

Benton County Commissioner Meeting May 3rd, 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, Derrek Fuehrer and Carole Hoff

Mike Budreau – Highway Supervisor

- All the roads are ground up and capped for the CCMG grant. They still have some stone to haul
- Patching – got some oil so they are out patching
- 990 W – Commissioner Freeland asked if they were able to get anything put down out there. Mike did not feel it would hold up and it would tear up the road. Commissioner Berry said that they will see about getting the calcium sulfate put down when they come back around, or Mike can reach out to the Dairy. Another idea was to use the county sprayer with some soybean oil.
- Permit – Mike received a permit to place fiber within the right of way on the state line. The company is Metro Com, and they would not send all the information to Commissioner Berry. He has now received it and they want to go from ST RD 18 to Fowler. He explained to them that they would have to come before the board prior to any permits being signed. Auditor Freeland said that MCC is scheduled to attend the next meeting.
- Annual report – needs to be signed by the board. It was signed after being approved with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields and motion carried. Mike will have a completely signed copy sent to Auditor Freeland
- Recycle remodel – Commissioner Berry spoke about the remodel project and asked if Mike had any ideas on size, Mike said that he would get something started. They will approve the design and get that project started this year.
- Chip Box – it has been serviced and believe it is ready to go but just need the warmer weather so they can start doing maintenance seals
- July CCMG – they are working on the list, so it is ready for submission. Commissioner Berry asked if Evan and Mike could assist Marty with the Town of Earl Park on assessing their roads since they have never applied, yes, they can
- Quotes – small pipe structure #161 located at 300 W 880 N the cement structure is falling apart. They have done a 100-year flood on it and will send out the specs
- New building – Commissioner, John Fields motioned to sign the release of the construction on the new highway building, second by Commissioner, Mike Freeland and motion carried.
- Bridge – Commissioner Fields asked if the base was in fact steel, yes, it is. Mike said that the borings were done last week and should have results within 10 days

John Cox – Sheriff

- Gun range – John would like to establish an agreement with Briggs Core Dynamics for his staff, both the deputies as well as the correction officers so they have adequate training. The total amount is \$1,250,00. He does not have the funding available at this time but will request it in next year's budget. He asked the boards to cover this year's cost.
- HVAC – John stated that Brouillette's has done a great job working with him on what needs attention now and what can wait. Unit #9 needs a complete replacement. The AC is shock and there is a crack in the heat exchange. The board asked John to confirm replacement of all in order

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of necessity. The group discussed the ARPA grants that were set aside for jail ventilation, sewage and building repairs. Need to make sure that invoices are received before the end of 2024.

- Gun range revisited – Attorney Ahler reviewed the agreement and did not have any concerns with it as it was written. Commissioner, Mike Freeland motioned to approve the agreement with the gun range and for the Commissioners to cover the expense for 2023, second by Commissioner, John Fields and motion carried. The invoice will be paid out of the Commissioners Contractual agreement account line
- Highway crew – Again wants to give a big shout out for their help with the parking area. John will coordinate with Mike about getting grass seed down once the cribbing is removed from the yard. He wrapped up by saying that he had reached out and made initial contact with Mr. Meihls to make sure that the sidewalks are all ADA compliant.
- Fairgrounds – John would like permission to rename the Goat barn in memory of the Hall family. All the new signage will be covered through donations. Commissioner, Mike Freeland approved the renaming, second by Commissioner, John Fields and motion carried
- Gutters – Commitments are in place from the community to cover costs
- Concrete – working on getting some quotes
- Odds & Ends – broom off and seal the track. Commissioner Berry said that he will need to get with Mike Budreau sooner than later to see if that is something they will have time for.
- ADA – the fairgrounds will be reviewed next week.
- Sheriff donation – he is getting some calls asking if it is legit. He said that while it is he has explained to some that those funds do not stay local. He has taken out an ad in the paper explaining that and how if they would like that funding to stay local that there is now a sheriff donation fund.
- New building – if the board needs any assistance with the new building or if they would like his input John is willing to assist in any way

Jason Fisher – DHS / EMS / EMA Director

- The board thanked Jason for all his efforts with FEMA and the community members. Jason needs to speak with the extension office to see if the upcoming meeting for the homemaker could possibly be moved for FEMA. Auditor Freeland said that they have an annual meeting with a meal, and she is not sure what else. Jason presented some updated statistics for FEMA now that they have commissioned the entire county. Jason explained the process of what FEMA is doing and what they are offering while in the area. He briefly discussed what the Red Cross will assist with and the next steps of the FEMA process. He added that they have drone footage of all the damage. FEMA will have a presence until the end of May
- ~~Teen~~ Mobile – Jason had to reschedule his meeting with them
- New Ambulance shed – Jason and Jonathan need to finish up their recommendations and requests and will bring them to a meeting. They need to make sure that it is going to a separate building on the south side of the grounds
- Recycling – Jason said that Jeff went to recycling yesterday and spoke with Angie on that project
- EMS update – Jason reviewed run counts over the last five years
- Billing – Jason is working with the company on some bad/old debt, and they are going to get something together and share it with Attorney Ahler for review.
- Grants – they did get the extension they applied for with SHSP
 - \$120,000.00 for technology for laptops to include sheriff, all police departments and hopefully dispatch as well

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- \$142,000.00 for radio replacement for 42 radios
- \$150,000.00 for siren replacement
- \$25,000.00 for EOC and Dispatch building security
- IT Room – Deadline of August 31st to complete the project and Ron was here and hopefully gets the complete quote within a couple of days
- Vehicle – Lynn had no update on the vehicle. He has not been put into production yet
- IT Room – they discussed if lowered the ceiling is still the game plan. They also discussed after the window is closed that is where the workstation needs to be. The racks will be moved to the middle of the wall. The room temperature should be kept around 72 degrees due to humidity. Still need to decide on flooring and cleaning out the room.
- Laptop – Jason would like to get approval to purchase a new laptop. He has the funding in his EMS/EMA budgets. Commissioner, Mike Freeland motioned to approve the purchase, second by Commissioner, John Fields and motion carried. It will be paid for out of EMS/EMA budgets
- Medicaid & Medicare billing – Bailey Finley has accepted the position and Jason will be moving some funds within the EMS budget to cover her salary. A new account line will be added for transparency.
- Josh – Jason talked about lowering his salary to \$8,000 after the job duties are split and he will be just radio technology / programming and rebranding. After much discussion on how much overall is saved by having Josh do this work for the county and what his new duties will entail. The board then determined that his annual salary will be lowered to \$7,000 annually (\$269.23 per pay). This was put into effect with the understanding it will be on a one-year trial basis with a motion of annual salary of \$7,000 was made by Commissioner, Mike Freeland, second by Commissioner, Bryan Berry and motion carried.
- New hire – Jason will bring Marcus to the next meeting so he can introduce him to the board
- Staffing – Austin will finish up his classes soon, which will be great. Jay Howk has come to Jason and discussed the desire of retiring; nothing is happening at this time.

Business:

The April 18th, 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.

Monthly claims were discussed and a question regarding the payment to Hoosier Associates for the cyber portion. Commissioner Berry reached out to them to get clarification. The claims were then approved with a motion by Commissioner, Bryan Berry

The pay at once claims were discussed and then tabled until Auditor Freeland can review and update the check amounts. It appears as if a rolling tally was used instead of the actual check amount. Auditor Freeland provided the correct amounts for the checks but will review the entire report.

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

The WECs/Megawatt ordinance was reviewed and approved with a motion by Commissioner, Bryan Berry, second by Commissioner, John Fields and motion carried.

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

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The meeting was temporarily adjourned at 9:32 a.m. so the board could meet in executive session. The meeting was closed with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried.

The board reopened their regularly scheduled meeting at 10:07 a.m. Those in attendance were Commissioners Bryan Berry, Mike Freeland, John Fields, County Attorney, Jacob Ahler and County Auditor, Audrey Freeland.

Others in attendance were: Barry Tolen, Kelly Duhne, Frank DeVito, Shawn Gardner, Don Carless, Gail Lange, Angie Taylor and Sarah Cantu

Kelly Duhne, Frank DeVito, Shawn Gardner – Americrew

The group provided a quick introduction of themselves and then Kelly provided an update on everything that Americrew has been done and what they plan to accomplish.

Kelly said because of this project they joined the rural cloud initiatives, and it is fascinating. Also, by doing this it will open up more funding opportunities as well. The main goal of the board is to get some form internet to everyone.

Kelly said that they are halfway through phase 1; they have identified 5 optimal locations for new/additional towers. They have identified all the houses who are on the net, and the placement of antennas.

They are applying for grants from Vincennes University for up to a million dollars in b-funding to help support the project as well. They have met with other companies who run their own fiber who are interested in assisting with the project.

Kelly said that Mainstream has been part of the core network and Americrew and Warrior workforce have created a partnership to prioritize serving the rural areas.

Upcoming steps in the project. Kelly spoke about the county needs assessment and 43% have been identified as those household who will qualify for the ACP – which will allow \$50 subsidized on their broadband. It would be sent directly to the carrier not the individuals.

Kelly asked if any of the towers were damaged in the recent storm, no there were not. There are 3 current towers and he spoke about 2 locations that they feel are ideal to add new towers. They have done drone mapping and took 3D images to direct them further on what is needed. They will have that information compiled within the next couple of weeks. They are using BTS, which is a company based out of Michigan.

Kelly moved on to discuss the difference megahertz and said that he feels we are within a few months of getting the FCC approval for it to be two way. If that is the case Benton County will be one of the first counties on that spectrum and it is better than a whisp. He went on to discuss testing on radios that are ready to be tested and how hotspots can destroy networks, so you want to have a dedicated spectrum. He will verify coverage and capacity but everything they have can handle 100 meg. They have identified Fowler as a location for private LTE. He discussed the details of the plan and the timeline.

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Kelly shared a diagram during his presentation with the potential tower locations; Fowler, Earl Park, Boswell, Oxford, Otterbein, Ambia and possibly water towers. They discussed the county owned tower in Wadena who is 180 ft tall. They need 2 to 3 additional towers that are 180 ft tall or taller. Gail Lange asked if they have looked at stretching to the boundaries of the school corporation. Kelly replied and said that it is a great idea and will also help and serve surrounding counties. Kelly added that through a recent analysis of rural schools that 50% of those who qualify for the reduced meal plan will qualify for reduced costs as well as any household with school age children.

Kelly asked the board what happened in some locations where one side of the road received coverage but not the other side. Commissioner Berry said that the state determined that.

He said that they will work with Angie to ensure that when all the specifics are known they will make sure they are sharing that information and have lots of communication with the public. One of the thoughts is, do they try to deploy a couple of towers as a test, or do they do it on a larger scale from the beginning. They would like to have a clear understanding of who can be served immediately. They hope to get those areas identified today.

Once the detailed analysis of the line of sight is complete and they can work on the plan so they can finalize the budget as well. All of this is based on the radio link budget. The difference between fiber and everything before it. Kelly's example is fiber is like a dedicated highway and you have a car that you can drive as fast as you want. He discussed the cost of the projected project and that there are a lot of grants available for these types of projects.

Kelly talked briefly about IOT permits and what all would be built into this infrastructure and how the data can be stored locally and what that could look like. At some point they will want to reach out to the wind companies as well since it will be a different project.

The real cloud initiative they recently joined at no cost will basically allows a cattle livestock health, crop health, dairy operations health and equipment automation is sensory and will require 5G. This is something to think about and can be very beneficial on many levels. Kelly proposed to come back and give a presentation to see if that is something that Benton County would want to join in as well. He showed some of the biometrics available within the rural cloud initiative and said they are looking for places to provide a demo. The board gave their approval for Benton County to join and look forward to the project.

The group continued to discuss the project, different analysis that needs to be done, their goal for Benton County and the level of service they want to deliver. They will continue to work directly with Angie, and they will provide updates to the board often. Kelly asked if the board preferred them to do a few towers and get them going before moving to a new location or do they want the entire project completed. Commissioner Berry said that he would prefer they did a few at a time because of the issues they had with Mainstream. Kelly said that would be fine with them. He wants to have a very local presence and for it to be a positive one.

Kelly wrapped up about the tower space and potential ways the county can generate some revenue by charging some tower rental space. They have worked with Mainstream to get them to bring the fiber to each of the towers. He is hoping to collaborate with a wind company to discuss the easements and other regulations they have. Commissioner Berry said that Pattern has been very easy to work with and suggested that he speaks with Daniel from there. Commissioner Berry went on to add that the county ordinance is 1.1 of the height of the tower. Kelly said that the school district is a great idea, and he will

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begin discussions with other counties as the project progresses. Gail suggested he go to the school board about the corporation.

Kelly said that they will be back in June to provide updates and discuss the project more. The board thanked them for coming today and is looking forward to working with them.

Barry Tolen – On behalf of the Otterbein Recreation Association

Barry said that while he is no longer the president of the board his wife has been the treasurer for about 15 years. In 2009 they received their 501 (C)(3) status of non-profit organization. Moving forward to March 2023 they received a tax bill for \$6,000 plus after not having paid any property taxes for years except for ditch assessments. They were notified that an audit on non-profit organizations had taken place by the assessor's office and that letters were mailed. Mr. Tolen stated that they did not receive any notice of that kind. They were advised on where to find the form and got it completed and returned to the assessor's office.

They were told that even though they got the form returned they would still be required to pay the 2022 payable 2023 taxes. They reached out to Jaime Cackley who sits on the local PTABOA board and were told that there wasn't anything they could do so they started the appeal process. Barry shared copies of the appeal and the response they got. The non-profit status has been reinstated for 2023 payable 2024 tax year, but they will not go back and adjust the 2022P2023. Mr. Tolen stated that if we were in a larger area there would probably be multiple organizations that would be affected but is upset that with us being a smaller community no one reached out to them. Commissioner Berry said that he has asked the county attorney to look into it but has not received any response and asked Auditor Freeland if she could reach out and see if he would be joining the meeting soon. Commissioner Berry said that he asked him to look into it because from what he was able to find the Board of Commissioners have no control.

Barry went on to say that he doesn't want the Otterbein Rec. board to file suit against the county and feels that the situation is nuts. He went on to say that if it was whispered in a corner that an elderly lady was going to sell her home and move into the nursing home the realtors involved with the PTABOA board would have been all over it. Commissioner Freeland asked Sarah Cantu if all 5 organizations in discussion were notified of the hearing. Sarah replied that they had previously sent Form 120 which is a notice of determination to the owners of the property owners. To have it on record they voted again, and it is not sent certified since it is not required to be. Mr. Tolen asked if any of the others had complained also. Sarah said that some of them had in fact reached out, she went on to add that there were others who did not file theirs timely either and no one was targeted. Sarah said that a deeded owner change or a change of use will start the process. The board said that even though it would have to be changed at a state level they do not agree with it.

Sarah then stated that she reached out to the PTABOA board to see if they would be willing to go back and adjust the status and the vote was not in favor. She said that she is willing to reach out again. Commissioner Freeland asked her to do that and explain what happened and they did not receive it. Sarah said that there were a couple of notices or letters sent and when they did not receive a response that is when the PTABOA board made their determination. The first notice was sent in February and then a second notice was sent in May. The deadline for filing is April 1st annually.

Sarah said that the office was not notified of any returned mail. Barry said that if nothing was mailed then there would not be any returned mail and asked if she had proof that the items were mailed with his signature that it was received. Sarah reiterated that certified mailings are not required so she does not have that, but she can get the dates that the letters were prepared. Barry said regardless that with it being

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a small community someone should have made a phone call to them. Barry said it makes him feel better that there were others who did not receive theirs also. Sarah replied that she did not state that they did not receive their letters/forms but that they were upset about the determination. Barry said that he spoke with another person, and they said they did not receive theirs either. Sarah asked if that was someone who also had theirs removed from the tax roll. Barry replied that in the event it goes to the legal system he does not want to tell her anymore.

Commissioner Freeland asked how many make up the PTABOA board, there are five. Sarah then listed the members and that it is a mix of realtors, appraiser and previous deputy assessors. Auditor Freeland added that the board is appointed by the Commissioners and Council. Attorney Ahler said that the size of the board is also determined by the size of the locality.

Sarah said that the local Assessor office does not have the power to go back and that the power lies with the PTABOA board. She had previously asked them if they would go back, and the vote was returned no. Attorney Ahler said that his initial thought is that there is a statutory appeal process and while the board can hear complaints/concerns they (Board of Commissioners) have no authority on overturning anything. Barry said that he just wanted to make them aware of the situation and receive some guidance from them.

Barry asked Sarah how many organizations returned their forms. Sarah said they received several and spoke about the multiple ones received from the Catholic Diocese. Barry asked if it was possible that maybe one of the board members is Catholic, so they reached out to them to make sure they returned their forms. Sarah replied that they are not to hold biases and she will not speculate on that. Barry said that his understanding was that it went to the state, and they had control but if it is the local board then he does not know why they will not return a favorable vote.

Sarah said that while she has not been in the office long (around 4 years) and prior to her starting it is her understanding that you had to file every two years. Around 2018, it was changed that once you are approved and meet those guidelines (owned, occupied and used for educational, literacy, charitable and fraternal) then you longer must file. The issue is they did not have anything prior aside from the original paperwork and no extra information. They were missing the required financial information and that is where the "audit" took place. Barry asked if they still need to file every two years. Sarah said no, if the use, the name, the bylaws or articles of corporation do not change. Once any of those changes, they will have to file.

Barry then asked about the due date of taxes, May 10th, what do they do in the meantime? Do they pay and get a refund or is there an extension. The board of Commissioners can waive penalties if they are incurred but they do not have the authority to overturn the decision of taxes due. Sarah said that she will reach out to the board to see if they are willing to review and revote, the board and Barry would like her to do that.

Barry wrapped up by saying that he knows the board cannot overturn the decision but maybe with their blessing or pressure on them to rethink it. Commissioner Fields asked if they could have a meeting with the board. Attorney Ahler spoke about the appellate deadlines he believes there are so many days to appeal. Sarah said that it is 45 days from the date of the letter to appeal and that last year's deadline has already passed for last year's taxes. Sarah is not sure how the IBTR would approach this situation since those dates are past.

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The two notices that were sent were as follows. The first one was a notice saying that they needed some information and then the second one was sent after the PTABOA board met. Form 120 was sent and was on record as denying it due to no information being received.

The discussion was wrapped up with Sarah stating that she would reach out to the board and see if they are willing to review it again. Barry asked again when the letter was sent out. Sarah replied that they were sent notice of the decision in May of 2022 since nothing was received by the April deadline.

Barry said that when nothing was received a certified notice could have been sent. Yes, that could have occurred but again it is not a requirement or in statute that it has to be. Commissioner Freeland asked if any of the board members were aware that it is a little league facility, yes, they are aware.

Business continued:

Commissioner, John Fields asked if the WECs ordinance was finalized, not it was not. There was discussed but nothing was approved prior to closing the meeting earlier. The WECs ordinance and it was approved with a motion by Commissioner, Bryan Berry and seconded by Commissioner, John Fields and motion carried

The county home room and board report was reviewed and approved with a motion by Commissioner, John Fields, seconded by Commissioner, Mike Freeland and motion carried

Commissioner Berry said that he emailed Frasier the other day asking for an update on the project. He shared Frasier's response and said that it seems like they are getting along ok.

Commissioner Berry said that if TJ O'Malley does not make his payment for the school that he would like to move forward and take it to court and asked Attorney Ahler if he advises that as well. Attorney Ahler asked if the situation was that he can't pay or just refusing too. Commissioner Berry said that he is just ignoring them altogether and he wants to get it all resolved. Attorney Ahler will draft a notice stating that the next step will be court. Each of the board members discussed their disappointments with the entire situation.

Commissioner Berry said that he emailed Mainstream about providing the county internet and they will not provide a discount to the county. Commissioner Berry said that they want to do Swanington, Will Ridge and Templeton so he feels that they need to a contract for that, and it needs to state that the county will receive a 33% discount for any services provided. He went on to state that he agrees with Commissioner Fields on their craftsmanship. The board discussed some of the many issues that have occurred and are glad that Americrew is now doing the work.

Commissioner Berry asked Attorney Ahler on carbon sequestration and how they will receive proof that they were able to secure 70% of the acres. Attorney Ahler said that he believes they are to prepare a report, but he will make sure there is something provided.

Commissioner Berry then talked about the public open house that BP held and that TV18 was there, but they did not interview any of the residents. Commissioner Berry wants to reach out and see if they can get those interviews. Commissioner Fields and Freeland feel that is great and they both have spoken with residents stating that they are not in favor. Attorney Ahler will draft something stating that they need to provide proof to the county of the 70%.

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The group then spoke about the recent purchase of the Church through grant funding for The Little Sheppard's Preschool. The status of the church is a 501 (C)(3) so under statute the county can complete the transaction. There was an appraisal done but not by the county. Commissioner, John Fields motioned to approve the contract and to have Commissioner Berry sign the contract, seconded by Commissioner, Mike Freeland and motion carried.

Commissioner Berry asked Attorney Ahler to draft and share a contract for Mainstream with the board so they can approve it at the next meeting.

Auditor Freeland asked which fund was to be used per the email from Clerk, Jennifer Greenberg for the Tri-County special election expenses. The board advised Auditor Freeland to use 4907 wind fund and to notify Jennifer as well.

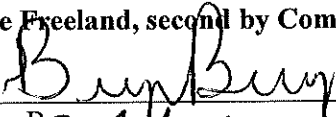
Auditor Freeland asked if any of the board members responded to the Mental Health webinar which is set to be held on May 9th at the Warren County Learning Center. Commissioner, Mike Freeland asked Auditor Freeland to rsvp on his behalf.

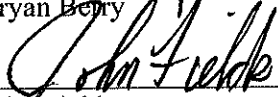
Auditor Freeland notified the board that Deputy, Niccole McGinnis will be running their next meeting in her absence.


Auditor Freeland asked about an out of state travel claim for Kylee Senesac and she does not have any out of state travel authorization documentation. Commissioner Berry said that it was approved in a 911 board meeting and he would make sure that a copy of the minutes were given. She will also need the out of state form completed and signed.

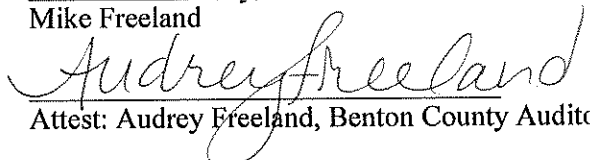
Commissioner Berry spoke about the new ADA Coordinator, Bailey Finely and that she should be paid hourly instead of salary. He is proposing \$15.65 an hour and for it to be reviewed. Auditor Freeland said that the offer of employment was sent over with a salary amount that is much higher than that. Commissioner Berry said that he would find out and let her know but for now they are to list her for the ADA Coordinator portion hourly at 15.65. Auditor Freeland said that she would reach out to Bailey and have her come in to get fingerprinted for the timeclock for when she is doing the ADA portion of her job duties

With no further business the meeting was adjourned at 12:17 p.m. with a motion by Commissioner, Mike Freeland, second by Commissioner, John Fields, motion carried.


Bryan Berry


John Fields


Mike Freeland


Attest: Audrey Freeland, Benton County Auditor