

**Benton County Commissioner Meeting**  
**November 1st, 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, Gail Lange, Angie Taylor, Mike Conner, Art Luna, Jason Fisher, Steve Cook, Pete Nelligan, Colin Sullivan, Beth Budreau and Gail Holzer

**Others in attendance via phone Conference Bridge:** Brent Cox, Angie Glotzbach and Jim Schoen

**Mike Budreau – Highway Supervisor**

- Pipe – 7S / 270W and today they will be putting one in at 200E / 50S. They had the pipe in stock. Commissioner Cox asked if it had rotted out. Mike said there was a hole somewhere.
- Building – The building at the fairgrounds has been removed. Commissioner Cox said it looked good. Mike will be looking at renting an excavator.
- Skid steer – Recycling's machine has went down. Mike reached out to Westside tractor and they could fix it for 15,000. John Deere would not warranty it unless they did both sides, for one side and the hydraulic cooler which would cost 24,500 to fix it entirely, or they could purchase a used one with 600 hours for 25,000 from Westside. Commissioner, Steve Cox motioned to purchase the used one in the amount of \$25,000 with 5 year extended warranty, second by Commissioner, Mike Freeland and motion carried.
- Mack – should receive the first one tomorrow
- Broom – Commissioner Freeland wanted to confirm that this has been ordered, yes it has
- Loader – Commissioner Berry asked when it would arrive, will arrive on the 9<sup>th</sup>
- ITI – Mike would like to see about going back to the old drug testing company due to ongoing issues with ITI and their reporting CDL physicals incorrectly even though they have been given all the updated information.
- Brush – continue to clean up
- Community Crossing – Mike said they should of known by the end of October so hopefully soon

**Art Luna, Steve Cook and Pete Nelligan – SAE Exploration**

Commissioner Berry asked the group if the information he received is correct on them wanting to do about 122 miles within the county limits (not including highways or towns), yes that is correct. They are looking to insert recording devices into the ground. Commissioner Berry

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asked how far down they would drill, about 4 inches. Berry then asked how long they would be there, or how long until they follow up. The longest they will be in the ground will be 6 days. Commissioners said that their concern right now is for the farmers who are out finishing up harvest and the possible damage to the recording devices. SAE stated it has happened before and they are prepared. Berry then asked them to explain the trucks used and if they would be on the actual road, yes it will be. Does the truck pound the road then, there is a Teflon pad between them and the mast to protect the road surface. Berry is concerned about the asphalt or chipped roads. SAE replied that if any they would see it more on the gravel roads.

Berry asked how many miles a day they would be working, how many trucks will there be. SAE stated that it would be at least 4 ½ miles a day, a recorder will be placed every ten feet and there would be 2 trucks working/running and a third following in case a backup is needed. The trucks weigh 57,000 lbs.

They then said that it is a hydraulic that will do the pounding and is all self-contained. Art added that it is more of a vibration not a pounding. Berry asked how far down the images will go, about 15,000 feet and the accuracy depends but is typically pretty good.

Mike asked if there would a cable connecting the devices or not, no there will not be they are individual. Berry asked how deep the hole will be drilled; about 4 inches. The project will take approximately till the end of the year. They wanted to come and see what the county process is and then start approaching. SAE will move to Newton in January and then shut down through the frost and then go to Warren County.

Commissioner Berry said that his biggest issue is that no one from BP has come before them to discuss this and that is protocol. While they do not want to hold them up on their work, but BP must come before them before anything can start. Commissioner Berry said that he would like SAE to reach out to BP and see if they can get them to return a call to Bryan. Mike Budreau asked when they would be placed, just on the shoulder of the road. They will be start by doing the layout and then begin the actual process. Mike said that he will have to obtain locates. SAE responded by saying that they have surveyors come in and identify everything. Then they would move to the SP1 files and move accordingly to avoid fiber, culverts, pipes and etc.... They have their own hazard surveyors, and they would like to start the survey process this weekend. They will be making calls and driving roads. Commissioner Freeland asked if the local traffic would still have access to the county roads, yes they will they will have people on site to direct the flow. Commissioner Freeland asked if vehicles traveling will interfere with their recordings, it can but it with the noise cancellation it is minimal. Commissioner Berry said that permits will be able to be issued within a day, after those are obtained they want SAE to work directly with Mike Budreau.

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**Jason Fisher – DHS, EMA and EMA Supervisor**

Jason came back before the board to discuss the new vehicle which will be purchased through the grant he was awarded in the amount of \$48,000.00 and he is going to pay the difference out of another grant if the state approves the budget adjustment request.

The vehicle cost are below:

Truck w/out topper – \$51,298.00  
Tahoe - \$52938.00  
Suburban – \$55,632.00  
Diesel option - \$500.00

The availability was discussed and since it is an order it will be approximately 3 to 5 months. Commissioner, Mike Freeland motions to approve the purchase of the suburban with diesel option due to the space for the equipment necessary to have available, second by Commissioner, Steve Cox and motion carried.

Jason asked the board if he could have Ethan Deno power wash the clinic prior to their open house which is set to be held on Friday. He would also like to lay mulch around the building. The board approved both.

Jason spoke about the Code Red funding and the Competitive grant funds he will get in 2023. E-Dispatch funding will have to be found if it is not awarded.

New dispatch center is running well. Level 365 was able to get the phone line fixed. Commissioner Berry asked if Jason reached out to Tom about the elevator phone yes he did. The phone at the jail now is fixed and ringing straight to dispatch and all the licenses are good to go.

Commissioner Berry asked for an update on the bridge from the courthouse to EMS. Jason said they are just waiting on the equipment to come in.

The grant the county will receive in the amount of \$100,000.00 Jason would like to have a non-reverting fund ordinance so they can set the work to begin in January. Jason will send a copy of the grant agreements to Audrey so we can establish the fund needed for the ordinance.

Jason wrapped up by saying that Haley's is waiting for the next holiday to do the courthouse rekeying.

Commissioner Berry asked if Jason had spoken with Tonya at the county home, no he had not. Berry stated that they are having camera issues.

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**Beth Budreau & Gail Holzer – Auditor Deputies**

Beth brought Gail down to introduce her to the board as the new transfer deputy in the Auditor's office. The board welcomed Gail to the county.

**Business:**

The October 18th, 2022 regular scheduled meeting minutes were approved with corrections, with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.

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.

The monthly claims were discussed. Commissioner Freeland asked about the payment to Harris, it is three months and the final payment. Commissioner Berry asked about the claim for Sparks for the Town of Otterbein. Those funds were approved to pay for the repairs without any specifications. The claims were approved as presented with a motion by Commissioner, Steve Cox, second by Commissioner, Bryan Berry and motion carried.

Commissioner, Steve Cox made a motion to approve payroll, seconded by Commissioner, Bryan Berry and motion carried.

The promissory note for the Town of Oxford was tabled because no capital improvement plan has been received.

The county home new resident form was presented and approved with a motion by Commissioner, Steve Cox, second by Commissioner, Bryan Berry and motion carried.

Commissioner Berry asked Auditor Freeland if the 2022 bonuses and the longevity payouts were set to be paid as direct deposits due to the amount of employees who are on the uncashed check list each year, yes it has been.

Commissioner Berry asked if the everything was resolved on the issue of a part time employee working over the approved 28 hours weekly. Auditor Freeland stated the department head has not yet responded by they were out of the office but she will follow up.

Auditor Freeland asked if the board received the copy of the annual jail inspection, yes they did.

Commissioner Freeland asked who they needed to discuss the liability with. Commissioner Berry said if the landowners decide that is what they want to do, however he does not want to be any part of an eminent domain. He does not feel that ~~agency~~ landowners should be able to vote on it either just the local landowners who make those decisions. Commissioner Freeland said that he also doesn't feel that the state legislators should either, it is however an older bill. The

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one that passed says they have to be held harmless, they cannot pump it into the ground and not be liable if something happens.

By statute or ordinance can the county state that they must come before the board for approval of an eminent domain. Attorney Ahler will prepare an ordinance so the county can get something in place.

Angie asked if SAE had reach out to them to come in today, yes they have. Commissioner Berry stated that Jeanie Alberts had called in August to say they were putting boots on the ground and going door to door about carbon. Berry told her that they would need to come in front of the board for approval over a month ago, then last week she said that they would like to come in and do some testing. Berry reiterated that they still needed to come before the board before they did anything and so here we are today.

The board welcomed Mike Conner to the Board of County Council.

Commissioner Berry said that Jeff Traylor called him about a broken tile on the Hienman side, so we will need to get that fixed. Commissioner Cox asked where it is broken. It is on the North side of the ditch around 400 N. Jeff asked Bryan about crop damage and the field averaged 180. They are using the average prices (5.18 on corn and 12.77 on beans). Commissioner Cox asked much is owed to them, we need to find out the acreage first.

Commissioner Cox asked if Dwenger finished up the other Lowman tile yet, yes they have.

It was asked what the county policy was or if there could be a policy put in place for open flame candles and warmers. The board wants this addressed since it is a public building and the open flame is a fire hazard. Auditor Freeland stated that if it came from her that nothing would change because she had went to one office directly and asked them to turn it off but they did not.

**A joint meeting with the Board of Commissioners & the Benton County Council began at 9:15 a.m. to revisit the discussion of the CNAV of Jordan Creek.**

The group discussed the amendment of the CNAV for Jordan Creek. Commissioner Berry met with the DLGF last week and they said that BP would owe approx. 1.8 million dollars to avoid raising taxes, circuit breakers. The school felt that it was too low and that the referendum was not considered and should be about 700,000 more.

Sharron Negele is working on getting some legislation in place or possibly a statute. It would need to state that the AV is to constantly stay the same. Benton County would like it to be based on the megawatt.

Commissioner Berry said that they will not agree to anything on the BP matter today but the DLGF wants the two groups to discuss moving forward to recertify the CNAV's.

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Councilman Schoen asked if the payment would go to the school and taxing districts or how it was going to be handled, yes it will. We will need to ask 7 taxing districts not to accept their max levy and accept the funds in

Commissioner, Bryan Berry motioned to approve the CNAV's for Jordan Creek Wind Farm, second by Councilman, Brent Cox and motion carried.

Commissioner Berry asked to let the record show that the situation we are in today with the BP wind farm lies with BP. It was at no fault by the Commissioners of Benton County, Council of Benton County or any other County Government office in Benton County.

Mike Conner asked a couple of questions;

1. How long was the tax abatement for BP – 10 years. The original project was 700 million dollars and they paid 4 million dollars in order to get the abatement. The abatement had a payment schedule for money the county would receive in lieu of taxes or pilot payments
2. Jordan Creek – was it handled the same, not completely. Jordan Creek received zero in abatements and they pay \$30,000 per megawatt for 100 megs

Commissioner, Bryan Berry motioned for an email to be sent to Surf Internet, formerly Surf Air informing them they had 30 days to remove their equipment, second by Commissioner, Steve Cox and motion carried.

**With no further business the Commissioners closed their meeting at 9:29 a.m. with a motion by Commissioner, Steve Cox, second by Commissioner, Mike Freeland and motion carried.**

**The board was asked to reopen their meeting at 9:43 a.m.**

Commissioner, Bryan Berry said that he spoke with Otterbein Fire about the county assisting with the purchase of the power cot from Stryker. Commissioner Cox stated that Benton County only makes up about a 1/3 of that department. Commissioner, Bryan Berry motioned to approve for ½ of the total cost, second by Commissioner, Steve Cox and motion carried. The funds will not be paid until the 2023 budget is approved and active. The cost will be paid for out of the capital improvement fund. Commissioner Berry will reach out and share the county's decision.

Colin Sullivan asked if the county would approve the aerals to them for their project with the Town of Boswell and Otterbein. Commissioner, Bryan Berry motioned to approve and to waive all fees, second by Commissioner, Mike Freeland and motion carried.

Angie Taylor stated that she is not sure how well the possible apartment location will be received but she is still working on it.

Auditor Freeland asked what time the Town of Boswell board meeting is, tonight at 6pm. Commissioner Berry, Matt Hull and Auditor Freeland will be in attendance.

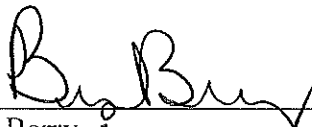
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Commissioner Cox said that there is also a Town of Otterbein meeting at 7 pm.

Commissioner Berry said after talking with Deno's they do not advise moving the windows to another location so he feels that the county should compensate Deno's directly for storage.

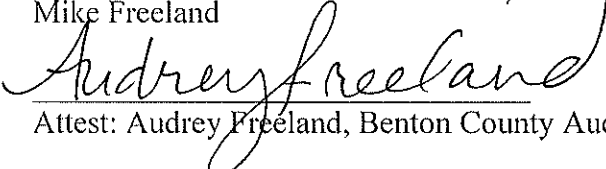
Commissioner Berry said that he has approved Josh Whitus to complete the tuck pointing on the courthouse and between the two buildings as well. Commissioner Freeland asked about the old side because of the air conditioner dropping water into the courtroom. Commissioner Berry thinks they changed all of that.

**With no further business the Commissioners closed their meeting at 10:00 a.m. with a motion by Commissioner, Mike Freeland, second by Commissioner, Bryan Berry 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

Call Date	Call Time	From Name	From	Dialed	To	Duration
11/1/2022	8:15:17	Commissioner's Room	(765) 884-1687	(765) 314-3985	Benton County Conference Bridge (8000)	5:52
11/1/2022	8:12:59	WILSON TRAILER	(317) 431-0646	(765) 314-3985	Benton County Conference Bridge (8000)	8:10
11/1/2022	8:12:29	HOOSIER ASC INC	(219) 474-5511	(765) 314-3985	Benton County Conference Bridge (8000)	8:40
11/1/2022	8:12:26	GLOTZBACH PHARM	(765) 884-1520	(765) 314-3985	Benton County Conference Bridge (8000)	8:45