

Benton County Commissioner Meeting
October 18th, 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, Gail Lange, Brent Cox, Angie Taylor, Lucas Darling, Jon Charlesworth, Dianne Hubbard, Doug Schmitt, Leon Cyr, Jim Schoen, Jack Duncan, Robert Sloniger and Beth Budreau

Mike Budreau – Highway Supervisor

- Brush – cutting and cleaning
- Bridges – working on finishing clean up and added new posts and reflectors
- Broom quote – Commissioner Cox asked if they were interested in the old one, yes they are and will give \$9,000 in trade value. He also asked what the state has. Mike stated that they have a Southeastern.

Southeastern – \$76,000.00 – minus \$2500 for side shift that was not needed
Brandies - \$65,362.00

Commissioner, Steve Cox motioned to approve the quote from Southeastern even though it was higher due to previous dealing with Brandies that did not go well and due to it having a larger tank, second by Commissioner, Bryan Berry and motion carried

- Pipes – there are bad pipes. There is one on 400 S. Commissioner Freeland asked if they found it or if RQAW did during their inspection. The highway found it and they realized that some of them are not on the list as a pipe but rather as a small structure. Mike is making sure that any found are added so it can be part of the inspections. Commissioner Freeland said that there is probably a lot of them, Mike said there was. Commissioner Berry said that they told them it did not qualify as a small structure and talked about making it wider.
- Bridge Inspections – Commissioner Cox asked who they selected for bridge inspections. Commissioner Berry said ~~Randy Strauser and BF&S~~ **BF+S**
- Shed – Commissioner Cox complimented Mike and the guys on how good the shed looks after they painted. Mike said they will finish the trim in white as weather permits.
- Mack – Mike said that one of them is 2 weeks out. The first one will have to go back so the parameters will need to be set (so it cannot exceed 65 mph). The second one will be ready in January.
- Staff – Mike is still down 2 people to have a full crew

Morgan Stevens – ADA Coordinator

Morgan came today to speak to the board about the amended ADA agreement. Attorney Ahler added that he has spoken to their counsel and they agreed to language to do it in phases. Commissioner Freeland asked if it was required to have an ADA consultant. Mike Budreau said that in order to be eligible for Community Crossing grants it is required. Commissioner Berry

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talked about how they started the ADA compliance position about 2 years ago and Josh Rutledge was the coordinator at that time, he resigned and Morgan stepped up to replace him. Commissioner Berry asked about the hourly rates and if all four individuals will be used at the same time. Morgan said that it will be a two person team; he and his son will be on site. Commissioner Freeland asked if we know how many hours it will take; yes that is in the agreement. Morgan added that the Boswell EMS shed will be removed and one other she believes. Berry stated that the polling locations were to be removed. Mike Budreau said that he was not sure how the county would have jurisdiction over them anyway. Commissioner, Steve Cox motioned to approve the agreement, second by Commissioner, Mike Freeland and motion carried. The fund where the cost will be paid from is to be determined at a later date.

Morgan thanked the board and said that she would reach out and get the first review set up and will keep the board up to date.

Business:

Commissioner Cox asked Lucas with the Town of Otterbein how things are going. Lucas said that things are going well after the recent repairs to the water leak.

The October 4th, 2022 regular scheduled meeting minutes were reviewed and approved with a motion by Commissioner, Mike Freeland, second by Commissioner, Steve Cox and motion carried.

Commissioner Berry asked if the pay at once claims would come in a report that is all on one page. Auditor Freeland said that there are a couple of versions and was not sure what the board wanted, they would like them all within one report. Auditor Freeland said that they would play around with the new software and see what they can do. The pay at once claims were reviewed and 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.

Commissioner, Steve Cox motioned to approve the 2023 Commissioner and Holiday schedule as presented, second by Commissioner, Mike Freeland and motion carried.

Commissioner, Mike Freeland motioned to approve the 2023 claim and payroll schedule, second by Commissioner, Steve Cox and motion carried.

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

The county home room and board monthly report was presented and approved with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.

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Jon Charlesworth & Dr. Doug Schmitt – Extension and Geologist

John and Doug came today to discuss the carbon capture and potential risks to the county. Doctor Doug is a geologist who presented some of his research on the carbon capture and gave his opinion on the topic. Commissioner Berry asked if Benton and surrounding counties had caverns, no but there is sedimentary rock layer above a layer of sandstone which is a very porous rock.

Doug said that the purpose is to take the CO₂ from the power plant that will generate a lot of Hydrogen and they want to store that. It has been converted to methane and stored underground to be captured and held. Commissioner Berry asked how much carbon can be held. Doug said that huge amounts of CO₂ and it can withstand high temperatures and pressure.

Doug then explained how the process would work, the density and that agrees that the idea is that you do not want it to come back. The layers are very thick and over many many decades it could/would spread out but the risk is minimal as long as you seal it properly and do not bore in old holes. Doug talked about fracking. Commissioner Berry asked how many feet there would be between the carbon and water table. Doug stated that it is not really known but approximately 2500 feet down is how far you have to go before you hit the sandstone layer.

Commissioner Freeland asked if this would be reclaimed later on. You cannot say never especially with the increased demand for lithium. Commissioner Berry wanted to know what would protect the pipe from leaking. The pipe has a steel casing and filled with high pressure cement, and while it is not a perfect process it will have strict regulations and that it would probably require them to do some test wells. Commissioner Freeland asked if one well could cover the entire county. Doug said it is too hard to determine due to the number of variables.

Doug wrapped up his presentation stating that he has been involved in 2 similar projects and in his opinion feels that the overall risks are small for this area, and added that surface interactions would be the main concern. He also discussed the need for detectors. Doug is going to send Economic Developer, Angie Taylor some more information.

Commissioner Berry asked Doug what his concerns would be. Doug spoke about pipelines, the drilling and other variables that would need to be considered. The board thanked Doug for coming in and providing them

Jon asked if the geological risks were passed if it would then go to landowner rights. The group was not sure but agreed that it should be.

Dianne Hubbard said that another potential contact on the subject would be Richard Murdock, the former State Treasurer who is also a geologist.

Leon Cyr – Taxpayer

Leon asked the board when they planned on finishing the black topping of the last mile on 400 E. He said there was a five year plan and in there was to finish 400 E to 600 N. Commissioner

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Berry stated that the county no longer owns an asphalt machine as they have moved to chip sealing the roads. He talked about the process now and that it can be added to their Community Crossing wish list. He continued by saying that they will review the capital improvement plan from Leon's term. Commissioner Cox added that there are 2 miles that are set to be redone because there are too many soft spots.

Business continued:

Commissioner Berry gave a roof update and said that Trent and Gage has found a lot of holes behind the gutters. The roofers wanted to use foam but Berry told them no. He asked Paul Schutter to look at it and his recommendation was that the county will need to have someone come in and replace those areas where they placed squares, and it will have to be done from the outside. Leon asked what the roof was being replaced. Commissioner Berry said that there were many holes and leaks. The board decided that they are to removing the slate and replace it with a metal roof due to the leaks and water damage. There will also be new windows installed next spring.

Commissioner Berry talked about the requirements for employees to eligible for health insurance which is 32.5 hours (per week) and they must be a full time employee. He asked how that is monitored. Auditor Freeland said that the part time are reviewed because they have to make sure they are within the 28 per week max. This has been done on a quarterly basis but it can be done more often but it goes by average. Commissioner Berry asked that the full time are also monitored so if there are people not working the 32.5 and should be they know that as well because policy is not being followed and it is costing the county money. Auditor Freeland said that it could be done and sent to them for review. Auditor Freeland asked about people working through their lunch to use that hour to take off at a later date. Attorney Ahler advised that if minimum hours per week are worked then it is ok unless there is a county policy in place.

A joint meeting with the Board of Commissioners & the Benton County Council public hearing began at 9:45 a.m. to discuss the CNAV of Jordan Creek and BP wind farms.

Commissioner Berry said that this meeting is being held due to the CNAV's being lowered by 50 million dollars, which has now been amended to a 31 million lost for the Jordan Creek taxing districts. There was a phone conference with Fred Van Dorp from the DLGF. Councilman Schoen asked if the DLGF understands that we are losing this. Commissioner Berry stated yes, and their solution is to allow Jordan Creek to refile their federal return to correct their error which then resulted in the 19 million they have asked the county to recertify to reflect. Councilman Schoen then asked about the BP wind farm loss of AV's. Commissioner Berry stated that results in a 160 million dollars deficit. Councilman Schoen asked if there was a decision made on that yet, no there is not.

Auditor Freeland expressed her concerns on the upcoming budget adoption and if all of this will require additional cuts by the Council.

Attorney Ahler has attempted to reach out to the general counsel and they have not returned any of his attempts. Commissioner Berry spoke about how they did not notify the Auditor of their

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tax status change. They discussed the previous meeting with BP, DLGF, Senator Niemeyer and Representative Negele and members of the county's boards. Berry continued and said that Niemeyer will be meeting with DLGF again next week. He said that as it is currently set the school is going to have to raise their max levy. All of this was shared with Rep. Negele and she discussed that the figures BP presented were not accurate. Berry said that Negele has everyone on board to change the AV and to make it retroactive but the county cannot know until it is finalized. He went on to state that anything the county does will have a sunset clause to it. Councilman Schoen agreed and asked what the county is out and will need to make up. It will be close to the 2.3 million. Councilman Cox, Sloniger and Schoen stated that the max levy funds could not sustain those types of cuts without affecting jobs.

Commissioner Berry said that following this meeting he will be reaching out and questioning why the county was not notified. There is a letter stating that BP failed to notify the county of this. Commissioner Berry spoke that he would like the county to change their abatements to the megawatts in lieu of the assessed value. Both boards are in agreement that will be in the county's best interest since BP has misled the county since Dominion sold to BP. Auditor Freeland stated that she has genuine fear for her staff when the next tax bills are released.

Commissioner Berry feels that it should be a megawatt tax by the state that gives the county control of on all renewables. Commissioner Berry said that he would like to file an injunction and not vote on amending the Jordan Creek AV's until the BP issues is resolved. He added that the decommissioning bond lists that the it is worth double what the whole farm is assessed at.

The group discussed what the cost is to the county, which is about 1.2 million each year. They all feel that there definitely a need for more clarity before a decision can be made. The group discussed options, values and how the county is affected by each.

Commissioner, Bryan Berry motioned to deny the proposed amendment for Jordan Creek at this time, and that it would be revisited and voted upon once the BP issue is resolved, second by Councilman, Robert Sloniger and motion carried.

Commissioner Berry said that he will reach out to Wes Bennett with the DLGF and BP to let them know the county's position and to give them a deadline of October 31st, 2022 to reach an agreement, or the county will go public with what has happened.

With no further business the public hearing was closed at 10:00 a.m. with a motion by Councilman, Brent Cox, second by Councilman, Jim Schoen and Commissioner, Steve Cox, motion carried.

The Commissioners reopened their regular scheduled meeting.

Attorney Ahler discussed the CD and investment concerns. He stated that he did have a phone call with the chief counsel with SBOA. They stated that the Commissioner does not need to be on it. Commissioner Berry said but there is no statute against it either. That is correct there is not. Attorney has not have any luck trying to discuss this with the Treasurer with no avail, and asked Commissioner if he was bonded. Commissioner Berry stated that yes he is. Councilman


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Sloniger added that it is important to have two people on it for obvious reasons, it is. Attorney Ahler talked about the statute and how the county sets up the investment board so there is more than one person involved. Auditor Freeland asked if there was going to be an amendment to the ordinance. Commissioner Berry asked the Council members what they had requested to be added. Councilman Schoen stated that Councilwoman Glotzbach had something. Attorney Ahler asked if it was about pulling a CD earlier than its maturity date.


Attorney Ahler said that pulling CD's prior to its maturity dates should be a concern for the boards, both agreed that it is. Councilman Schoen said that he feels it is the best policy.



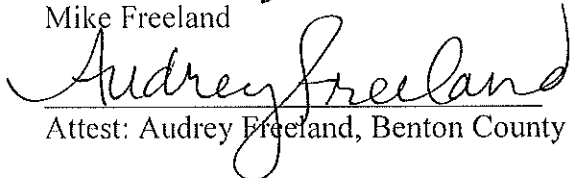
Bryan Berry



Steve Cox



Mike Freeland



Attest: Audrey Freeland, Benton County Auditor