been drafted and is ready to file. The individuals involved will be served

The meeting was temporarily adjourned at 9:41 a.m. with a motion by Commissioner, Bryan Berry, second by Commissioner, Mike Freeland, motion carried. The board reopened their regularly scheduled meeting at 10:45a.m.

Those in attendance were Commissioners Bryan Berry, Mike Freeland, John Fields, and County Auditor, Audrey Freeland.

Others in attendance were: Gail Lange and Angie Taylor

Commissioner Berry asked if there had been any more bids received for the annex building. No there have not been. The work at the annex will be paid out of the ARPA funds that have been allocated. The board discussed if they wanted to get the project started or if they wanted to reach out again for additional bids. The decision was made to move forward with the project and then they discussed the ADA compliance. The following were reviewed and approved with a motion by Commissioner, Bryan Berry seconded by Commissioner, John Fields and motion carried. Shawn will act as the general contractor for the project.

Shawn Leuck (building) – \$5,000.00
Deno’s Home Center (materials) - \$11,000.00
Leuck Dirt works (– \$10,732.30
Brouillette’s (HVAC and plumbing) - \$13,559.00

Commissioner Berry spoke about the email from Frasier and that there will be 150 workers on the project. They had a very successful emergency tower rescue drill with a site team and local emergency team. All major components have been received and installed. There have been 11 towers done before Memorial Day weekend. There are two cranes in use for the project and the Sheriff’s department and Emergency Dispatch handling the volume of calls during those moves to assist with minimal disruptions to local traffic.

The special meeting that will be held on June 22, 2023, is to speak to the community members and local landowners about HB1209 and that if 70% of the landowners sign up the remaining 30% will be taken by eminent domain. They want to stress that it is BP and Vault not the commissioners who are pushing this. The board will let the community know that even though BP is attempting to throw money around the county has denied acceptance. Commissioner Fields talked about the fear of how some will be looking at only the dollar amounts and how that could help them rather looking at it in its entirety. Commissioner Freeland asked if Fair Oaks dairy was really signed up, that is what has been stated. The board discussed their thoughts and made sure the talking points were agreed upon for the special meeting. The boards over all feelings about this are not favorable but stressed again that they have done what they can from their position and that it is in the hands of the owners. Commissioner, Bryan Berry motioned that the ordinance on carbon sequestration be amended from \$0.30 a ton to \$225 per acre, seconded by Commissioner, John Fields and motion carried.

Gail Lange – Benton Review

Gail spoke to the room about the newly named Benton Community School Superintendent, Annette Zupin. Annette and her family reside in Otterbein and have community ties and family here.

Angie Taylor – Economic Developer

Kelly called her and let her know that the county will not be responsible for fiber to the tower and is pushing Mainstream on that. Commissioner Berry asked about a partnership and if it was going to be a 1/3 – 1/3 – 1/3 or are they going to let private investors in. Angie asked if the board had time to give him a call and get those questions answered.

Kelly joined the meeting via telephone. Commissioner Berry asked if the project total was around 2 million dollars how is that going to be done; will it be the county, Kelly and then Mainstream. Commissioner Berry asked how it was going to work will it be a partnership, if so how and with who. Kelly explained that Mainstream is an ISP and they will be the backhaul and they are fine with the wireless piece to them as their partner. He talked about some issues that were found; one was the grant and while America Crew can be listed as an ISP he feels that Mainstream should be used for this. Kelly said that he would like to use Mainstream billing office, but they would be the customer facing for the wireless piece and then hire a local person to be the “manager”. He said that Mainstream is open to whatever is best and that it is kind of up to the board.

Commissioner Berry asked if the 2 million would be split. Kelly explained that he would there would be an agreement that would also discuss how the revenue would come back to the county. He explained how things were handled on other projects he has been a part of. Berry’s first concern was if it was going to cost the county the whole 2 million. There will be matching funds from some other areas, and it will be spread out over a time period to be determined.

The project discussions continued and spoke about activity bonds and the need for a sponsor. Kelly talked about the process. Commissioner Berry asked for some additional information on Nokia and if any phone would receive the 5G. For the most part yes any smart phone will work. Angie asked Kelly to join her on a conference call coming up regarding grant funding, yes he would be happy to join.

After further discussion the board will let Mainstream know that Metrocom might be coming in. The board feels will be good competition for Mainstream. Berry spoke briefly about the funding requirement through Mainstream and Metrocom and what each company has guaranteed to the county. The board then approved allowing Metrocom to come into the county and the board will waive the permit fees for the backbone in exchange for free service to be provided to the county. This was approved with a motion by Commissioner, Mike Freeland seconded by Commissioner, John Fields and motion carried.

With no further business the meeting adjourned at 11:54 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