

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

January 4, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. The meeting was called to order at 9:00 a.m. at the Supervisors office in the Courthouse after the elected officials were all sworn in. Members of the public were provided the zoom access capability to join in during open session and watch live at the county’s YouTube channel. *Unless otherwise noted, all actions were approved unanimously.*

**Primmer moved/Bierschenk seconded:** To appoint Tracy Seeman as the chairman of the board of supervisors for 2021. Motion carried.

**Primmer moved/Seeman seconded:** To appoint Gary Bierschenk as the co-chairman for 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve minutes of December 22, 2020. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-1, New equipment operator hired in secondary roads. Motion carried.

**RESOLUTION # 21-1**

WHEREAS: Benton County Secondary Road Department has an opening to fill for an Equipment Operator at the Main Shop and

WHEREAS: Applications were accepted for this position and

WHEREAS: These applications have been reviewed and evaluated.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Ryan Gager be hired to fill one position of Equipment Operator at a starting wage of \$21.50 per hour starting January 4, 2021. This is an Equipment Operator II classification with a Labor Grade IVA.

Signed this 4th day of January 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** That the general schedule for regular meetings of the board of supervisors will remain the same and be each Tuesday throughout the year at 9:00 a.m. This schedule is general in nature and may be altered at any time throughout the year, including but not limited to the lack of agenda items, courthouse closings, meeting conflicts, or for any reason. Motion carried.

**Primmer moved/Bierschenk seconded:** To designate the official newspapers for Benton County for 2020 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-2, Construction Evaluation. Motion carried.

**RESOLUTION # 21-2  
CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS,** Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS,** only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS,** only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS,** by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2021 and January 31, 2022 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS,** the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Signed this 4th day of January 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-4, Authorizing Auditor to issue checks and sign ACH agreements for 2021. Motion carried.

**RESOLUTION #21-4**

**AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2021**

**WHEREAS:** Iowa Code §331.506 sets forth the auditor’s duties relative to the issuance of checks; and

**WHEREAS:** Iowa Code §331.506(3) allows the auditor to issue checks under the authority of the Board of Supervisors without prior approval, and

**WHEREAS:** Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and

**WHEREAS:** It is necessary for the auditor to have the authority to execute agreements on behalf of Benton County when necessary to allow for the use of electronic banking, including but not limited to ACH deposits, and other financial activities, and

**NOW BE IT RESOLVED** that the Board of Supervisors hereby authorizes the auditor and/or her designee to issue checks in accordance with Iowa Code Section 331.506 and specifically Iowa Code Section 331.506(3).

**IT IS RESOLVED** that the Benton County Auditor and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purposes of ACH deposits and other financial activities of Benton County.

**IT IS RESOLVED** that this authority may be amended from time to time by resolution of the Board of Supervisors.

**IT IS RESOLVED** that this authority is granted beginning this date and shall remain in effect until revoked by the Board of Supervisors.

Signed this 4<sup>th</sup> day of January, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:  
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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-5, Authorize Treasurer to sign ACH Agreements for 2021. Motion carried.

### RESOLUTION #21-5

#### AUTHORIZING THE BENTON COUNTY TREASURER TO SIGN ACH AGREEMENTS FOR 2021

**Whereas:** Iowa Code 331.552(29) sets forth the treasurer’s duties relative to the issuance of direct deposits of tax revenue, special assessments, and other moneys collected for each tax-certifying or tax-levying public agency in the county; and

**Whereas:** Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and

**Whereas:** It is necessary for the treasurer to have the authority to execute agreements on behalf of Benton County when necessary to allow the use of electronic banking, including but not limited to ACH deposits, and other financial activities; and

**IT IS RESOLVED** that the Benton County Treasurer and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purpose of ACH deposits and other financial activities of Benton County.

**IT IS RESOLVED** that this authority may be amended from time to time by resolution of the Board of Supervisors.

**IT IS RESOLVED** that the authority is granted beginning this date and shall remain in effect until revoked by the Benton County Board of Supervisors.

Signed this 4th day of January, 2021.

\_\_\_\_\_  
Rick Primmer, Chairman

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Gary Bierschenk

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Tracy Seeman

Attest:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To set Public Hearing for FY 21 Budget Amendment #2 for Tuesday, January 19, at 9:30 a.m. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint the following members to the respective boards for 2021. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Primmer

Regional HACAP –Supervisor Primmer

Emergency Management Commission - Supervisor Seeman

Supervisor Primmer, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Seeman

Solid Waste Disposal Commission Advisory Board - Supervisor Seeman

Supervisor Primmer, Alternate

County Conference Board - Supervisor Seeman

Supervisor Primmer

Supervisor Bierschenk

6<sup>th</sup> Judicial District Department of Corrections – Supervisor Primmer

Workforce Development - Supervisor Bierschenk

Eastern Iowa Tourism – Supervisor Bierschenk

Supervisor Primmer, Alternate

Supervisor Seeman Alternate

North Central Iowa Juvenile Detention – Supervisor Primmer

Supervisor Seeman, Alternate

Area Substance Abuse Council (ASAC) – Supervisor Bierschenk

Benton County Conservation – Supervisor Seeman, Ex-Officio

East Central Iowa Housing Trust Fund-Supervisor Seeman

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Public Health Board-Supervisor Bierschenk  
Heritage Area Agency on Aging-Supervisor Bierschenk

**Primmer moved/Bierschenk seconded:** To authorize chairman to sign new statement of non-issuance of certificate of occupancy for 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint the following persons to the Benton County Eminent Domain for 2021. Motion carried.

Licensed Real Estate Sales Person or Real Estate Broker

Danny Kaestner  
Tami Timm  
Shannon Feuerbach  
Alan Michael  
Dave Wessling  
Scott Schlarbaum  
Melissa Lennie

Persons Having Knowledge of Property Values by Reason of Occupation

Brian Bierschenk  
Dave Coulter  
Melissa McBride  
Denise Weeda  
David Redlinger  
Gary McKenna

Owner-Operator Agricultural Property

Bonnie Sanders  
Elaine Harrington  
John David Rhinehart  
John Elwick  
Todd Hennings  
Brenda Schanbacher  
Wayne Seila

Owners of City or Town Property

Darold Sindt  
Jeff Kelly  
Kathy Van Steenhuyse  
Janice Eldred  
Larry Weeda  
Connie Ogier  
Gary Benson

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To adopt Resolution #21-3, Variance to Subdivision Ordinance. Motion carried.

### RESOLUTION #21-3

Variance to the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #72; and

WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and

WHEREAS, said ordinance sets forth the minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and

WHEREAS, a request has been presented to the Board of Supervisors by Robby and Tina Cromer to vary the required provisions in Article IV, Sections 4.01 through 4.05; Article V, Sections 5.01 through 5.07; Article VI, 6.2 through 6.03 and 6.05 (f); and Article VII, Section 7.01 of the ordinance to allow for the creation of two non-residential parcels to be created within the SW ¼ SE 1/4, Section 3-T84N-R9W, to be sold to adjoining land owners.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #72 are hereby varied as stated for the division of real property located in a parcel within the SW ¼ SE 1/4, Section 3-T84N-R9W.

Signed this 4th day of January 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To appoint the following members to East Central Iowa Council of Governments' Boards. Motion carried.

#### BOARD OF DIRECTORS:

Kathleen Van Steenhuyse

Dave Fish

Tracy Seeman

Rick Primmer and Gary Bierschenk, Alternates

#### REVOLVING LOAN FUND COMMITTEE

Kate Robertson

#### REGION 10 PASSENGER TRANSPORTATION ADVISORY COMMITTEE

Dana Burmeister and Terry Andorf as alternate

#### REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Ben Vierling and Myron Parizek

#### REGION 10 REGIONAL TRAILS ADVISORY COMMITTEE

Randy Scheel and Mark Pingnot

#### REGION 10 TRANSPORTATION POLICY COMMITTEE

Tracy Seeman, Rick Primmer (alternate)

Mitch McDonough

**Bierschenk moved/Primmer seconded:** Appoint Marlyn Jorgensen, Greg Walston, Jay Herman, Pat Stepanek and Janelle Jack as Benton County Development Group Board. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint Wayne Siela, Zach Parmater and Kathy Chamberlain to the Integrated Roadside Vegetation Management Committee. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Mike LaGrange to the Benton County Conservation Board. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Jerry Michael as Benton County Civil Rights Coordinator. Motion carried.

**Bierschenk moved/Primmer seconded:** To re-appoint Ben Vierling as the Heartland Safety Coordinator and Myron Parizek as alternate. Motion carried.

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**Bierschenk moved/Primmer seconded:** To appoint Rick Primmer as trustee and Hayley Rippel as alternate to the Heartland Insurance Risk Group. Motion carried.

**Seeman moved/Primmer seconded:** To authorize Gary Bierschenk to sign USDA Farm Service Agency documents on behalf of Benton County. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Myron Parizek as County Engineer pursuant to Iowa Code 309.17. Motion carried.

**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-6, Amending Resolution #20-35, Benton County General Services Cremation Rates. Motion carried.

**RESOLUTION #21-6**  
 AMENDING RESOLUTION #20-35  
**ADOPTING BENTON COUNTY GENERAL ASSISTANCE**  
 CREMATION SERVICE RATES

WHEREAS, the Benton County Board of Supervisors adopted a resolution establishing cremation service rates through the county general assistance on May 26, 2020;

WHEREAS, the Board desires to change the rates approved for said services through the repeal of the existing resolutions and the adopting of new rates in lieu thereof,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #20-35 *Benton County General Assistance Establishing Cremation Service Rates*, are HEREBY REPEALED in their entirety, January 4, 2021.

BE IT FURTHER RESOLVED that the following cremation service rates are HEREBY ADOPTED January 4, 2021.

<u>Cremation Service</u>	
Crematory Expense	\$315.00
Cremation Tray	40.00
Medical Examiners Permit	75.00
Funeral Home Director's Fee	750.00
Optional Expenses:	
Grave Opening @ cost, not to exceed (Family must pay opening charges above \$225.00)	225.00
Minister Stipend (if used)	25.00

Signed this 4<sup>th</sup> day of January, 2021

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 Tracy Seeman, Chairman

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 Gary Bierschenk

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 Rick Primmer

ATTEST:

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 Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To re-appoint Steve Runyan to the Board of Adjustment. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Primmer moved/Bierschenk seconded: To re-appoint Wayne Shannon, Aaron Kinser, Brenda Sandburg and Clint Sandburg to the Pioneer Cemetery Commission. Motion carried.

Bierschenk moved/Primmer seconded: To re-appoint Edwon Yedlik and Robert Spangler to the Historic Preservation Commission. Motion carried.

Primmer moved/Bierschenk seconded: To appoint Dale Henry and Michael Silhanek to the Benton County Veterans Commission. Motion carried.

Primmer moved/Bierschenk seconded: To re-appoint the following persons to the Benefited Fire Districts for three-year terms. Motion carried.

Van Horne Benefited #1 – Dean Werner

Keystone Benefited #2 –Jeff Kromminga

Newhall Benefited #4 –Duane Rinderknecht

Ben-Linn Benefited #3-#5 – Allan Schanbacher

Discussed the Hawkeye Area Community Action Program (HACAP) FY 22 Budget Request is same as last year-\$47,087 local service operations. \$21,689 for Belle Plaine Housing Program and \$10,000 for Belle Plaine Senior Meal Program

Primmer moved/Bierschenk seconded: To approve the dues of the HWY 30 Coalition. Motion carried.

Bierschenk moved/Primmer seconded: To approve Auditor's Quarterly Report ending December 31, 2020. Motion carried.

Primmer moved/Bierschenk seconded: To adjourn. Motion carried.

Tracy Seeman, Chairman

ATTEST: Hayley Rippel, Benton County Auditor

January 12, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and watch live at the county's YouTube channel. Unless otherwise noted, all actions were approved unanimously.

Primmer moved/Bierschenk seconded: To approve minutes of January 4, 2021. Motion carried.

Bierschenk moved/Primmer seconded: To set land use hearing date for Benjamin Rabe for Tuesday February 9, 2021 at 9:15 a.m. for part of Parcel Ain SE 1/4 NE 1/4 33-82-11. Motion carried.

Primmer moved/Bierschenk seconded: To give Donna Higgins, representing AARP, access to the service center office space to help those with low incomes

Primmer moved/Bierschenk seconded: To approve Resolution #21-7, Employee Transfer in the Sheriff's office. Motion carried.

RESOLUTION # 21-7

WHEREAS: Benton County Sheriff Department has an opening to fill a secretary vacancy in the office;

WHEREAS: Applications were accepted for this position internally; and

WHEREAS: Dorothy Wild has applied and has been an employee of the Sheriff's communications department since September, 1980;

WHEREAS: The Sheriff has recommended Wild for this position change;

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Dorothy Wild be transferred from her current communications position to office secretary effective immediately at the rate of \$24.32 an hour.

Signed this 12th day of January 2021.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve hiring of Jerry Bascom Jr, as a part-time correctional officer at the wage of \$15.39 an hour during training, and after meeting all requirements will be increased to \$17.39. Effective immediately. Motion carried.

**Bierschenk moved/Primmer seconded:** Approve payroll checks numbered 141680 through 141717, ACH deposits numbered 44093 through 44228, vendor checks 237551 through 237557, claims numbered 237558 through 237710. Motion carried.

**Primmer moved/Bierschenk seconded:** To amend Public Hearing date for the FY 21 Amendment #2 for Tuesday, January 26, at 9:30 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Isaac Harthorn to the Pioneer Cemetery Commission. Motion carried.

Melody Snow, VU Director and Andrew Elwick met with the Board to encourage them to take part in promoting of "city of lights" by lighting up the courthouse more during the holiday season. Elwick has offered to help with his equipment and time where he can. There was discussion about types of lights and how things used to be in years past. The Board was all in favor with their intent to do what is needed and let Melody and Andrew do some research in regards.

**Bierschenk moved/Primmer seconded:** To re-appoint Kathy Chamberlain to the IVRM committee, her name was mentioned last meeting but wanted to speak to her first and make sure she was okay with this. Motion carried..

**Primmer moved/Bierschenk seconded:** To appoint Benjamin Lee Bonar as the Benton County Weed Commissioner pursuant to Iowa Code 317.3. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Sheriff's Quarterly Report. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Treasurer's semi-annual report and also approve a correction from the previous semi-annual from July. Motion carried.

Treasurer and Veterans Affairs presented their FY 22 Budget Requests.

**Primmer moved/Bierschenk seconded:** To Appoint Brian Meeker as the County Medical Examiner and Dan Johnson, Alaina Johnson, Tyler Henkle, Matt Fults, Matthew Anderson, Kimberly Rayman and Braxton Morrison as his investigators. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint the following persons to the respective listed township positions for four-year terms. Motion carried.

Cedar- Steve Runay and Paul Zander, trustees  
 Fremont-Mike Rathje and Carl Gerhold, trustees  
 Homer-Dale Seeck and Lindsay Staton, trustees  
 Kane-Todd Hennings and Jay Wilson, trustees  
 Monroe-Mike Knupp and Mark Kotouc, trustees  
 Union-Paula Denison and Jeff Kromminga, trustees

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-8, Temporary Road Closure. Motion carried.

### RESOLUTION # 21-8

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from January 18, 2021, through the completion of the project.

From near the SE corner of Section 36-T86N-R11W thence north approximately 1 mile to the NE corner of Section 36-T86N-R11W along 22<sup>nd</sup> Avenue in Cedar Township.

Signed this 12<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

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 Gary Bierschenk

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 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

**The Board** acknowledged Billy Garbers resignation in the Secondary Roads. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve 75 vacation hours of carryover for Myron Parizek to be used by June 30, 2021. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-9 Hiring Deb Cummings for office manager in the Engineer’s office. Motion carried.

### RESOLUTION # 21-9

WHEREAS, the Benton County Secondary Roads Department has a need to fill the Office Manager position in the county engineer’s office, and

WHEREAS, applications have been accepted for this position, and

WHEREAS, the County Engineer has narrowed the applicants to one,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Debra Cummings be hired to fill the position at a salary of \$35,000 per year with a starting date of January 18, 2021.

Signed this 12<sup>th</sup> day of January, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To authorize signature and approve IDOT Preconstruction Agreement No. 2021-C-029 for Primary Road Project NHSX-150-2(28)—DH-06 (resurfacing HWY 150). Motion carried.

The Engineer and Weed Commissioner presented their budgets. Currently the majority of the weed expenses are covered under the secondary roads budget. In past years, there was separate departments for the weed eradication and road clearing. The Engineer and Weed Commissioner are working together to get these separated back out again. The supervisors were in agreement this could be done and the details worked out as for sharing of the equipment if billing back and forth will need to be adjusted. The auditor will get the expense account numbers set up accordingly and Ben Bonar will put his budget together.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

January 19, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. The meeting was called to order at 8:30 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

**Bierschenk moved/Primmer seconded:** To approve minutes of January 12, 2021. Motion carried.

The following Departments presented their FY 22 Budgets at various times throughout the meeting: Sanitarian/Land Use, Department of Human Services (DHS), Mental Health, Relief, rural Access Center, Sheriff, Attorney, Transportation, Maintenance, IT/GIS, Conservation and Auditor/Elections.

**Bierschenk moved/Primmer seconded:** To set land use hearing date for Robert and Karen Walsh for Tuesday February 16, 2021 at 9:15 a.m. for part of NW ¼ SE ¼ 25-85-10. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Recorder’s Quarterly Report ending December 31, 2020. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve General Assistance Quarterly Report ending December 31, 2020. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To re-appoint Nancy Jensen, Denise Schwab, Bryce Brecht, Amy Boddicker, Terry Hertle, Jennifer Zahradnik and Tracy Seeman. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-10, Approve Hiring for Health and Land Use Technician. Motion carried.

**RESOLUTION # 21-10**

**WHEREAS,** Benton Co. Environmental Health and Land Use has a full-time position to fill, and;

**WHEREAS,** the position was advertised and applications were accepted; and

**WHEREAS,** the applications have been narrowed to one;

**THEREFORE, BE IT RESOLVED BY** the Benton County Board of Supervisors that Matthew J. Even be hired to fill the position as Benton County Environmental Health and Land Use Technician in the office of Environmental Health and Land Use at a starting salary of \$70,000 per year, effective, March 1, 2021.

BE IT FURTHER RESOLVED that he will be awarded thirty-five (35) hours of sick leave and three (3) weeks of vacation starting upon his hiring date of March 1, 2021. Matthew J. Even’s employment with Benton County, Iowa is governed by all other applicable parts of the Benton County Employee Handbook.

Signed this 19<sup>th</sup> day of January, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve farm exemption for Daniel and Monica Friedman in the W ½ NE ¼ 17-82-12. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and authorize signature on Iowa State Association of Counties (ISAC) wellness agreement with Benton County. Motion carried.  
Adam Rodenberg, Watershed Coordinator for the Middle Cedar WMA provided the project summary for the upcoming Bid Packet 6.

**Primmer moved/Bierschenk seconded:** To approve and authorize signatures on both: The National Disaster Recovery Project Intent to Obligate Construction Funds for Contract #13-NDRI-002 and The Affirmation of Duplication of Benefits and Subrogation & Assignment for the National Disaster Resiliency Infrastructure/Watershed CDBG Grant. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve notice to publish the bid notice for packet #6. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-11, Elected Official's Salaries for FY 22. Motion carried.

### RESOLUTION #21-11 ELECTED OFFICIALS' SALARIES

WHEREAS, the Benton County Compensation Board met on January 13, 2021, and recommended increases in the salaries of the elected officials pursuant to Iowa Code Sections 331.905 and 331.907; and

WHEREAS, said recommended increases are as follows:

<u>Official</u>	<u>Current Salary</u>	<u>Recommended Salary for FY22</u>
Auditor (3%)	\$78,836.47	\$81,201.56
Treasurer (3%)	\$74,556.43	\$76,793.12
Recorder (3%)	\$74,556.43	\$76,793.12
Attorney (3%)	\$112,546.52	\$115,922.92
Sheriff (3%)	\$93,433.73	\$96,236.74
Supervisor (3%)	\$42,616.66	\$43,895.16
Chairman	\$43,616.66	\$44,895.16

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors adopts the salary recommendations for elected officials for the fiscal year beginning July 1, 2021, as recommended by the Benton County Compensation Board.

Dated this 19th day of January, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To grant a 3% across-the-board increase to all employees who are not covered by a bargaining agreement or who are not deputies of elected officials. Motion carried.

**Primmer moved/Bierschenk seconded:** To renew the county's health insurance through Group Partners Benefits and change from the Alliance Select Plan 11E to Option 1, Plan 17 with Blue Choice and keep employee's share the same rate at \$72.50 for single and \$322.50 for family and keep the dental and eye as is. Motion carried.

Discussion was had about adopting a COVID related sick leave policy. The Auditor shared an example that Clinton County is using and would like Benton County to draft something similar. The County Attorney is looking over the example and will make some changes for approval next week. The Emergency Family Medical Leave Expansion Act and Division E Emergency Paid Sick Leave Act expired on December 31, 2020.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

January 26, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present. Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

**Bierschenk moved/Primmer seconded:** To approve minutes of January 19, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141718 through 141727 ACH deposits numbered 44229 through 44369, vendor checks 237711 through 237718, claims numbered 237719 through 237873. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Veteran's Affairs Quarterly Reports ending September 30, 2020 and January 31, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the Priority Dispatch E911 claims from 2019. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-12, Approving Replat of the Final Plat of Fehl First Addition to Benton County, Iowa. Motion carried.

**RESOLUTION #21-12**  
**Replacing Resolution #20-20**  
**RESOLUTION APPROVING THE REPLAT OF THE FINAL PLAT OF**  
**"FEHL FIRST ADDITION",**  
**BY BENTON COUNTY, IOWA**

**WHEREAS**, at the request of the developer of Fehl First Addition, Benjamin Fehl, a replatting of the Final Plat of Fehl First Addition to Benton County, Iowa, containing two lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

**THIS REPLAT OF THE FINAL PLAT OF FEHL FIRST ADDITION REPRESENTS A SURVEY OF:**

Existing Parcel "A" per Plat of Survey dated 8/25/2008 recorded in Book 8 Page 4042 in the Office of the Benton County Recorder, described as follows:

That part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section No. 16, Township No. 86 North, Range No. 12 West of the Fifth Principal Meridian, Benton County, Iowa, described as follows:  
 Beginning at the Southeast corner of said Southeast Quarter of the Southwest Quarter, point being a found "mag" nail in A.C.C. pavement with license #15525;  
 thence along the South line of said Southeast Quarter of the Southwest Quarter South 89°56¼' West a distance of 830.5 feet to a set "mag" nail in A.C.C. pavement with license #15525;  
 thence North 00°18' East a distance of 523.5 feet to a set ½" rebar with license #16264;  
 thence South 89°45¼' East a distance of 828.5 feet to the East line of said Southeast Quarter of the Southwest Quarter, point being a set ½" rebar with license #16264;  
 thence along said East line South 00°04¼' West a distance of 519.0 feet to the point of beginning.  
 Containing 9.93 acres including 0.63 acres of right-of-way.  
 Subject to easements, restrictions, covenants, ordinances and limited access provisions of record and not of record.

Note: The South line of said Southeast Quarter of the Southwest Quarter is assumed to bear South 89°56¼' West for this description.

**WHEREAS**, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

**WHEREAS**, the Benton County Board of Supervisors find that the replatting of the Final Plat of Fehl First Addition would be advantageous to Benton County, Iowa, and

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that said replatting of the Final Plat of Fehl First Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
3. Any new private on-site sewage treatment system will be constructed with the approval of the Benton County Health Department

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 26<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

\_\_\_\_\_  
 Gary Bierschenk

\_\_\_\_\_  
 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Bierschenk moved/Primmer seconded:** To set the FY22 maximum levy hearing date for Tuesday, February 23, 2021 at 9:30 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-13, Temporary Road Closure. Motion carried.

RESOLUTION #21-13  
Temporary Road Closure

BE IT RESOLVED by the Benton County Board of Supervisor’s that the following described Secondary Road be closed for CONSTRUCTION effective from February 1, 2021, through the completion of the project.

From 62<sup>nd</sup> Street near the NW corner of Section 4-T84N-R9W thence south 0.5 mile to 62<sup>nd</sup> Street Trail near the W¼ corner of Section 4-T84N-R9W along 30<sup>th</sup> Avenue Drive in Canton Township.

Signed this 26<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Utility Permits for East Central Iowa REC in Eldorado and Union Townships. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-14, FY 21 Budget Amendment #2. Motion carried.  
RESOLUTION #21-14

**BE IT REMEMBERED** on this, the 26th day of January, 2021, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 19, 2019. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ 0
Physical Health & Social Services	\$ 0
Mental Health	\$ 0
County Environment & Education	\$ 1,050,000.00
Roads & Transportation	\$ 0
Government Services to Residents	\$ 0
Administration	\$ 0
Non-Program	\$ 25,000
Debt Service	\$ 0
Capital Projects	\$ 0
Operating Transfers Out	\$ 0

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$ 0
Licenses & Permits	\$ 0
Charges for Services	\$ 0
Use of Money & Property	\$ 0
Miscellaneous	\$ 0
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0

Dated this 26<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

The Board discussed the Benton Development Group budget request along with one from the Riverview Centers for FY 22. BDG asked for the same amount, while Riverview was asking for \$2,000 more. Sheriff Tippet spoke up on the Riverview Center. He asked that we hold off on committing, they haven't been in contact with Benton County for approximately 8 months and he'd like to invite them along with the SARS team to come to a future board meeting and get on board with what services would be offered for this allocation. No action was taken.

The County Attorney had emailed the revised Covid sick leave policy form that was discussed last week. The original draft was an example used by Clinton County. It was tweaked in accordance to Benton County and changes were agreed upon.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-15, Benton County COVID Related Sick Leave Policy effective immediately. Motion carried.

**RESOLUTION #21-15**  
**ADOPTION of BENTON COUNTY COVID RELATED SICK LEAVE**

WHEREAS, the Benton County Board of Supervisors desires to adopt a new policy related to the COVID 19 Pandemic; and

IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policy is hereby adopted effective this date:

POLICY STATEMENT

It is the purpose of this policy to provide employees and county officials with guidelines to staff being off for COVID Related issues after January 26, 2021.

SCOPE

This policy applies to all Benton County staff. This policy does not apply to Elected Officials.

GOALS

The goals of this policy are to provide direction to staff, department heads, and elected officials to stay home when dealing with COVID related illnesses after the expiration of 6201-18 Sec. 5101 Division C Emergency Family and Medical Leave Expansion Act and Division E-Emergency Paid Sick Leave Act (expired on 12/31/2020).

ABSENCES ELIGIBLE FOR COVID LEAVE

**For employees quarantined or sick with COVID**

The employees who have been required or advised to quarantine by a medical provider or a county, state, or federal agency, or who have been advised by a medical provider they have confirmed or presumptively confirmed COVID-19. Employees must complete a Request for COVID Related FMLA Sick Leave form and provide it to the Auditor's Office. The employee may choose from any of their leave banks to receive pay including their sick leave banks. This will be covered under FMLA and is dependent upon FMLA leave balance. Absences longer than two weeks must complete the FMLA certification form stating additional leave is necessary.

Additional leave will be dependent upon FMLA leave balance.

Employees must follow the Iowa Department of Public Health guidelines for returning to work after the illness.

**For employees caring for an individual quarantined or sick with covid-19**

Staff will complete FMLA certification form for approval to provide care for an individual who is sick. Contact the Auditor's Office for FMLA forms.

**Approved leave terms**

This leave is to isolate at home or to take care of those isolating at home. If the COVID related leave is approved, employees are not to be working secondary jobs outside of their home or partaking in activities away from their home outside of essential daily living tasks. If an employee is found not to be isolating for any reason beside receiving care or conducting essential living tasks (getting food, medicine, and healthcare) they can be disciplined up to and including termination.

CONTACT INFORMATION

In all cases of absence, employees must provide current contact information (including phone number and email address) to their supervisor.

NOTIFYING EMPLOYER

The employee shall provide the employer with as much notice as practicable.

RETURN TO WORK

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Please work with your Department Head and the Auditor's Office on your return to work date. Return to work date will be determined by Current IDPH recommendations for COVID or by your physician.

### REQUESTING A Leave

To request a leave, the employee will complete a form provided by the Benton County Auditor then email it to [hrippel@bentoncountyia.gov](mailto:hrippel@bentoncountyia.gov) or fax to 319-472-3692. If you cannot email or fax use the drop box outside and address the envelope to the Auditor's Office. \*\*Do NOT deliver or mail if you are sick with COVID.

\*\*See Attached form

Signed this 26th day of January 2021.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Committee reports were had. Among those was a report from Supervisor Seeman how the landfill took in 5 million pounds of storm damaged tree debris from the August derecho.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

February 2, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

**Bierschenk moved/Primmer seconded:** To approve minutes of January 26, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve tree removal quote at Benton County Service Center to Graham's Tree Service. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Group Benefit Partners as broker for insurance policies. Motion carried.

Phil Borleske and Allison Hicks presented the FY22 Historic Preservation Commission Budget. They also discussed various grants.

Benton County Sheriff Ronald Tippett, Mark Johnson, Jerry Michael, Ted Paxton, Shelby Chekal and Brandi Lewin (via telephone), presented the board information regarding Sexual Assault Response Team (SART) Coordinator with four counties (Benton, Clayton, Delaware and Jones). SART is looking for \$13,000 in funding per county. This project will introduce crime victims and witnesses to more support and resources in our communities. This would be eventually a 28E Agreement with the four counties. Board decided to put this item on next weeks agenda for a formal request of FY21 budget.

Office space in the basement of the courthouse was discussed. Land Use/Sanitarian's office appeared to remind the board that they were given consent by the board in November for use of the GIS Room for an additional employee starting in March. GIS Room is used by various other departments. Luke Blood, Juvenile Probation Officer, stated he prefers to stay in the courthouse, his network/IT system connects in thru the Clerk of Courts network. Supervisor Primmer asked if Blood's office could be moved into the Supervisor's office so he could be located next to the clerk of court and his office be the new GIS Room. The supervisor's location would be permanently moved to the Service Center. Supervisor Seeman asked if he could go through the basement with the affected department heads in the afternoon to get a game plan together.

Discussion to remove the need for appointments in the Courthouse (with exception to Driver License) to the public regarding COVID-19 was discussed. County Attorney David Thompson stated that he recommend that the Board go into closed session to discuss this matter. Auditor Rippel questioned what code section to put the closed session

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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under. Thompson stated it is completely legal to go into closed session regarding COVID. Thompson stated he would get the code section to the Auditor, he doesn't have the Iowa Code memorized and would have to look it up. **Primmer moved/Seeman seconded:** to enter into closed session with Thompson giving Auditor Rippel the code section later. Motion carried. No exemption was provided as required by Iowa code 21.5 (2).

**Primmer moved/Bierschenk seconded:** to enter back into open session.

**Primmer moved/Bierschenk seconded:** to extend the COVID policy for the next 60 days, to restrict the public and appointments and review again on April 6, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the appointment of John Lindaman as Chief Deputy for the Sheriff Office. Motion carried.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-16, Approving the Final Plat of Frimml's First Addition to Benton County, Iowa. Motion carried.

**RESOLUTION #21-16  
RESOLUTION APPROVING THE FINAL PLAT OF  
"FRIMML ADDITION",  
BY BENTON COUNTY, IOWA**

**WHEREAS,** at the request of the developer of Frimml Addition, Christopher Frimml, the Final Plat of Frimml Addition to Benton County, Iowa, containing one lot, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

**THE FINAL PLAT OF FRIMML ADDITION REPRESENTS A SURVEY OF:**

Part of Parcel C in the Southeast Quarter of the Southeast Quarter of Section 10, Township 83 North, Range 10 West of the Fifth Principal Meridian, Benton County, Iowa, described as follows:

Beginning at the Southeast Corner of Section 10, Township 83 North, Range 10 West of the Fifth Principal Meridian; thence S89°32'42"W along the south line of the Southeast Quarter of said Section 10, a distance of 463.05 feet; thence N2°33'02"W, 497.97 feet to the north line of Parcel C in said Southeast Quarter of the Southeast Quarter; thence N89°33'17"E along said north line, 463.05 feet to the east line of said Southeast Quarter; thence S2°33'02"E along said east line, 497.90 feet to the point of beginning.

Said parcel contains 5.29 acres, subject to easements and restrictions of record.

(Existing Parcel "C" per Plat of Survey dated 11/15/2012 recorded in Book 12 Page 5012 in the Office of the Benton County Recorder.)

**WHEREAS,** after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

**WHEREAS,** the Benton County Board of Supervisors find that the Final Plat of Frimml Addition would be advantageous to Benton County, Iowa, and

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that said Final Plat of Frimml Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
3. Any new private on-site sewage treatment system will be constructed with the approval of the Benton County Health Department
- 4.

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 2<sup>nd</sup> day of February, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Board discussed clarification on insurance renewals. Board requested that Katie Schmidt come back in and discuss insurance renewals with them further and answer and additional questions that the board might have.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

February 9, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

Minutes from February 2, 2021 were not able to be approved, Auditor's office is waiting on code section for closed session from County Attorney's office.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141728 through 141746 ACH deposits numbered 44370 through 44509, vendor checks 237874 through 237880, claims numbered 237881 through 238021. Motion carried.

**Bierschenk moved/Primmer seconded:** Approve Class C Liquor License for Tara Hills Country Club. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint Barbara Greenlee as a point of contact with Benton County Public Health for COVID Vaccinations for County employees. Motion carried.

Board discussed lease term length for Cedar Valley Ranch farm ground. Primmer questioned if there was a better way to keep track on a calendar when this lease is up or due to terminate. Since the County Attorney's office is responsible for drawing up the lease and termination paperwork, the board agreed it should be their responsibility.

**Primmer moved/Bierschenk seconded:** To advertise land rent for Cedar Valley Ranch farm ground for a three year lease. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Benjamin Rabe in part of Parcel A of SE ¼ NE ¼ of 33-82-11. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Rabe would like to propose a change of 2 acres into a residential non-ag use. CSR is 43, land is not in production. The sight will need a new driveway, and there is an area where it can be installed and meet the driveway policy. This location will need a new septic. Rabe at this time has no plans for a well, he will try to connect to rural water and trench it in along the driveway. The required notification was sent to the adjacent landowner's and published in the official newspapers. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve the land use hearing for Benjamin Rabe a part of Parcel A of SE ¼ NE ¼ of 33-82-11. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve farm exemption application for Trent Kramer a part of Parcel C in NW ¼ NW ¼ NE ¼ Section 16-85-9. Motion carried.

**Primmer moved/Bierschenk seconded:** Authorize Chair to sign lease with ECICOG for Transportation Building. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve professional service agreement with Schneider Geospatial to start March 1, 2021. Motion carried.

Supervisor Seeman showed the board measurements and potential quotes on concreting parking lot at Benton County Service Center. Supervisor Primmer stated he would like to see the whole parking lot done. Adam Rodenberg stated they could look into potential Urban Storm Water Funds to help with funding on this project as well.

Supervisor Seeman reported on Conservation meeting, they have decided on a new director but can't disclose at this time who it is until all other applicants are contacted. They received a quote on a new building at Hannen Lake, they are going to hold off due to price. Conservation Board decided to move ahead with receiving 14 acres of ground chips from Cedar Rapids to Frye Park and north of the dog pound and around Cedar Valley Ranch property.

Supervisor Primmer reported he had a complaint from a resident from where the dump truck went into the ditch, regarding snow fence. Primmer stated the county does not do anything for snow fence but wondered if we could look into the crop fence program like the State of Iowa does. He asked Supervisor Seeman to contact some of his neighbors to see if this is something the county could do in the future for county highways. Supervisor Seeman stated that this program is not cheap but will make some calls.

Benton County Sheriff Ronald Tippet, Mark Johnson, Jerry Michael, Ted Paxton, and Brandi Lewin (via telephone) met with the board to discuss SART (Sexual Assault Response Team) funding. The board is currently providing funding to Riverview Center. SART is requesting funding of \$13,000.00 in the current FY21. Deputy Auditor Gina Edler, questioned the board if they have it in this current budget and if the SART is asking for funding in FY22 as well. SART is asking for \$13,000.00 in FY22. Primmer asked if it could be an option to help in the current budget to prorate for 4 months of what is left in this current budget. Board would have to discuss on if they can provide funding in FY21 and FY22. Board has tentatively provided support to SART, no formal decision was made by the board.

Board decided to table the decision on providing funding to Riverview Center for FY22.

Supervisor Seeman proposed plan for moving office spaces around in the courthouse. Juvenile Probation would move into the Supervisor's office with the stipulation that the bench/desk is not moved. He would like to make sure everything is going to work out before any changes/demolition are made. Landuse/Sanitarian's office will take over the GIS Room and Juvenile Probation's old office will be the new GIS Room and Board of Supervisor's Office will be at the

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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Service Center Conference Room. **Primmer moved/Bierschenk seconded:** To approve proposed plan for moving office spaces in the courthouse. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve bid to PCI for Bid Packet 6 contract with WMA. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve 40 hours vacation carry over for Adam Rodenberg to be used by February 21, 2022. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

February 9, 2021

The Benton County Board of Supervisors met in special session at the Emergency Management Agency Office in the Benton County Law Enforcement Center. Supervisor Primmer called the meeting to order at 6:30 P.M. Supervisors Seeman, Primmer and Bierschenk were also present. *Unless otherwise noted, all actions were approved unanimously.*

The purpose of the meeting was to be present during the public hearing on the FY22 Emergency Management Agency budget. The budget hearing was opened with Scott Hansen, agency coordinator, providing detailed information concerning the budget. After hearing all comments, the hearing was closed and adopted by the Emergency Management Commission.

**Bierschenk moved/Seeman seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

February 11, 2021

The Benton County Board of Supervisors met in special session at 6:00 p.m. at the Farm Bureau Office Building in Vinton. Supervisor Seeman called the meeting to order with Supervisor's Seeman, Primmer and Bierschenk present. Discussion was held on the FY22 county budget. Budget topics ranged from road discussions, mental health, transportation building, property tax assessments, 911 Radio system project and other issues.

**Primmer moved/Bierschenk seconded:** To adjourn at 7:30 p.m. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

February 16, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

**Primmer moved/Bierschenk seconded:** To approve both sets of minutes from February 9, 2021 and February 11, 2021. Auditor's office is still waiting on code section for closed session from County Attorney's office for February 2 minutes.

**Primmer moved/Bierschenk seconded:** To appoint Tracy Seeman, David Thompson, Ron Tippett, Myron Parizek and Nancy Jorgensen to the Human Resources Sub Committee for outsourcing HR. Motion carried.

**Bierschenk moved/Primmer seconded:** To Amend the Maximum Hearing Public notice from February 23, 2021 to Tuesday March 9, 2021 at 9:30 a.m. Motion carried.

The Board acknowledged Bruce Anderson's retirement from secondary roads effective February 26, 2021.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Robert and Karen Walsh in part of NW ¼ SE ¼ of 25-85-10. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Walsh would like to propose a change of 2.5 acres into a residential non-ag use. CSR is 60, land is not in production. This location will need a new well and septic. The driveway meets requirements. The required notification was sent to the adjacent landowner's and published in the official newspapers. Heard from 2 of those with no concerns. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve the land use hearing for Robert and Karen Walsh in part of NW ¼ SE ¼ of 25-85-10. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Nancy Jorgensen, Benton County Deputy Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

February 22, 2021

The Benton County Board of Supervisors met in special session at the old Dog Pound county owned building. Supervisor Seeman called the meeting to order at 10:00 A.M. Supervisors Primmer and Bierschenk were also present. *Unless otherwise noted, all actions were approved unanimously.*

The purpose of the meeting was to have a combined session with the Conservation Board Members and the Supervisors to allow the public to bring their concerns regarding a recent opportunity. This is in regards to the recent actions that would involve woodchips to be stored on the County Care Facility Wildlife Area on 25<sup>th</sup> Ave Trail, Vinton, North of the old dog pound. There is also a second location opportunity near Hannen Lake which is known as the Fry Property. The residents in attendance were adjoining landowners of the property along 25<sup>th</sup> Ave Trail in Vinton. Some topics of discussion included the concerns of potential smell from the pile, damages that could happen to surrounding properties, land use change, pests in the pile and the breakdown of the chips. This project stems from the Derecho in August and a financial opportunity that was available. Benton County Conservation Board could get paid up to \$240,000 from 2 locations to house the woodchips that would be hauled by Boomerang, Corp from Linn County. FEMA would also be involved with this process.

No action was taken at this time other than that by the Conservation's Board to delay the hauling and get some of these concerns addressed and host another joint meeting in the near future.

**Primmer moved/Seeman seconded:** To adjourn at 11:46 a.m. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

February 23, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

**Primmer moved/Bierschenk seconded:** To set land use hearing date for Matt and Tiffany Rolling for Tuesday March 23, 2021 at 9:15 a.m. for part of SW ¼ SE ¼ Sec 25-85-9. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve minutes of February 16, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141747 through 141764 ACH deposits numbered 44510 through 44648, vendor checks 238022 through 238029, claims numbered 238030 through 238152. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and sign cost-share Grant Contract Amendment for the WMA Watershed. Motion carried.

**Primmer moved/Bierschenk seconded:** To set public hearing date for FY22 Budget on March 23, 2012 at 9:30 a.m. Motion carried.

Ben Bonar met with the board to request to advertise to hire two seasonal truck drivers and one intern for the Weed Department. Currently the seasonal truck drivers are making \$16.50/hour with the 3% wage increase that the board approved would make it \$17.00/hour. Interns wage is based off higher end of wages for seasonal conservation. Currently the intern is making \$13.79/hour. Bonar is wanting some leeway for the intern position depending of qualifications on the applicant, he is asking \$14.00-15.00/hour for the intern position.

**Primmer moved/Bierschenk seconded:** To approve to advertise to hire two seasonal truck drivers at the starting wage of \$17.00/hour and one intern with starting wage of \$14.00-15.00/hour, for the Weed Department. Motion carried.

Ronald Tippett, Scott Hansen and Ben Bonar discussed use of old transportation building. Tippett stated there is an EMA trailer, mass causality shelter trailer, enclosed trailer, generator and two light towers that he would like to house at the old transportation building. The trailers are being stored outside, the generator is stored in a building at the sheriff's office and light towers are stored in a small garage building. Storage for these items does not need heat. There is three big tractors from Secondary Roads that are currently being stored outside that Bonar would like to see stored at the old Transportation building as well. Hansen stated he tests the generators once a month and has not been able to do so since December because of the snow. Tippett stated he and Hansen will work with Bonar to share use of the old transportation building for the tractors and trailers. It was questioned if the county still needed to have flood insurance on the building if these items were stored in the building. Hansen stated his opinion is the county is moving an office because of flooding then everything that is stored in that building should be mobile so it can be moved quickly in the chance of a flood.

Ronald Tippett gave an update on SART funding request for FY21. Jones County has been appointed to be the payee for the project. SART is requesting \$4,333 for funding from March thru June 2021.

**Primmer moved/Bierschenk seconded:** To authorize \$4,333.00 for FY21 funding for SART program subject to 28E Agreement. Motion carried.

Supervisor Seeman presented costs of walls for the Service Center offices. Seeman stated there is no way they can reuse the existing walls. They will have to make them all new similar to what was made for the Access room. The estimate is \$1,540.74 using the old doors. Seeman is uncertain if the old doors will be able to be reused at this time. Seeman is looking for guidance/opinions since the taxpayers bought the current walls. Supervisor Primmer stated it works

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

to have the rooms divided and to get-r-done and questioned if the old walls can be sold on Facebook Marketplace. It was questioned who would post the items on Facebook Marketplace. Adrieonna Hennings from the Access Point volunteered to do this for the board.

**Primmer moved/Bierschenk seconded:** to proceed with estimate for Service Center walls. Voting aye were Primmer and Bierschenk. Seeman abstained from voting since he will be doing the work. Motion carried.

Allison Hicks and Phil Borleske presented information to the Board on behalf of the Historical Preservation Commission to fill out their annual CLG Report.

**Primmer moved/Bierschenk seconded:** To approve and sign the 2020 Certified Local Government (CLG) Annual Report for the Historical Preservation Commission. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve utility permit for Central Iowa Power Cooperative in Kane and Union Townships to move power line poles to South side of Highway 30 from 12<sup>th</sup> Ave to 22<sup>nd</sup> Ave. Motion carried.

County Attorney, David C. Thompson, discussed the Board of Supervisors meeting of February 2, 2021 with the Board. Lori Siela, Ben Turnis, Melinda Schoettmer and Lexa Speidel were also present. Thompson presented two options to the Board to “correct our prior action”. Option 1: Use *Iowa Code 21.9 Employment conditions discussed. A meeting of a governmental body to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under chapter 20 is exempt from this chapter. For the purpose of this section, “employment conditions” mean areas included in the scope of negotiations listed in section 20.9.* to keep the closed session exempt from Chapter 21 *Official meetings open to Public (Open Meetings.)* under advise of counsel. Option 2: Open up the closed portion of the meeting and release minutes to the public.

Discussion regarding these options were but not limited to the following: Supervisor Primmer stated “in my opinion we should give it a code section.” Thompson stated what we have been doing has not been decreasing the stress and some of the anxiety around this issue. Supervisor Seeman stated, “I agree with you 100%, to get to move forward here all I wanted to know is the code section.”

Discussion moved onto minutes taken on February 2, 2021, Supervisor Primmer stated he would like corrections made to the minutes. He would like removed “Opening the Courthouse to the public regarding COVID-19” because we are open to the public but certain offices are by appointment only. He also wanted “Landuse/Sanitarian’s office is wanting to take over the GIS Room for an additional employee starting in March”, changed to state that the Landuse/Sanitarian’s office appeared to remind the board that they were given consent by the board in November for the use of the GIS Room for an additional employee starting in March.” Gina Edler stated the reason the minutes were published prior to boards approval was per code section: *349.18 Supervisor’s proceedings – each payee listed – publication. (3)a. The county auditor shall furnish a copy of the proceedings to be published, within one week following the adjournment of the board.* It was brought to our attention we were in violation of said code section in order to rectify the situation the minutes were sent to publication that day.

**Primmer moved/Bierschenk seconded:** to use Option 1 under advisement of legal counsel. Motion carried.

**Primmer moved/Bierschenk seconded:** to approve minutes of February 2, 2021, subject to a couple alterations and minutes to be reprinted. Motion carried.

Farm lease and communication issues with the Attorney’s office was discussed. Board of Supervisors made a motion to direct the County Attorney to draw up the farm lease contract on February 9, 2021. Thompson stated that the Board of Supervisors cannot direct the County Attorney to do anything, they can ask for his help but they cannot direct him to do anything, just the same he can’t direct them to do anything. Further discussion took place with Supervisor Seeman asking Thompson if he would make up the farm lease contract. Other communication issues were discussed.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

February 24, 2021

The Benton County Board of Supervisors met in special session at the Benton County Service Center Conference Room. Supervisor Seeman called the meeting to order at 5:00 P.M. Supervisors Primmer and Bierschenk were also present. *Unless otherwise noted, all actions were approved unanimously.*

<https://www.youtube.com/bentoncountyiowa>

This meeting was continued discussion and responses following the outcome from the February 22, 2021 joint meeting held with the Conservation Board.

Randy Scheel discussed the Conservation Boards new plan of action. The Board agreed to continue with the wood chip revenue opportunity at the Fry Property near Hannen Lake, but discontinue at the wildlife area near the County Care Facility.

Originally with the two combined properties they could have received up to \$240,000. The Conservation Board planned to use this to offset debt on property purchased near Mt. Auburn known as the Hart Property. Mike Lagrange questioned Supervisor Primmer’s previous comment regarding the reduction to the FY 22 Budget.

**Primmer moved/Bierschenk seconded:** To put the \$120,000 spending authority into the Conservation Land Acquisition Budget to allow the revenue from this project to offset debt for the Hart Property. Motion carried.



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Shelby Williams, Conservation Director also shared that the contractor doing this work, Boomerang will be making donations to local chapters including Pheasants Forever, Whitetails and Turkey in an effort to support local conservation efforts. Randy Scheel added how they have a tree planting project at the Hannen Lake area that sustained heavy damage in the August derecho as well.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

March 2, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of February 22, 2021, February 23, 2021 and February 24, 2021. Discussion regarding the old Transportation and Weed department was clarified, but no changes were made. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve lawn maintenance contract with Mac's Lawn and Outdoor Services, LLC to provide the mowing and trimming to the Benton County Service Center yard from April 2021 through October 2021 for an annual total of \$1,750 or \$250 a month. Motion carried.

Ben Bonar, Weed Commissioner met with the board to discuss the annual noxious weed notice and get permission to advertise for spraying.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-16A, Destruction of Noxious Weeds.  
Motion carried.

### Resolution #21-16A DESTRUCTION OF NOXIOUS WEEDS

**Be It Resolved** by the Board of Supervisors of Benton County, Iowa that pursuant to the provisions of Chapter 317, Code of Iowa, it is hereby ordered:

1. That each owner and each person in the possession or control of any lands in Benton County shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before **May 10th, 2021** and as often thereafter as is necessary to prevent seed production:

<b>Primary Noxious Weeds:</b> Destroy by: May 10, 2021	<b>Secondary Noxious Weeds:</b> Destroy By: May 10th, 2021
Quackgrass ( <i>Agropyron repens</i> )	Butterprint, Velvetleaf ( <i>Abutilon theophrasti</i> )
Perennial Sowthistle ( <i>Sonchus arvensis</i> )	Cocklebur ( <i>Xanthium commune</i> )
Canada Thistle ( <i>Cirsium arvense</i> )	Wild Mustard ( <i>Brassica arvensis</i> )
Bull Thistle ( <i>Cirsium lanceolatum</i> )	Wild Carrot ( <i>Daucus carota</i> )
Field Bindweed ( <i>Convolvulus arvensis</i> )	Sheep Sorrel ( <i>Rumex acetosella</i> )
Horsenettle ( <i>Solanum carolinense</i> )	Sour Dock ( <i>Rumex crispus</i> )
Leafy Spurge ( <i>Euphorbia esula</i> )	Smooth Dock ( <i>Rumex altissimus</i> )
Perennial Peppergrass ( <i>Lepidium draba</i> )	Poison Hemlock ( <i>Conium maculatum</i> )
Russian Knapweed ( <i>Centaurea repens</i> )	Multiflora Rose ( <i>Rosa multiflora</i> )
Buckthorn (Not to include <i>Rhamnus frangula</i> )	Wild Sunflower ( <i>Helianthus annus L.</i> )
Musk Thistle ( <i>Carduus nutans</i> )	Puncturevine ( <i>Tribulus terrestris</i> )
Tall Thistle ( <i>Cirsium altissimum</i> )	Teasel ( <i>Dipsacus spp.</i> )
Palmer Amaranth ( <i>Amaranthus palmeri</i> )	Shattercane ( <i>Sorghum bicolor</i> )
	Buckhorn Plantain ( <i>Plantago lanceolata</i> )

2. That each owner and each person in the possession or control of any lands in Benton County infested with any of the following noxious weeds shall adopt a program of weed destruction described by the Weed Commissioner, which may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.

- (a) Primary Noxious Weeds: Quackgrass, Perennial Sowthistle, Canada Thistle, Bull Thistle, Musk Thistle, European Morning Glory or Field Bindweed, Horsenettle, Leafy Spurge, Perennial Peppergrass, Russian Knapweed, Buckthorn, Tall Thistle and all other species of thistles belonging in general of *Cirsium* and *Carduus*, Palmer Amaranth.
- (b) Secondary Noxious Weeds: Butterprint, Cocklebur, Wild Mustard, Puncturevine, Teasel, Wild Carrot, Buckhorn Plantain, Sheep Sorrel, Sour Dock, Smooth Dock, Poison Hemlock, Wild Sunflower, Multiflora Rose and Shattercane.

3. That if the owners or persons in possession or control of any land in Benton County fail to comply with the foregoing orders, the Weed Commissioner or his designee shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, shall be assessed against the real estate.

4. That the County Engineer is hereby directed to cause notice of the making and entering of the foregoing order by one publication in each of the official newspapers of the County.

Dated this 2nd day of March 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Rick Primmer

\_\_\_\_\_  
Gary Bierschenk

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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Les Wood, Benton County resident along with others who came to voice their concerns with traffic on 33<sup>rd</sup> Ave. and 54<sup>th</sup> St. Trail. Over the past 5 years, there has been a lot more traffic with dump trucks and demolition trucks entering from Linn County creating dust and boils in the road. The agreed this is more like a mud road than a gravel road. Supervisor Primmer reminded the residents this was a public road, and the county can't stop people from driving on it. The Engineer is also aware of this concern. The Board agreed to go look at the area, and will research if they have any authority over anything such as an embargo or monitoring what is being hauled into our county. No action was taken.

The time of 10:00 a.m. having arrived, and this being the time and date set for opening bids for the rental of the farm ground located at the Cedar Valley Ranch, the board proceeded with matter. The notice had been published in the newspapers with a March 2, 2020, filing deadline. Five bids were received as follows (on a per acre basis):

David Reed-\$130  
Michael Hopper-\$230  
April Harding-\$300  
Wayne Siela - \$270  
Gary Toyne-\$280

The board provided an opportunity for the bidders present or available on the phone to raise their bid as advertised. Wayne Siela questioned the fertility or soil test on this ground. The Board didn't have any documentation to provide. Seila then suggested some minimum standards that the tenants should have to follow. Nobody wanted to raise their bids.

**Primmer moved/Bierschenk seconded:** To award the lease for approximately 38 acres of farm ground located at the Cedar Valley Ranch in the SE1/4 of Section 22 of Taylor Township, to April Harding as the highest per-acre bidder, at a price of \$300.00 per acre. The final lease agreement is to be drafted with the parties executing the same at a later date. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and authorize chairman to sign the Cyber and Technology Liability Renewal, supplemental insurance on behalf of Heartland Risk Insurance. Motion carried.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-17, Approving Replat of Lot 1, Ferguson's First Addition to Benton County. Motion carried.

**RESOLUTION #21-17  
APPROVING REPLAT OF LOT 1, FERGUSONS FIRST ADDITION  
TO BENTON COUNTY, IOWA**

WHEREAS, a Replat of Lot 1, Ferguson First Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Lot 1, Ferguson First Addition to, Benton County, Iowa, more specifically described and defined by that certain Plat of Survey filed for record in the Office of the Recorder of Benton County, Iowa as Instrument 21-0666 and filed on February 11, 2021.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed an Owner's Certificate containing consent and dedication for said Plat: and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of the Replat of Lot 1, Fergusons First Addition to Benton County, Iowa, will be and the same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

- 5. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975 and amended September 4, 1981, and April 17, 2008.
- 6. Any new water supply will be constructed with the approval of the Benton County Department of Health.
- 7. Any new sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 2nd day of March, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

March 9, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)* (<https://www.youtube.com/bentoncountyiowa>)

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve minutes of March 2, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141765 through 141791 ACH deposits numbered 44649 through 44784, vendor checks 238153 through 238159, claims numbered 238160 through 238294. Motion carried.

**Primmer moved/Bierschenk seconded:** To accept the proposal from Pictometry for a new aerial flight to take place in the fall of 2021 and approve moving forward with that plan. Motion carried.

**Primmer moved/Bierschenk seconded:** To change Jerry Bascom from part-time to full-time status at the Benton County Jail. His pay rate will stay the same until he reaches his 120-day probation and required certification, effective March 3, 2021. Motion carried.

FY22 Maximum Levy Budget Hearing was opened to the public. No members of the public present. There was a member of the media present. Auditor Rippel handed out the proposed FY 22 budget packet and explained that this is the second year of this new requirement for budget certification due to SF 634 (new Code of Iowa 331.433A). All Cities and Counties have to abide by this. This hearing was for the purpose of taxpayers and residents of the county to present to the board objections to, or arguments in favor of the tax asking. Following the hearing, the board may decrease, but not increase the proposed maximum asking for the county services. Once this is adopted by resolution, it also has to be available to the public and then we can proceed to the next budget hearing process. The original hearing date was set for March 23, but just now hearing from Belle Plaine Star Press they didn't publish on the requested date. The hearing date will need to be extended to March 30 to meet those publication requirements on the budget adoption. Hearing no more comments, the maximum levy public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-18, Approval of the FY 22 Maximum Property Tax Dollars. Motion carried.

**Resolution #21-18**

Approval of FY 2022 Maximum Property Tax Dollars

WHEREAS, the Benton County Board of Supervisors have considered the proposed FY 2022 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county website, and

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 9, 2021.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Benton County that the maximum property tax dollars for General County Services and Rural County Services for FY 2021 shall not exceed the following:

General County Services - \$9,300,395  
Rural County Services - \$4,091,057

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY 2022 does represent an increase of 17% from the Maximum Property Tax dollars requested for FY 2021.

By Roll Call Vote:

Ayes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed and adopted the 9<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Attest: Hayley Rippel, Benton County Auditor

\_\_\_\_\_  
Tracy Seeman, Chairman  
Benton County Board of Supervisors

Ben Bonar and Hayley Rippel provided a Wellness update from a recent meeting. The packets went out to all employees with last payroll.

**Primmer moved/Seeman seconded:** To appoint Gary Bierschenk to the Benton County Wellness Committee. Motion carried.

**Primmer moved/Bierschenk seconded:** To accept resignation of Mark Droessler to the Iowa Roadside Vegetation Management (IRVM) Committee and appoint Jeffrey Ralston as his replacement effective immediately. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve utility permit for Lumen in Taylor Township. Motion carried.

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**Primmer moved/Bierschenk/seconded:** To approve Utility Permit for Windstream in Eldorado Township. Seeman voted Nay, Primmer and Bierschenk ayes. Motion carried.

**Bierschenk moved/Primmer seconded:** To Amend public hearing date for the FY 22 Budget from March 23, 2021 to March 30, 2021 due to publication error in the Benton Star Press. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

March 16, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To set a land use hearing date of Tuesday April 13, 2021 at 9:15 a.m. for Mark Denny in part of the SW ¼ SE ¼ and a part of the SE ¼ SE ¼ in 36-86-11. Motion carried.

**Primmer moved/Bierschenk seconded:** To give the Land Use office the Authority to set the date for a public hearing for an upcoming proposed dairy expansion for Geno Source, for a Master Matrix Review. Motion carried.

Greg Walston called in the meeting to provide an update on the Old School Produce partners and with how well its been doing. Currently they operate on a one-year agreement and Walston proposed a five-year lease agreement.

**Primmer moved/Bierschenk seconded:** To approve a five-year lease agreement to be drafted between Benton County and Old School Produce Partners. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve minutes of March 9, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-19, Employee status change for Jerry Bascom. Motion approved.

### RESOLUTION # 21-19

WHEREAS, the Benton County Sheriff has a need for full-time help in the jail; and  
WHEREAS, Jerry Bascom has been employed by Benton County as part-time since January 12, 2021;  
WHEREAS, Bascom has been currently performing the duties of the above mentioned position; and  
WHEREAS, the Sheriff recommended that Bascom have his employment status be changed from part-time to full-time,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Jerry Bascom be changed to a full-time jailer in the Sheriff's office, effective March 9, 2021 at the hourly rate of \$17.39.

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Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** to approve and sign the contract between Benton County, IA and Pictometry International Corp for new aerial flight over Benton County. Motion carried.

**Primmer moved/Bierschenk seconded:** To correct the minutes for October 19, 2019 regarding the WMA for approving the contract for Bid Packet 3. It was mentioned in the meeting but didn't reflect on the official minutes. Motion carried.

Wayne Siela met with the Board regarding the request to improve 61<sup>st</sup> Street, East of HWY 218 that has been discussed in previous meetings. Siela had presented a plan along with a timeline created by an advisory committee that consisted of representatives from Taylor and Eden Township. The committee would like to provide input on the design of the road improvements and approve the final plan. Siela had contacted an engineering firm and suggested the county hire them. Discussion about easements and right of way. County Engineer Myron Parizek was also present and roughly estimated funding and costs, adding that his office would not have the time to do the surveying and engineering due to the amount of current projects they are involved with. The Board members recommended that they meet with City of Vinton Council, Vinton-Shellsburg School Board Members and have a combined discussion and invite the property owners along this road. Primmer felt Siela had brought good recommendations, but guidance would be needed from the engineer also. Seeman said they would like all the people together to discuss this further. Siela was disappointed the Board was not interested in funding the preliminary estimate but would work on setting up the combined meeting with a tentative date of March 25<sup>th</sup>.

The Sheriff reported that Tyler Brandt already resolved the speed zone issue at Benton Community Schools so would not be in attendance at the meeting today.

**Primmer moved/Bierschenk seconded:** To appoint Mary Ann Blumer and Elaine Harrington the Magistrate Commission for a six-year term and appoint Jim Magdefrau as an alternate. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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David Thompson presented the recommendation that resulted from recent meetings of the Human Resources Advisory Committee regarding human resources. The committee felt it would be in the county’s best interest to hire a full-time director instead of outsourcing. This new position would answer to the Board of Supervisors, and will have various roles such as: union negotiations, updating the employee handbook, keeping track of the federal and state statues along with HIPPA and ADA compliancy along with various other duties. The committee also felt the office space for this new employee could be housed in the Benton County Service Center.

**Primmer moved/ Bierschenk seconded:** To approve current members of Human Resource Advisory Committee along with Hayley Rippel to be on the Hiring Committee and create a new full-time position for a Human Resource Position in Benton County and start the advertising and hiring process. Voting aye were Primmer and Bierschenk. Seeman abstained due to being a member on the committee. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

March 23 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor’s office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of March 16, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141792 through 141814 ACH deposits numbered 44785 through 44924, vendor checks 238295 through 238302, claims numbered 238303 through 238414. Motion carried.

**Primmer moved/Bierschenk seconded:** To accept the resignation of Toni Parizek, Veterans Affairs Director. Her last day of employment will be May 14, 2021 to ensure that there is enough time to post the position and hire replacement. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve fireworks permits for Chuck Yedlik for the dates of: May 22, 2021, May 29, 2021, May 30, 2021, April 10, 2021 and October 23, 2021. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-20, Adopt a new Procurement Policy.  
Motion carried.

### RESOLUTION #21-20

#### ADOPTION OF AMENDED PROCUREMENT POLICY

WHEREAS, the Benton County Board of Supervisors has previously adopted a Procurement Policy; and

WHEREAS, the Benton County Board of Supervisors desires to either adopt new policy and/or amend the existing policy; and

WHEREAS, the Benton County Board of Supervisors needs to repeal the current policies to eliminate any potential conflicts between those policies currently in place and those being adopted on this date,

NOW THEREFORE BE IT RESOLVED that all policies for Procurement Policy ARE HEREBY REPEALED effective this date.

IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policies are hereby adopted effective this date:

#### PROCUREMENT POLICY

This Procurement Policy of Benton County (hereinafter referenced as “county”) is applied with respect to funding assistance awarded from the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development (HUD), by the Iowa Economic Development Authority (IEDA), as specified in 2 CFR Part 200.317 - 200.326

In the case of FEMA funds Iowa Homeland Security is the recipient and Benton County is the Subrecipient.

#### PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

#### APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for the county as related to the implementation and administration of CDBG Program award. This policy is applicable to the CDBG grant, update to add language to be applicable to all federal awards. All procurement will be done in accordance with 2CFR Part 200 and Appendix II to Part 200, or as may be amended.

#### POLICY

##### GENERAL PROCUREMENT PRACTICES

##### 2 CFR §200.318 General procurement standards

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards. Where State and/or local requirements conflict with Federal requirements, the strictest requirement, will be followed.  
§200.319 Competition.

(c) The non-Federal entity must have written procedures for procurement transactions.  
The County must provide what its own documented procurement/purchasing procedures for non-federal funds are.

Benton County will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition of unnecessary or duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting; and use good administrative judgment to settle all contractual and administrative issues.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

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## COMPETITION

Benton County will provide full and open competition; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

## PROCEDURE BY PRICE THRESHOLD (Benton County)

Purchases less than \$10,000 will be paid by regular claim process. Purchases between \$10,000-\$25,000 Principal amount; not anticipated/acknowledged during the budget process should get the Board of Supervisors authorization. Principal amounts between \$25,000-\$600,000 for real or personal property should be placed on Board's agenda as a public hearing and follow the provisions of Code of Iowa §331.443

## METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) micro-purchase; (b) small purchase procedures; (c) sealed bids (formal advertising); (d) competitive proposals; (e) noncompetitive proposals.

Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)

Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$150,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.

In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the required method for procuring construction.

In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:

A complete, adequate and realistic specification or purchase description is available.

Two or more responsible bidders are willing and able to compete effectively for county business; and

The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used for a procurement under a grant, the following requirements apply:

A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.

The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.

All bids shall be opened publicly at the time and place stated in the invitation for bids.

A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of Recipient indicates that such discounts are generally taken.

Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.

Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:

Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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Requests for Proposals shall be solicited from an adequate number of qualified sources.

Benton County shall have a method for conducting evaluations of the proposals received and for selecting awardees.

Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.

Benton County should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.

Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:

The item is available from only a single source;

After solicitation of a number of sources, competition is determined inadequate;

A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and

The awarding agency (IEDA) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).

Benton County will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.

Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

**RECYCLED MATERIALS**

Benton County will procure items with the highest percentage of recycled materials practical.

**CONTRACT PRICING**

The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

Benton County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

**EMERGENCY SITUATIONS**

If there is an imminent threat and/or the existence of a public exigency or emergency where a delay caused by adherence to this policy will impact the immediate protection of human health and welfare and/or county property, then the requirements of this Procurement Policy may be waived. This waiver may also include the immediate measures taken to mitigate any additional damage when necessary.

**PROCUREMENT RECORDS**

Benton County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (Recipient) shall make technical specifications and procurement documents available for review upon request.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

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**BONDING REQUIREMENTS**

Bonding requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

**2 CFR 180 Debarment and suspension**

*OMB Guidelines to Agencies on Government wide Debarment and Suspension* govern debarment and suspension. These regulations restrict awards, sub-awards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from, or ineligible for participation in Federal assistance programs or activities. It is a requirement to check for suspended or debarred parties before awarding work for all covered transactions. Debarred or suspended parties may be found by searching the System for Award Management (SAM) for exclusion records, active or excluded at [www.sam.gov](http://www.sam.gov) documentation of the results of searches must be retained with procurement and grant records.

**STANDARDS OF CONDUCT AND CONFLICT OF INTEREST****§200.318 General procurement standards****2 CFR Part 200, Subpart D Subsection §200.318 (c)(1)**

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

**§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5)

**§200.326 Contract provisions.**

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Dated this 23<sup>rd</sup> day of March, 2021.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Tracy Seeman reported on the tonnage fee at the landfill will be reduced at the scale from \$50/ton to \$46 as of July 1, 2021. The construction materials would remain the same at \$60 per ton.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Matt and Tiffany Rolling in part of the SW1/4 SE1/4 of 25-85-9. Rolling's were not present. One member of the media was present along with an adjoining property owner-Elizabeth Sanders. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Rolling's would like to propose a change of 3 acres into a residential non-ag use. CSR is 50, surrounding land use is residential, some pasture along with crop and timber. This sight will need a new driveway constructed, the existing driveway is not compliant and the old one will eventually be removed. This site will need a new septic and well. The required notification was sent to the adjacent landowner's and published in the official newspapers. One phone call received was regarding their concern with setbacks in the county, which there is none. Elizabeth Sanders who was present, spoke on her concern about the distance regarding hunting that is proposed on her property. It was agreed they met the sight distance to be safe. Hearing no other further comments, Greenlee did not have any major concerns, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve land use change for Matt and Tiffany Rolling in part of the SW1/4 SE1/4 of 25-85-9. Motion carried.

Melinda Schoettmer, Treasurer wanted to discuss her office hours when the courthouse re-opens to walk in traffic. These hours will go into effect when the courthouse doors get unlocked. Motor Vehicle and property customers will be 8:30 a.m. -4:00 p.m. Monday through Friday. Driver's License will still have their normal hours of 8:30 a.m. through 4:00 p.m. Monday through Friday by appointment only.

The Sheriff presented a draft of an employee contract with Adrieonna Hennings. This will be brought back in on next week's agenda to allow time for the county attorney to look over and to discuss budget concerns. No action was taken.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-21, Temporary Road Closure. Motion carried.

RESOLUTION #21-21  
Temporary Road Closure

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from March 29, 2021, through the completion of the project.

From the N ¼ corner of Section 11-T82N-R9W thence easterly 1.5 miles to the center of Section 12-T82N-R9W along 75<sup>th</sup> Street and 33<sup>rd</sup> Avenue Drive between 32<sup>nd</sup> Avenue Drive & 75<sup>th</sup> Street Drive in Florence Township.

Signed this 23<sup>rd</sup> day of March, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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A group of concerned citizens who live near Hannen Park in Blairstown filled the conference room to bring up concerns they have about the wood chips being brought into their area. The effect the trucks doing the hauling have caused to these roads and making it dangerous when trucks are driving down the center of the road and parking on the sides of the roads. Deb Drahos explained that those at the meeting did not get a say in the project before it happened. They became aware of the project on Monday, March 1, when they heard a bulldozer running. No one had been contacted by Benton County Conservation about the project and she was the closest neighbor. Paul Stults, also a Blairstown resident expressed concern over the impact on the road, as well as trash and garbage debris found at the site. He added that the money received for this will not compare the road damage costs for taxpayers. Shelby Williams, Conservation Director explained that the company hauling chips works with secondary roads on when and how to drive on the road as well as what routes. Benton County Engineer Myron Parizek also explained the history of work on the roads. As for the current project, his office recommended using paved roads instead of rock roads. The contractor had expressed interest in helping with some of the costs for road repairs, but no negotiations have been held. The contractor is also using fewer trucks than what they had planned when the project began. Supervisor Primmer explained that the conservation commission is its own board and made the decisions they did. The only control the supervisor have is the budget. These are public roads they are all using. Drahos also asked why the location in Vinton was denied, if it was because of the concerned citizens. She wished there had been more conversation about this, adding that she supports the parks, but the southern part of the county seems neglected compared to the rest. It is estimated that this project could take another 30 days, and is expected to provide \$120,000 to Benton County Conservation. And an estimated cost of road replacement could be \$200,000 per mile. As all roads, the Engineer puts them on a schedule for repairs and monitors the roads closely and will determine when the trucks can haul on the roads. Barriers are now in place to keep drivers away from the dangerous sections.

Katie Schmitt and Ryan Verven, with Group Benefit Partners provided a presentation by Zoom on the county's health insurance renewal. Schmitt and Verven went over all aspects of the plans and what the difference regarding the savings would be. The renewals amounts were previously provided back in December when the board took action but didn't sign the renewal paperwork. They also addressed a concern regarding secure benefits and some claim delays paying providers when they don't have enough information where to send the payments. The Board agreed with Group Benefit Partner's plan of action to resolve this. The checks would be mailed to the employees with an explanation of what medical bill it pertains to and the employee will be responsible to pay the providers directly.

**Primmer moved/Bierschenk seconded:** To authorize and approve the chairman to sign the renewals to change from Plan 11E and switch to Plan 17 in regards to health insurance, and keep the dental and eye plans as is. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

March 25, 2021

The Benton County Board of Supervisors met in special session at 7:00 p.m. at the Vinton-Shellsburg Central Office in Vinton. Supervisor Seeman called the meeting to order with Supervisor's Seeman, Primmer and Bierschenk present.

The Reason for this combined meeting was to communicate about a proposed plan that was brought to the Board for an upgrade to 61<sup>st</sup> Street, East of Hwy 218. The intent was to have school and city officials involved with the discussion. There was school representatives, but the City of Vinton had their own council meeting and couldn't attend. Wayne Siela has previously addressed his safety concerns with farm traffic going by the schools and formed a committee and came up with a plan of action to get something started. Siela started the meeting by having everyone present to introduce themselves. There is approximately 1,000 students and staff affected by the ag traffic that travels by the schools. They would like to see that the dirt road (61<sup>st</sup> Street) be widened enough to accommodate ag traffic. Most adjacent property owners were in favor and agreed for the need for the improvement but would like it to be split down the middle of the road equally on both sides for acquisition needs. Shive-Hattery estimated a cost of \$12-15,000 to prepare a survey and preliminary design. No action was taken, other than to plan for another joint meeting including Vinton City officials also. With the property lines being so close to the corporate limits to Vinton and adjacent to property Vinton-Shellsburg school owns for their Ag plot. Addressing the funding options for budgeting a project such as this was also discussed. With the FY 22 Budgets already in the works for being finalized for the City and County, the cost would be the main concern.

**Primmer moved/Bierschenk seconded:** To adjourn at 7:00 p.m. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

March 30 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve minutes of March 23, 2021 and March 25, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-22, Approving final plat for M and S Addition to Benton County, Iowa. Motion carried.

**M AND S ADDITION**  
**BENTON COUNTY, IOWA**  
**RESOLUTION APPROVING PLAT**  
**RESOLUTION #21-22**

WHEREAS, a Plat of M and S Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County, Iowa, Supervisors consisting of the following described real estate: is, Parcel A in the Northeast ¼ (NE ¼) of Section Thirty-Two (32), Township Eighty-Three (83) North, Range Nine (9) West of the 5th P.M., Benton County, Iowa as Recorded in Book 6 Page 264, Office of the Recorder, Benton County, Iowa.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of M and S Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatments systems will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

ADOPTED AND PASSED this 30th day of March, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

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Gina Edler, Benton County Deputy Auditor

**Bierschenk moved/Primmer seconded:** To accept Deb Christianson's resignation from the Benton County Pioneer Cemetery Commission. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Justin Bierschenk to the Benton County Pioneer Cemetery Commission. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Business Lease Agreement between Benton County and the Cedar Valley Ranch, Inc. Motion carried.

Board gave brief committee reports.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To open FY22 Budget Hearing. Motion carried. Emily Parker and Jerry Greif were present. Benton County published both the maximum levy notice along with the regular budget notice and heard no comments. Hearing no more comments, **Primmer moved/Bierschenk seconded:** to close FY22 Budget Hearing. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-23 Adoption of the FY22 County Budget. Motion carried.

RESOLUTION #21-23  
ADOPTION OF THE FY22 COUNTY BUDGET

**BE IT REMEMBERED** that on this, the 30th day of March 2021, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of holding a public hearing on the proposed budget for fiscal year 2021-22 as filed with the Board. There was present a quorum as required by law. The notice and place of hearing had, according to law and as directed by the Board, been published in the Star Press Union, Cedar Valley Times, and Vinton Eagle, the official newspapers published in Benton County.

The budget was then taken up and considered. The public was provided an opportunity to speak.

The County Compensation Board recommendation for FY22 salaries for elected officials and as set forth and adopted in Resolution #21-11 is included in the FY22 budget.

**BE IT FURTHER RESOLVED** that a committed fund balance designation of the ending fiscal year fund balance be established for the following purposes:

- General Fund**-\$596,000 equipment/vehicle replacement, Emergency response, infrastructure
- Rural Services Fund** - \$16,000 land use administrator vehicle replacement
- EMS Revolving Loan Fund** – \$122,012.74 for emergency services loans
- LOSST Fund** - \$1250,000 for technology upgrades and GIS re-flight

**FURTHER** the commitment of fund balances indicates that Benton County prefers to use available financial resources for the specific purposes set forth above, and although committed, the funds are to remain an integral part of the spendable or appropriable resources of Benton County.

The budget as adopted will approve the following property taxes for fiscal year 2021-22 (without gas and electric):

General Basic	\$5,650,899
General Supplemental	\$3,460,191
Mental Health Services	\$ 599,447
Rural Services Basic	\$4,003,905
Debt Service	\$ 0

**IT IS THEREFORE RESOLVED**, by the Benton County Board of Supervisors that the FY22 budget is hereby adopted.

Dated this 30<sup>th</sup> day of March 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Gina Edler, Deputy Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-24, Proclamation of Sexual Assault Awareness Month. Motion carried.

**RESOLUTION # 21-24  
PROCLAMATION OF SEXUAL ASSAULT AWARENESS MONTH**

WHEREAS, sexual assault affects women, children and men of all racial, cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating not only to the survivor, but also for the family and friends, and community of the survivor; and

WHEREAS, since no one person, organization, agency or community can eliminate sexual assault on their own, we must work together to educate our entire population about what can be done to prevent sexual assault, support victims/survivors and their significant others and support those agencies providing services to victims/survivors.

NOW THEREFORE BE IT RESOLVED we the Benton County Board of Supervisors in and for Benton County, on behalf of all staff and citizens of Benton County, that the Month of April 2021 is hereby proclaimed as: “SEXUAL ASSAULT AWARENESS MONTH”

Signed this 30th day of March, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Gina Edler, Benton County Deputy Auditor

Jerry Greif, a member of the public, questioned on how the County prioritizes County roads to be worked on each year. Greif questioned if there was a 5 year road construction plan that was available to the public or how he would be able to see what is on the plan.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-25. Motion carried.

**RESOLUTION # 21-25**

BE IT RESOLVED by the Benton County Board of Supervisor’s that the following described Secondary Road be closed for CONSTRUCTION effective from April 5, 2021, through the completion of the project.

From the NW corner of Section 19-T86N-R12W thence south one-half (0.5) mile to the W ¼ corner of Section 19-T86N-R12W along County Route V37 in Bruce Township.

Signed this 30th day of March, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-26. Motion carried.

### RESOLUTION # 21-26

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from April 5, 2021, through the completion of the project.

From 53<sup>rd</sup> Street thence south 1 mile to 54<sup>th</sup> Street along 24<sup>th</sup> Avenue Drive in Harrison Township.

Signed this 30th day of March, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

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Gina Edler, Deputy Benton County Auditor

Discussion regarding 61<sup>st</sup> Street project were but not limited to: cost of survey, contacting the City of Vinton and seeing if they are wanting to be financially involved with the project.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

April 6, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

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( <https://www.youtube.com/bentoncountyiowa> )

The time of 9:01 a.m. having arrived, the board took up the matter for public hearing and consideration on a Construction Permit application submitted by Geno Source, LLC, for the expansion of a current permitted confined animal feeding facility located in the NE1/4 of 25-82-11 (Leroy Township). Supervisor Seeman opened the public hearing. Marc Greenlee, Land Use Administrator, advised that the review of this request was subject to the state's master matrix for confined animal feeding operations. Matt Simon, with Geno Source, LLC, was present. There were no other members of the public present. Geno Source, LLC is an existing 2,850 head dairy confinement facility and is proposing to expand to 3,950 head of mature milking cows. Proposed construction consists of additions to the existing freestall confinement barns, constructing a digester system and all the necessary manure pumps and piping transfer system. No changes are proposed for the immature heifers on site and the dry manure handling. Supervisor Primmer questioned how the timeline for construction would be handled. Simon stated that if the application was approved they would submit for bids to construct the sandroom right away to have that hopefully constructed by late summer. The digester would take longer but that could be constructed by February. They would use their own cattle and gradually increase the heard size. Supervisor Bierschenk questioned if they had a place to spread all the manure with increasing the heard size. Simon responded that they did and they even have people who contact them for manure as well. Supervisor Seeman questioned if the DNR require closure plans. Simon and Greenlee stated that they did not think that the DNR required closure plans for animal feeding facilities. Greenlee presented the Master Matrix Review and Evaluation of the Benton County Board of Supervisors Scoring Summary on each of the criterion selected by the applicant as follows:

1. The proposed facility appears to be 3,553 ft. from the nearest residence, or 1,678 ft. more than the minimum requirement.
2. The proposed facility is approximately 4,074 ft. from the nearest public use area, 1,574 ft. more than the minimum requirement i.e.: Pleasant Hill Cemetery.
3. The proposed facility is approximately 1 mile from the nearest religious institution, 2,500 ft. is the minimum requirement.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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4. The proposed facility is approximately 3,480 ft. to the closest water source, 2,980 ft. more than the minimum requirement.
6. There are no critical public use areas within a mile of the proposed facility.
7. The proposed facility will be greater than 326 ft. from the closest well, which is 3 times the minimum requirement of 100 ft. for deep wells.
8. There are no known agricultural drainage wells, sinkholes or major water sources within one mile of the proposed facility.
9. There are no known confinement facilities with a submitted department manure management plan within three-quarters of a mile of the proposed facility.
10. According to IDNR document 117: 3-2003 there are no high quality waters, high quality resource waters, or protected water areas in Benton County.
16. The applicant claims that the proposal shall include a large covered concrete pad in the proposed covered sand settling lane and sand separator building.
19. There appear to be several suitable truck turnaround areas at the facility.
20. Benton County is not aware of any Administrative Orders against the applicant in the last five years at any site in which they have an interest.
22. The nearest residence to the proposed construction is owned by the applicant.
25. The applicant claims that Rumensin will be added to the feed to improve feed efficiency and reduce the amount of manure and methane produced by the cows. The applicant also claims that deep fountains that utilize automatic flow guards will help to maintain a lower water level to reduce spillage.
31. The applicant claims that the land application of manure will be greater than 200 ft. more than the minimum requirement from the closest public use area. Benton County has no objection to the applicant claiming these points so long as the additional separation distance is made a condition in the approved construction permit.
32. The applicant claims that the land application of manure will be greater than 200 ft. more than the minimum requirement from the closest institution, religious institution, or commercial enterprise. Benton County has no objection to the applicant claiming these points so long as the additional separation distance is made a condition in the approved construction permit.

The overall scores based upon the evaluation are as follows:

Total Score = 475	Total Needed = 440
Air Score = 118.50	Total Needed = 53.38
Water Score = 139.50	Total Needed = 67.65
Community Score = 217	Total Needed = 101.13

NOTE: Upon reviewing the applicant’s scoring and the narrative supporting their selection of points, Benton County would recommend that ANY claims made by the applicant within the construction permit application documents should become conditions of the construction permit should it be approved by the IDNR.

Hearing no further comment, Supervisor Seeman declared the public hearing closed at 9:28 a.m.

**Primmer moved/Bierschenk seconded:** To approve the Master Matrix Review Scoring submitted by Geno Source, LLC for expansion of an existing permitted facility located in the NE1/4 of 25-82-11. Motion carried.

**Primmer moved/Seeman seconded:** To approve the recommendation of the construction permit application submitted by Geno Source, LLC for expansion of an existing permitted facility located in the NE1/4 of 25-82-11. Primmer and Seeman voting aye, Bierschenk nay. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve minutes of March 30, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Auditor’s Quarterly Report ending March 31, 2021. Motion carried.

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**Primmer moved/Bierschenk seconded:** To approve General Assistance Quarterly Report ending March 31, 2021. Motion carried.

**Seeman moved/Bierschenk seconded:** To appoint Rick Primmer as the Board of Supervisor representative on the hiring committee for the new Veterans Affairs Director. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Sheriff's Quarterly Report ending March 31, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve use of Courthouse lawn application from the Vinton Cruise Committee for September 11, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint Jennifer Kreutner to the Vinton Library Board. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Class B Liquor License for Kimm's Sunoco Corp. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-27 Resolution Approving the final plat of Cromer's First Addition to Benton County. Motion carried.

**RESOLUTION #21-27  
RESOLUTION APPROVING THE FINAL PLAT OF  
CROMER'S FIRST ADDITION  
BY BENTON COUNTY, IOWA**

**WHEREAS**, at the request of Robby L. & Tina M. Cromer, the Final Plat of Cromer's First Addition to Benton County, Iowa, containing two lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

WHEREAS, a Plat of Cromer's First Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County, Iowa, Supervisors consisting of the following described real estate: is, part of Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of Section Three (3), Township Eighty-Four (84) North, Range Nine (9) West of the 5th P.M., Benton County, Iowa as Recorded in Book 21 Page 1465, Office of the Recorder, Benton County, Iowa.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of Cromer's First Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatments systems will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

ADOPTED AND PASSED this 6th day of April, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To set the 2021 MC-70 Dust Control fees. The first 400 feet is \$1,200.00 and \$2.00 per foot after that with a minimum of 50-foot increments. Motion carried.

Supervisors and several department heads discussed to remove the need for appointments in the Courthouse (with exception to Drivers License) to the public regarding COVID-19. Seeman asked Ronald Tippett for a report. Tippett stated Public Health Nurse Director informed that 13,000 of the 26,000 residents of Benton County have received the vaccine. They advised to still do screenings at the door. The Security Committee met to discuss removing appointments for the Courthouse and how to properly social distance for Treasurer's office. Security Committee and Public Health Nurse Director recommended to wait 14 days after the second round of vaccinations were given to remove the need for appointments, which would be April 15<sup>th</sup>. Security Committee recommend also to continue to require masks and continue the required cleaning.

**Primmer moved/Bierschenk seconded:** To remove the need for appointments in the Courthouse (with exception to Drivers License) to the public regarding COVID-19, public will be required to wear masks, social distance and the courthouse will continue to sanitize the building as necessary. April 15<sup>th</sup> the Courthouse will no longer require appointments, (with exception to Driver License). Motion carried.

**Bierschenk moved/Primmer seconded:** To recess at 10:10 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To reconvene the meeting at 10:29 a.m. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve hire of Bradley Allyn as a part-time driver at the wage of \$12.36 an hour effective April 6, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring of Leah Larsen, as a part-time communication specialist at the wage of \$17.39 an hour. Effective April 17, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_

Gina Edler, Benton County Deputy Auditor

April 8, 2021

The Benton County Board of Supervisors met in special session at 8:15 p.m. at the Vinton City Hall in Vinton. Supervisor Seeman called the meeting to order with Supervisor's Seeman, Primmer and Bierschenk present.

The continued discussion regarding a proposed plan that was brought to the Board for an upgrade to 61<sup>st</sup> Street, East of Hwy 218. The intent was to have school and city officials involved with the project and the reason for tonight's meeting was to update the City of Vinton officials since they couldn't attend the previous meetings. Wayne Siela shared his safety concerns with farm traffic going by the schools and provided the history of discussion within a formed committee who came up with a plan of action. The Supervisors asked if the City of Vinton was interested in sharing the costs since it affects them as well. All entities agreed for the need of improving said road, but budgeting was a big topic of concern. The City agreed to obtain a quote from Fehr-Graham who is currently doing some work in town if the Supervisors would do the same so all entities know of an estimated cost before any decisions would be made or a time line put in place.

**Bierschenk moved/Primmer seconded:** To obtain a quote from Shive-Hattery for said proposed plan to upgrade 61<sup>st</sup> Street East of HWY 218 and bring back to a future combined meeting with city officials. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn at 8:52 p.m. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_

Hayley Rippel, Benton County Auditor

April 13, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve minutes of April 6, 2021 and April 8, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** Approve payroll checks numbered 141815 through 141831, 141832 through 141842, ACH deposits numbered 44925 through 45061, 45062 through 45201, vendor checks 238415 through 238421, claims numbered 238422 through 238539, vendor checks 238590-238597. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Recorder's Quarterly Report ending March 31, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To set land use hearing for Tatiana R. Messerole in part of SE ¼ SE ¼ of 15-85-10 for Tuesday, May 11, 2021 at 9:15 a.m. Motion carried.

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The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Mark Denny in part of the SE 1/4 SE1/4 of 36-86-11. Denny was present. One member of the media was present along with adjoining property owners: Kevin and April Ahrenholz, Bill Ervin and Heidi Kersten. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. The ground is currently owned by R.J. Meyers, whom was previously granted a land use change for this area and plans have changed. Denny would like to propose a change of 2 acres into a residential non-ag use to pour a cement pad and park a camper on for a few years, and possibly build a home in a few years. If Denny is approved, the Meyer's land use change would be null and void. CSR of the proposed ground is a 60, surrounding land use is residential, some farming to the north and south, and Wendling Quarries to the west. This sight has an existing driveway and is compliant. This site will need a new septic and well. The required notifications were sent to 9 adjacent landowner's and published in the official newspapers. One phone call received was received by John Tuthill, representing Wendling Quarries. They had no issues and would grant an easement if needed. The neighbors spoke up regarding their greatest concern of having weekend campers at this residence. Denny assured them that this was a place for him and his family to get away enjoy time together, he intends to be a good neighbor. This topic led to putting a restriction on the change, and Greenlee stated that the ordinance was not set up for that. The owner is granted a change for the specific intended use, and that is what is advertised how it is supposed to go. Another question was if Denny planned to sell off land near the blacktop. At this time there was no future plans for that. If they were to do another parcel split, that would have to come before the board as well, for a separate hearing. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve land use change for Mark Denny in part of the SE 1/4 SE1/4 of 36-86-11. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and sign the Iowa Department of Transportation (IDOT) FY 22 Secondary Road Budget. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the Iowa Department of Transportation (IDOT) FY 22-26 Secondary Road Construction Program. The program reflects secondary road bridges and road upgrades over the next five years. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

April 20, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

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( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve the minutes of April 13, 2021. Motion carried.

John Lindaman presented the proposal drafted for City of Atkins for their law enforcement. With Atkins growing in population, they are requiring more than the original 18 hours contracted. This new proposal of 40 hours will go before City Council and we will also ask that they pay for the wages for one deputy sheriff. No action was taken, it will be re-addressed at a future meeting.

**Bierschenk moved/Primmer seconded:** To approve the hiring of Heather Baker, as part-time jailer effective immediately at a wage of \$15.39 an hour. Motion carried.

Ben Bonar, Weed Commissioner, discussed the department hours and the need to hire for a full-time technician and part-time drivers. The Board agreed that Bonar could set his own office hours as long as he communicates with the employees and provides quarterly updates. Bonar also brought up the old transportation building, if that would be a possible office location for his department, but no decision was made.

**Bierschenk moved/Seeman seconded:** To approve wage increase for George Wes Haefner to \$15.00 an hour effective April 20, 2021. Voting aye were Bierschenk and Seeman. Primmer abstained. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve utility permit for East Central Iowa REC in Kane Township, to bore underneath the right of way. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and sign the National Disaster Recovery project intent Obligate construction funds and Duplication of Benefits forms and to advertise for the Middle Cedar WMA Bid Packet 7, with an opening of May 13, 2021. Motion carried.

**Seeman moved/Primmer seconded:** To approve to advertise for the Middle Cedar WMA Bid Packet 7, with an opening of May 13, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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April 27, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, and Primmer present. Bierschenk was absent. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov) ( <https://www.youtube.com/bentoncountyiowa> )*

**Primmer moved/Seeman seconded:** To approve minutes of April 20, 2021. Motion carried.

**Primmer moved/Seeman seconded:** To set the land use hearing for David Sutton for Tuesday, June 1, 2021 at 9:15 a.m. for a part of the NW ¼ NE ¼ 34-82-12. Motion carried.

**Primmer moved/Seeman seconded:** Approve payroll checks numbered 141843 through 141856, ACH deposits numbered 45202 through 45343, handwrite 238598, claims numbered 238599 through 238725 and vendor checks 238726 through 238732. Motion carried.

**Primmer moved/Seeman seconded:** To approve Class B Beer Permit for Watkins Community Athletic Association. Motion carried.

**Primmer moved/Seeman seconded:** To approve Class C Liquor License for Bloomsbury Farms. Motion carried.

Adam Rodenberg discussed funding for Middle Cedar Watershed Management Authority. Ten counties and several cities are in this group. There was a suggestion what each member should contribute. They are looking at a five year grant with the NRCS USDA. It will need commitment letters from the members.

**Primmer moved/Seeman seconded:** To approve the Middle Cedar WMA funding request and will prepare a commitment letter. Motion carried.

Chris Ward, Vinton City Coordinator and Myron Parizek, County Engineer, presented quotes received for the 61<sup>st</sup> Street Project that has been in discussion. Shive-Hattery was \$15,500 and Fehr-Graham \$20,000. Everyone agreed to go with the lower price with Shive-Hattery. The City will put back on a future meeting for final approval and the County will do the same. Action was tabled until the county hears back from the City's decision.

**Primmer moved/Seeman seconded:** To approve Resolution #21-28, Bridge Embargo Removal. Motion carried.

### RESOLUTION # 21-28

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

CE-5955                      0.5 mile south of the NE corner of section 36-86-11 (Cedar Township) on 22<sup>nd</sup> Avenue between 55<sup>th</sup> Street and 22<sup>nd</sup> Avenue Trail.

Signed this 27<sup>th</sup> day of April 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Seeman seconded:** To approve Resolution #21-29, Temporary Road Closure. Motion carried.

### RESOLUTION # 21-29

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 17, 2021, through the completion of the project.

From 76<sup>th</sup> Street near the NW corner of Section 13-T82N-R10W thence south to Iowa Street NE of Blairstown, Iowa (north corporate line) along County Route V66 in St. Clair Township.

Signed this 27<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Seeman seconded:** To approve Utility Permit for Lumen in Harrison Township. Motion carried.

**Primmer moved/Seeman seconded:** To approve Utility Permit for Windstream in Kane and Iowa Townships. Motion carried.

**Primmer moved/Seeman seconded:** To approve hiring Luke Hennings and Scott Hepker as part-time drivers for the Weed department at the rate of \$17 an hour effective April 27, 2021. Motion carried.

Committee reports such as the Landfill Commission was had. The Landfill is preparing to create a new cell.

**Primmer moved/Seeman seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

May 4, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

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( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Seeman seconded:** To approve minutes of April 27, 2021. Motion carried.

Marc Greenlee explained the Iowa Code Section 459.304 to the Board, where it gives the county the option to contest a decision to issue a construction permit for Geno Source LLC Site. The master matrix review for this was held on April 6, 2021.

**Primmer moved/Seeman seconded:** To not act on appealing the DNR's preliminary determination to submit the construction permit to allow Geno Source LLC to expand their existing dairy building in the NE ¼ of Section 25, Leroy Township. Voting yes were Primmer and Seeman, Bierschenk voted no. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the Class C Liquor License for MidWest Sips for use at Kacena Farms. Motion carried.

Auditor Rippel explained Iowa Code 331.210A "Temporary County Redistricting Commission". This is done every 10 years along with the Census data outcome. Voting districts could change depending on the results. So the county will need to address the Supervisor's 3 Districts. Cities such as Vinton and Belle Plaine with more than one ward will have to do the same.

**Primmer moved/Seeman seconded:** To appoint Gina Edler, Nick Volk and Gary Bierschenk to the Benton County Redistricting Commission.

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Historic Preservation members provided an update to the Board. They want to attend some training to be held October 2, 2021 in Van Horne. Also mentioned renting space at the Shellsburg Big Day flea market.

**Primmer moved/Bierschenk seconded:** To authorize chairman to sign a contract for a statewide camp meeting with the Historic Preservation Commission to include specialized training. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Mona Onken, Benton County Mental Health Coordinator, to have supervision over Adreionna Hennings, who is the new office administrator in the Rural Access Center. The Sheriff was overseeing this position in the past Motion carried.

**Primmer moved/Bierschenk seconded:** To Approve Resolution #21-30, Employee status change. Voting aye were Bierschenk and Primmer, Seeman voted nay. Motion carried.

### RESOLUTION #21-30

#### EMPLOYMENT STATUS CHANGE FOR ADRIEONN HENNINGS

WHEREAS, the Benton County Sheriff has a need for full-time Rural Access Center Manager; and  
 WHEREAS, Adreionna Hennings has been employed by Benton County as part-time since July 11, 2019 a;  
 WHEREAS, Hennings has been currently performing the duties of the above mentioned position; and  
 WHEREAS, the Sheriff recommended that Hennings have her employment status be changed from part-time to full-time,  
 NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Adreionna Hennings be changed to a full-time office administrator in the Rural Access Center, effective May 4, 2021 at the hourly rate of \$22.53 an hour.  
 Dated 4th day of May 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

\_\_\_\_\_  
 Gary Bierschenk

\_\_\_\_\_  
 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To Approve Resolution #21-31, Employee status change. Motion carried.

### RESOLUTION # 21-31

WHEREAS, the Benton County Sheriff has a need for full-time communication specialists; and  
 WHEREAS, Lydia Wieneke and Leah Larsen have been employed by Benton County as part-time since October 1, 2019 and April 4, 2021;  
 WHEREAS, Wieneke and Larsen have been currently performing the duties of the above mentioned position; and  
 WHEREAS, the Sheriff recommended that Wieneke and Larsen have their employment status be changed from part-time to full-time communication specialists in the Sheriff's office, effective May 4, 2021 at the hourly rate of \$ 17.39  
 Passed this 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

\_\_\_\_\_  
 Gary Bierschenk

\_\_\_\_\_  
 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

Approving the Atkins City Law Enforcement Contract was discussed again. Currently Atkins contracts 18 hours with Benton County and were wanting to increase that to 40 hours. As Sheriff Tippett explained at a previous meeting, that would require the hiring of another full-time deputy sheriff. Tippett explained how these law enforcement contracts have not made the county money in the past, they were recently increased. He would like to make sure the contract would cover the cost of wages. Primmer pointed out its not just the wages, but benefits, training and the expense of a county vehicle. Bierschenk added with the rate of which Atkins is growing, he could see them getting their own enforcement in the future. Supervisor Primmer felt it was not fair to county taxpayers to subsidize municipalities with this. County Attorney David Thompson stressed that it is the municipalities' responsibility to provide law enforcement protection for their citizens.

**Primmer moved/Bierschenk seconded:** To approve the regular 18 hours of contracted law enforcement with City of Atkins, and address the proposal for additional hours at a future meeting. Motion carried.

Ben Turnis, IT Director brought up the need for a Geographical Information System (GIS) Committee again. Turnis felt the current system is on idle, and he feels we can take it to the next level. The discussion varied from on-line permits from the city, to having cities all get on board and utilize the data for things such as recent derecho damage to all the county's road signs. The Board agreed with the need and urged Turnis to get this committee back together.

Supervisor Rick Primmer had asked to discuss the old transportation building. It was his understanding the weed department had been given use to its office space in addition to the garage areas. The weed department and



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Sheriff's department is currently using the building for storage. The flood insurance costs were brought up, considering that was why the transportation moved to its new location because of it being in a floodplain. The Auditor questioned who budgeted for all the expenses such as insurance, utilities, gas, internet hook-ups and how these expenses would be covered. Ben Turnis explained there was no network connections or computer desktops available for this office space. Ben Bonar, Weed Commissioner thinks he can make it all work within is approved FY 22 Budget.

**Primmer moved/Bierschenk seconded:** To allow the Weed Department to utilize the old transportation building and office area for their department. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

May 11, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of May 4, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** Approve payroll checks numbered 141857 through 141867, ACH deposits numbered 45344 through 45488, claims numbered 238733 through 238866 and vendor checks 238867 through 238873 and handwrite 238874. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-32, Approving Final Plat of the Replat of Lots 10, 9 & 4 of Terrace Green Estates First Addition to Benton County, Iowa. Motion carried.

RESOLUTION #21-32  
APPROVING FINAL PLAT OF REPLAT OF LOTS 10, 9 & 4, TERRACE GREEN ESTATES FIRST ADDITION  
TO BENTON COUNTY, IOWA

WHEREAS, a Replat of Lots 10, 9 & 4, Terrace Green Estates First Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Replat of Lots 10, 9, & 4, Terrace Green Estates First Addition to Benton County, Iowa is a subdivision of Lots 10, 9, & 4, Terrace Green Estates First Addition to Benton County, Iowa located in the East Half of the East Half, in Section 31, Township 85 North, Range 9 West of the Fifth Principal Meridian, Benton County, Iowa, as described on the Final Plat attached hereto and made a part hereof.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

WHEREAS, the owners will execute and file an Owner's Certificate containing consent and dedication for said Plat: and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of the Replat of Lots 10, 9 & 4, Terrace Green Estates First Addition to Benton County, Iowa, will be and the same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

8. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975 and amended September 4, 1981, and April 17, 2008.
9. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
10. Any new private sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 11<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To increase medical examiner fees for Jurisdiction Declined (JD) Cases from \$35 to \$100.00 per case effective immediately, Motion carried.

**Primmer moved/Bierschenk seconded:** To set land use hearing for Cory Krienert for Tuesday, June 8, 2021 at 9:15 A.M. for a part of Parcel D in SW SW 7-86-12 Motion carried.

Sarah Wagner asked to go into closed session to discuss her wage increase.

**Primmer moved/Bierschenk seconded:** to enter closed session at 9:06 a.m. pursuant to Iowa Code 21.5(1)i. Motion carried.

**Primmer moved/Bierschenk seconded:** To exit closed session at 9:15 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To increase Sarah Wagner's wage to \$23.00 an hour effective May 10, 2021 and will not be subject to the 3% increase come July 1, 2021. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Tatiana Messerole in part of the SE 1/4 SE1/4 of 15-85-10. Messerole was present along with numerous adjoining property owners. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee stressed the stability of land use patterns in the area and felt this new use would alter that. Messerole would like to propose a change in one acre for an AirBNB at her residence. This current location is situated in

the flood plain along the Cedar River. It used to be an old cabin site that was removed and this home build in 1988. It has been inundated by flood waters in both 2008 and 2016. The driveway to the residence is privately owned and has shared access through Wendling Quarries. The required notifications were sent to adjacent landowner's and published in the official newspapers. Previous to the meeting, Wendling Quarries property manager John Tuthill had sent a letter with various reasons he hoped the Board would deny the request. The only access to this property is a private road with shared ownership by certain Frog Hollow residents. This roadway is subject to flooding and the only access is through an ingress/egress easement with Wendling Quarries. Tuthill also had safety concerns about the hazards that come with running a quarry, trespassing and illegal parking concerns. The adjoining neighbors also spoke up by sharing previous incidents and concerns they all have had since Messerole has owned the property. Those current residents are familiar with the area, and strangers who come spend a weekend there, are not familiar and liability was a big issue. Supervisor Primmer had asked if Messerole wanted to withdraw her request. Greenlee advised that the board needed to approve or deny the application. Messerole stressed it was never her intention to disrupt lives of residents in the area. She asked what she can and can't do without disturbing their neighbors, and if she would be in trouble if she still has family and friends visit, stressing she had the right to see who visits or stays at her place. Primmer felt no one had issues with friends and families, but they do have an issue with the AirBNB. Greenlee added that the current ordinance does not prevent anyone from renting the property on a long-term basis. Primmer adding that he felt a short-term rental would make it almost a commercial use. Hearing no other further comments, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To deny the change in land use for Tatiana Messerole to create an AirBNB within an existing residence. Denied due to the fact that the proposed use is not compatible and that it would alter the overall land use pattern of the area. As stated within Article IV, Section 2,2.53 of the Benton County Agricultural Land Preservation and Use Ordinance, the Board could not approve the change in land use because of that fact. All members voting aye, motion carried

Samantha Petersen discussed with the board supporting Ag Preservation regarding Solar energy project. Petersen stated she is not against wind/solar energy when they are properly placed. She is asking that the board uphold the Land Use Ordinance #24 as this project grows. Invenergy is looking at contracting 2,000 acres for solar panels in Benton County. Petersen presented information regarding Solar Energy project, she has had many questions that Invenergy has not been able to answer such as; where do the panels go when they have lived out their live span, do they get recycled, and who is responsible if the panels get damaged in a storm? Petersen presented information in hopes that when the project comes to Benton County that the Board of Supervisors upholds the Land Use Ordinance #24.

**Primmer moved/Bierschenk seconded:** To approve the recommendation of the Veteran's Affairs Commission to appoint Cara Martin as Veterans' Affairs Director. Salary be set at \$45,000.00 and Martin would start May 24, 2021. Motion carried.

Board discussed Veteran's Affairs Commission and gender balance. Board is going to advertise the Commission position to try to equate gender balance on that Commission. Board tabled the decision to be made at a later time.

Ron Tippet, Benton County Sheriff, discussed the City of Atkins Law Enforcement contract with the Board. Tippet went over figures on what it would cost to increase to the 40 hours requested by the City of Atkins. Supervisor Primmer stated he was not in favor of the increase. More discussion was had on the City of Atkins creating their own police department. Tippet stated he will contact the City of Atkins and state the County is not interested in increasing the contract but leaving it at the current 18 hours. No action was taken.

**Primmer moved/Bierschenk seconded:** To approve Utility permit for USA Communication in Iowa Township. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve hire of part-time seasonal helper Hannah Timmerman at \$13.40 an hour effective May 11, 2021 in the Engineer's office. Motion carried.

Supervisor Seeman questioned on mask requirements and when they can be lifted in County facilities. Primmer stated at the Heartland Insurance Risk Pool meeting he was at, they still recommend mask use but he would like to ask Katie Cox, Director of Home and Public Health what her opinion is. Supervisors tabled the decision until next week when Katie Cox can come and discuss the options with the board.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-33, Enter into a 28E Agreement for Victim Witness Coordinator/Sexual Assault Response Team with Buchanan, Clayton, Delaware and Jones County. Motion carried.

### RESOLUTION #21-33

#### 28E AGREEMENT FOR VICTIM WITNESS COORDINATOR/SEXUAL ASSAULT RESPONSE TEAM ASSISTANT

WHEREAS, Benton County has a mutual desire to share the services of a Victim Witness Coordinator/SART Assistant;  
; and

WHEREAS, Benton County, Delaware County, Jones County, Buchanan County and Clayton County are all those sharing services; and

WHEREAS, it is understood that this Agreement is between five counties and is entered into pursuant to the provisions of Iowa Code Chapter 28E and shall be electronically filed with the Iowa Secretary of State's Office upon execution, as required by law.

Signed this 11th day of May, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

#### 28E AGREEMENT FOR VICTIM WITNESS COORDINATOR/SEXUAL ASSAULT RESPONSE TEAM ASSISTANT

This 28E Agreement is made on this 11<sup>th</sup> day of May, 2021, by and between Benton County, Iowa, Buchanan County, Iowa, Clayton County, Iowa, Delaware County, Iowa, and Jones County, Iowa (hereinafter the Counties).

WHEREAS, all parties to this Agreement are public agencies as defined by Sections 28E.2 of the Code of Iowa;  
and

WHEREAS, Iowa Code Chapter 915 provides for victims' rights in criminal proceedings, including registration and notification; and

WHEREAS, the Counties understand the importance of ensuring the presentation of rights and services to crime victims; and

WHEREAS, the Counties are committed to improving the services and support available to crime victims and witnesses; and

WHEREAS, the Counties recognize the importance of their Sexual Assault Response Teams (SART) in providing a victim-centered response in sexual assault crimes; and

WHEREAS, the Counties will cooperate in contracting with a multi-county Victim Witness Coordinator/SART

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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Assistant to meet these needs; and

WHEREAS, through the resolutions adopted by the parties hereto, the provisions of this agreement have been approved by the parties.

Therefore, the parties agree as follows:

1. **PURPOSE:** The purpose of this agreement is to allow the parties to share the services of a Victim Witness Coordinator/SART Assistant.
2. **TERM:** This agreement is expected to last from March 1, 2021 through June 30, 2021.
3. **ADMINISTRATOR:** No separate legal or administrative entity shall be established in order to administer this agreement. Clayton County is hereby designated as administrator for the joint or cooperative undertaking as required by Section 28E.6.
4. **FINANCING:** The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefore, shall rest with Clayton County, Iowa.
  - a. Each county will share equally in the cost of the Victim Witness Coordinator/SART Assistant's salary. Under this agreement, each county will be responsible for \$4,333.33.
  - b. Each county shall make payment in full to Clayton County by May 11, 2021.
  - c. The Counties shall cooperate in applying for and obtaining any federal, state, or other funds to meet the financial obligations under this agreement.
5. **SCOPE OF WORK:** The Victim Witness Coordinator/SART Assistant is an independent contractor. Each county will be responsible for determining the scope of work for the Victim Witness Coordinator/SART Assistant in its county. This work may include, but is not limited to, providing criminal justice services to crime victims and witnesses, and leading and coordinating the activities of a county's SART. Each county will determine if the Victim Witness Coordinator/SART Assistant is required to submit time management sheets.
6. **TERMINATION:**
  - a. This agreement may be terminated at any time by a majority vote of the Counties. Any funds paid to the Clayton County Auditor that have not been earned by the Assistant at the time of the termination of this agreement shall be returned to the Counties.
  - b. Any county may withdraw from this agreement without cause by serving written notice upon all counties by April 1st. Notice may be sent by regular or by certified mail, return receipt requested. A withdrawing party must fulfill its financial obligations under this agreement through the end of the fiscal year in which notice is provided.
7. **AMENDMENTS:** Any amendments must be in writing and approved by all parties to this agreement.
8. **SEVERABILITY:** If any one or more of the provisions of this agreement are declared unconstitutional or contrary to the law, the validity of the remainder thereof shall not be thereby affected.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

IN WITNESS THEREOF, the parties hereto have executed this agreement the day and year above written.

**APPROVED BY THE DELAWARE COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Peter Buschmann, Chairperson

ATTEST: \_\_\_\_\_  
Auditor

**APPROVED BY THE CLAYTON COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Ray Peterson, Chairperson

ATTEST: \_\_\_\_\_  
Auditor

**APPROVED BY THE BENTON COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Tracy Seeman, Chairperson

ATTEST: \_\_\_\_\_  
Auditor

**APPROVED BY THE JONES COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Joe Oswald, Chairperson

ATTEST: \_\_\_\_\_  
Auditor

**APPROVED BY BUCHANAN COUNTY**

\_\_\_\_\_  
Shawn Harden  
Buchanan County Attorney

ATTEST: \_\_\_\_\_  
Auditor

Committee Reports were had on Heartland Insurance Meeting and Conservation Board.  
**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

May 18, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of May 11, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve amended fireworks permit for Charles Yedlik for May 22, 2021 at 7 p.m. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve cigarette permit for Kimm's Mini-Mart. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve the use of the courthouse lawn for Craig Streeter that will overlap the Vinton Cruise Committee on September 11, 2021 between 11 a.m. and noon subject to a separate application to be filled out. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve DCAT4-21-034 contract amendments. Motion carried.

**Bierschenk moved/Primmer seconded:** To set land use hearing for Tarrell and Rhonda Price in part of Parcel A in SE ¼ NW ¼ 25-86-9 for Tuesday, June 15, 2021 at 9:15 A.M. Motion carried.

Adam Rodenberg with the Middle Cedar Watershed Management Authority, provided the Bid Packet No 7 bids received for flood mitigation structures. Rodenberg explained a few had technicalities but did not affect the overall amounts. Some issues were not using a sealed envelope, or left out wage requirements or being received a few minutes late. Rodenberg had talked to the county attorney and they can either waive all technicalities and accept bills or re-publish and start over.

**Bierschenk moved/Primmer seconded:** To waive the technicalities and accept all bids. Motion carried.

Bid Results were as follows:

**Schedule 1)**

- Schrader Tiling & Terrain-\$404,889.80
- Hatch Grading & Contracting-\$407,675.00
- Peterson Contractors Inc. -\$487,281.50
- JB Holland Construction Inc.-\$511,830.00
- JNC Construction-\$567,884.60
- Cole Excavating, LLC-\$587,943.00
- CJ Moyna-\$901,883.00

**Schedule 2)**

- Schrader Tiling & Terrain-\$268,491.10
- Peterson Contractors Inc. -\$280,085.00
- Brian Miller Excavating LLC-\$280,767.36
- Cole Excavating LLC-\$293,797.00
- Hatch Grading & Contracting-\$331,709.50
- JB Holland Construction Inc. -\$331,966.00
- JNC Construction-\$388,759.50
- H & H Construction-\$503,784.50
- CJ Moyna-\$547,834.00

**Schedule 3)**

- Laser Precision-\$189,865.04
- Hatch Grading & Contracting-\$209,755.50
- Schrader Tiling & Terrain-\$257,026.25
- JNC Construction-\$260,039.75
- JB Holland Construction Inc. -\$265,935.00
- Cole Excavating LLC-\$318,170.00
- CJ Moyna-\$407,845.00
- Peterson Contractors Inc. -\$412,345.00
- H&H Construction & Dev LLC-\$476,501.00

**Primmer moved/Bierschenk seconded:** To approve the low bids and enter into (3) contracts with Schrader Tiling & Terrain for both Schedules 1 and 2, and Laser Precision for Schedule 3. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-34, Amending Service Areas. Motion carried.

### RESOLUTION #21-34 AMEND SERVICE AREAS

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2021 budget on March 17, 2020; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY201` county budget is hereby amended within the following service areas:

**Service Area 1** - \$22,305 from Function 1220 (Fund 0040 Department 99) \$2,471 to Function 1210 (Fund 0002 Department 99) \$14,834 to Function 1000 (Fund 0090 Department 42) \$5,000 to Function 1110 (Fund 0001 Department 28)

**Service Area 3** -\$14,000 from Function 3500 (Fund 0002 Department 60) \$14,000 to Function 3110 (Fund 0070 Department 19)

**Service Area 4** -\$2,500 from Function 4411 (Fund 0010 Department 60) \$2,500 to Function 4222 (Fund 0010 Department 60)

**Service Area 9** -\$12,000 from Function 9100 (Fund 0001 Department 51) \$9,000 to Function 9000 (Fund 0001 Department 50) \$3,000 Function 9000 (Fund 0002 Department 50)

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 18<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Tracy Seeman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Gary Bierschenk reported on the Regional Mental Health meeting and funding. Tracy Seeman provided an update on the emergency management and use of sirens in the communities. Also discussed the land at the former Duane Arnold Energy Center.

Samantha Peterson gave an update regarding the solar farms, wind turbines, and business with the Iowa Utilities Board. She also provided the update on a petition regarding ag land use, and the study regarding property values for people who live near solar farms.

**Bierschenk moved/Primmer seconded:** To execute and sign Warranty Deed for the new transportation building to East Central Iowa Council of Governments (ECICOG). Motion carried.

Mask mandate discussion with Supervisor Primmer taking the lead stating that the county has always followed the lead of the court system. Face coverings will still be recommended for unvaccinated people. Katie Cox, Benton County Public Health also reporting that COVID-19 numbers are trending down and vaccinations are increasing. Since offices are open to the public, they still need to keep best practices in place. Sheriff Tippett questioned where officials stand regarding Health Insurance Portability and Accountability Act (HIPAA). Cox answered there was no guidance yet on this. The County Attorney said he imagined that court officials would ask if people were vaccinated, but it would have to be on the honor system. If they are not, they would need to wear a mask and socially distance. Scott Hansen, Emergency Management felt at this point, it should be personal responsibility. If people want to wear masks to protect themselves, then do so. Thompson told the Board, as the employer they have control of the buildings and could set their own rules and guidelines.

**Primmer moved/Bierschenk seconded:** To follow the recommendations of the Iowa Supreme Court, the CDC and Benton County Public Health, requesting non-vaccinated individuals entering the county facilities wear a mask. Voting aye was Primmer and Bierschenk. Seeman voting nay. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Utility permit for Interstate Power & Light in Kane Township. Motion carried.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-35, Hiring Grant Vesely as mechanic in secondary roads. Motion carried.

**RESOLUTION #21-35**

WHEREAS: Benton County Secondary Road Department has a position to fill for Mechanic in Shop and  
WHEREAS: Applications have been received for the position and  
WHEREAS: This applicant is recommended for this position.  
BE IT THEREFORE RESOLVED BY The Benton County Board of Supervisors that Grant Vesely be hired to fill a position of Mechanic at a starting wage of \$21.44 per hour starting May 24, 2021. This is an Equipment Operator III classification with a Labor Grade VA.  
Signed this 18<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Tracy Seeman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:  
\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-36, Bridge Embargo Removal in Florence Township. Motion carried.

**RESOLUTION #21-36**

WHEREAS, the structure at this location has been replaced by a new structure and  
WHEREAS, the new structure will no longer need a weight restriction,  
BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:  
FL-4710 0.2 mile east of the N ¼ corner of section 11-82N-9W (Florence Township) on 75<sup>th</sup> Street  
Signed this 18<sup>th</sup> day of May 2021

\_\_\_\_\_  
Tracy Seeman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:  
\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-37, Bridge Embargo Removal with one-lane designation in Big Grove Township. Motion carried.

**RESOLUTION #21-37**

WHEREAS, the structure at this location has been re-evaluated by bridge inspector and  
WHEREAS, a structural engineer has performed load rating calculations and  
WHEREAS, if the bridge were treated as a one-lane bridge there would be no need for weight restrictions, so  
BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restrictions previously imposed on this structure be removed and the bridge be signed as a one-lane bridge.  
The structure is located as follows:  
BG-1046 0.6 mile south of the NW corner of section 29-84N-11W (Big Grove Township) on 17<sup>th</sup> Avenue  
Signed this 18<sup>th</sup> day of May 2021.

\_\_\_\_\_  
Tracy Seeman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:  
\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Myron Parizek also provided an update on the proposed 61<sup>st</sup> Street project, and the suggested 28E agreement with City of Vinton. Parizek spoke with Chris Ward, Vinton coordinator, and the City was not taking any action this fiscal year. Parizek also discussed when work will begin on dust control and the detour north of Blairstown.

Judy Funk of Heartland Insurance Risk Pool presented the insurance renewals for FY22. Funk reviewed the county's past loss-control experience as well as the county's various insurance coverages. Funk advised that the FY22 premiums are estimated at \$655,757, which is an increase of 10.82% from FY21. Additionally, there will be a \$41,246 premium credit issued by the Heartland Insurance Risk Pool to Benton County.

**Primmer moved/Bierschenk seconded:** To approve the Client Confirmation of Schedules and Exposures and direct the chair to sign along with Binding Coverage Authorization with Heartland Insurance Risk Pool. All members voting aye thereon. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

May 25, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To set land use hearing date for Dan Wirtenan for a part of Parcel A in SE ¼ SE ¼ of 15-83-9. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve minutes of May 18, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141868 through 141878, ACH deposits numbered 45489 through 45639, claims numbered 238875 through 239029 and vendor checks 239020 through 239027. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve fireworks permit for Steve Rippel at 2294 53<sup>rd</sup> St. Mt. Auburn, IA on June 19, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** to enter closed session at 9:06 a.m. pursuant to Iowa Code 21.5(1)i. Motion carried.

**Bierschenk moved/Primmer seconded:** To exit closed session at 9:17 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-40, Hiring Kirsten Nelson and entering into employment agreement as discussed in closed session.

### RESOLUTION #21-40

#### HIRING HUMAN RESOURCES DIRECTOR

WHEREAS: Benton County had a need to create a Human Resources position; and

WHEREAS: A Human Resources Committee was created and applications were accepted for the position; and

WHEREAS: The County Attorney has requested that it be as an employment agreement;

WHEREAS: The Human Resources Hiring Committee has narrowed the applications down to one.

THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Kirsten Nelson be hired to fill the position as Human Resources Director at a starting salary of \$75,000 effective May 28, 2021. She will be awarded 80 hours of sick leave and four weeks of vacation per year starting immediately. Kirsten's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Dated the 25th day of May, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-38, Abatement of Taxes. Motion carried.  
**RESOLUTION #21-38**

WHEREAS, the State of Iowa has acquired property used for right of way and were given the appropriate notice of the taxes due; and

WHEREAS, said entity failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:	Penalty & Interest	Total
740-06061	58.12	6.00	\$64.12
740-07411	3.80	5.00	\$8.80
740-14561	5.24	5.00	\$10.24
740-18561	40.48	5.00	\$45.48
890-00121	40.48	5.00	\$45.48
890-00261	124.76	8.00	\$132.76
890-08111	4.07	5.00	\$9.07
890-15461	85.94	7.00	\$92.94
900-03611	2.88	5.00	\$7.88
900-05761	75.72	6.00	\$81.72

Dated this 25th day of May 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:  
\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Toni Parizek, Current Veterans Affairs Director, brought her replacement, Cara Martin to meet the Board of Supervisors.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-39, Variance to the Sub Division Ordinance.  
Motion carried.

**RESOLUTION #21-39**

Variance to the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #72; and  
WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and  
WHEREAS, said ordinance sets forth the minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and  
WHEREAS, a request has been presented to the Board of Supervisors by Steve Formanek to vary the required provisions of Ordinance #72 to allow one additional division in part of Parcel A in NW ¼ - NE ¼ Section 21-82-12 also SE ¼ -SW ¼ & SW ¼ - SE ¼ Section 16-82-12.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #72 are hereby varied in its entirety for one additional division of real property located in a part of Parcel A in NW ¼ - NE ¼ Section 21-82-12 also SE ¼ -SW ¼ & SW ¼ - SE ¼ Section 16-82-12, subject to the stipulation that the additional parcel being created will not be allowed to become residential or commercial property at any time in the future.  
Adopted this 25th day of May, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-41, Creation of a new Special Revenue Fund. Motion carried.

**RESOLUTION #21-41  
Establishment of New Special Revenue Fund for  
American Rescue Plan**

**WHEREAS,** on March 11, 2021, President Biden signed the America Rescue Plan Act of 2021 into law; and

**WHEREAS,** the American Rescue Plan is intended to combat the COVID-19 pandemic, including the public health and economic impacts; and

**WHEREAS,** \$65.1 billion is being provided in direct aid to counties; and

**WHEREAS,** Benton County, Iowa will be receiving approximately \$4,981,241 through said American Rescue Plan; and

**WHEREAS,** Benton County needs to create a secure manner in which to track all revenues and expenditures associated with these funds;

**NOW, THEREFORE BE IT RESOLVED,** by the Benton County Board of Supervisors that a sub-fund of the General Basic Fund (0001) shall be created as the American Rescue Plan Fund (0004). All interest earned on monies within said sub-fund shall be accounted for within the General Fund (0001) of the County and not allocated to said sub-fund balance.

Adopted this 25th day of May, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Primmer moved/Bierschenk seconded:** To appoint Tracy Seeman, Hayley Rippel, Lexa Speidel, Melinda Schoettmer, Ron Tippet, David Thompson, Myron Parizek and Scott Hansen to the American Rescue Plan Act Committee. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and sign plat set for RCB Culvert Replacement-Twin Box on E24 (59<sup>th</sup> St TR). Motion carried.

The Engineer reported that dust control will take atleast 5 or 6 days once they get going. A test run has taken place. Parizek also reported that Newhall will need a new motor grader in the near future.

**Primmer moved/Bierschenk seconded:** To approve and authorize chairman to sign the annual service contract with East Central Iowa Council of Governments (ECICOG). Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

June 1, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To set land use hearing date for Ryan and Karlee Kasal for a part of the SW ¼ of 17-82-9. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve minutes of May 25, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve farm exemption for James and Constance Drahos part of Parcel A in the NE ¼ NE ¼ of 30-82-11. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for David Sutton in part of NW ¼ NE ¼ of 34-82-12. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Sutton is changing 1 acre of land into a residential non-ag use. The land is already developed and house is already built. The application is after the fact. The property does not need a well. This location has a holding tank put in for a septic system and the property will further be evaluated to see if that is compatible for the property. The required notification was sent to the adjacent landowner's and published in the official newspapers. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve the land use hearing for David Sutton a part of NW ¼ NE ¼ of 34-82-12. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve use of Courthouse lawn application from the Vinton Parks and Recreation for June 17, and October 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To authorize chair to sign letter for the IEDA requesting time extension from December 31, 2021 thru June 30, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring of Robin Hoffman, as a part-time driver for Benton County Transportation at the wage of \$14.95 an hour. Effective June 2, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Utility Permit for ATC Communication, Atkins Telephone Company in Florence Township. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve purchase of new 2021 John Deere 770G Motor Grader from Martin Equipment in the amount of \$264,350 with addition for snow wing/post for \$22,600. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

June 8, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of June 1, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** Approve payroll checks numbered 141879 through 141892, ACH deposits numbered 45640 through 45792, claims numbered 239028 through 239178 and vendor checks 239179 through 239185. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Primmer moved/Bierschenk seconded:** To approve the Human Resources department to obtain their own credit card with a \$2500 limit. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature on the Iowa State Association of Counties (ISAC) agreement with Benton County to administer HIPPA training with an annual fee of \$1,750. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Corey Krienert in part of Parcel D in the SW ¼ SW ¼ of Section 7-86-12. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Krienert is changing 2 acres of land into a residential non-ag use. The ground is not in production and CSR average is 45. The property sight will need a new septic but could hook into rural water. The required notification was sent to the 4 adjacent landowner's and published in the official newspapers. No inquiries were heard in advance or during the meeting today. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve the land use hearing for Corey Krienert in part of Parcel D in the SW ¼ SW ¼ of Section 7-86-12. Motion carried.

Roy Schultz, Pioneer Cemetery Commission member attended the meeting to talk about using an end loader from secondary roads for use in one of the Pioneer Cemetery's. They need to use this equipment to re-establish an old cemetery with five graves they have found so far. The supervisors gave their permission, and will have the Engineer and Roy work out the details.

Mona Onken, MH/DD Coordinator updated the board on the rural access hub. Adrieonna Hennings has put in her resignation, which will lead to the need for more spending authority out of the fund balance. So with the board's approval, Onken will go ask for \$20,000 more in spending authority from the regional board to help pay for Hennings replacement. Also discussed was the roles in general assistance and social services, and how the regional approach fits in.

Mae Hingten, Chief Executive Office of the Mental Health East Central Region discussed the Senate File 619 in regards to the mental health levy. The region is anticipating to have an ending fund balance of \$16 million. In addition to that the state will provide funding of \$9.5 million and that would more than cover the budget for next year. Things could change, however they are still waiting for the governor to sign the bill.

**Primmer moved/Bierschenk seconded:** To convert 45 sick hours used for COVID quarantine over to vacation days and credit back those sick hours and approve 136 hours of vacation carryover for Mark Johnson to be used by December 9, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve law enforcement contract with the City of Shellsburg with protection not to exceed 20 hours a week on average with a yearly sum of \$26,000 to be paid quarterly. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-42, Temporary Speed Limit Reduction. Motion carried.

### RESOLUTION #21-42

WHEREAS: Characteristics of 76<sup>th</sup> Street from the intersection of 21<sup>st</sup> Avenue east 2 miles to the intersection of 23<sup>rd</sup> Avenue and characteristics of 23<sup>rd</sup> Avenue from the intersection of 76<sup>th</sup> Street south 1 mile to the intersection of 77<sup>th</sup> Street warrants a temporary change of speed limit, and

WHEREAS: The traffic on these Benton County Secondary Roads have increased due to the closure of County Route V66, and

WHEREAS: A speed limit on these secondary roads will greatly increase the safety for the traveling public.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the temporary speed limit on these roads be set as follows:

"35 mph on 76<sup>th</sup> Street from 21<sup>st</sup> Avenue east 2 miles to the intersection of 23<sup>rd</sup> Avenue and 35 mph on 23<sup>rd</sup> Avenue from the intersection of 76<sup>th</sup> Street south 1 mile to the intersection of 77<sup>th</sup> Street," and

BE IT FURTHER RESOLVED that upon reopening of County Route V66, the temporary speed limit be removed.

Signed this 8<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To authorize Engineer to sign and approve IDOT Detour Agreement for NHSX-0303-6(240)—3H-86. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve quote for purchase of new Gradall XL4100 truck for \$425,958.00. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-43. Hiring of Jordan Pflughaupt as mechanic in Secondary Roads. Motion carried.

### RESOLUTION #21-43

WHEREAS: Benton County Secondary Road Department has a position to fill for Mechanic in Shop and

WHEREAS: Applications have been received for the position and

WHEREAS: This applicant is recommended for this position.

BE IT THEREFORE RESOLVED BY The Benton County Board of Supervisors that Taylor Pflughaupt be hired to fill a position of Mechanic at a starting wage of \$21.24 per hour starting June 14, 2021. This is an Equipment Operator III classification with a Labor Grade VA.

Signed this 8<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve Resolution#21-44, Bridge Embargo removal. Motion carried.

### RESOLUTION #21-44

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

CA-2001                      0.1 mile south of the NW corner of section 4-84N-9W (Canton Township) on 30<sup>th</sup> Avenue  
Drive between 61<sup>st</sup> Street Trail and 62<sup>nd</sup> Street Trail

Signed this 8<sup>th</sup> day of June 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To enter into closed session pursuant to Iowa Code 21.9 at 11:37 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To exit closed session at 12:04 p.m. Motion carried.

The County Attorney presented a new voluntary pre-retirement plan that only pertains to those employees who are 55 years of age and will file for IPERS retiree payments. This will only be offered for a short period of time. Kirsten Nelson, Human Resource Director also helped explain the benefits of this new plan versus the older one that only covers elected officials and their deputies and retiring non-bargaining employees.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Primmer moved/Bierschenk seconded: To approve Resolution #21-25, Voluntary Pre-Retirement Paid Leave Policy. Motion carried.

RESOLUTION #21-25

ADOPTION OF VOLUNTARY PRE-RETIREMENT COUNTY PAID LEAVE AND RELEASE OF CLAIMS POLICY

WHEREAS, the Benton County Board of Supervisors has previously adopted an early retirement policy; and WHEREAS, the Benton County Board of Supervisors desires to adopt another policy with different requirements; and IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policy is hereby adopted effective this date:

REQUEST FOR VOLUNTARY PRE-RETIREMENT COUNTY PAID LEAVE AND RELEASE OF CLAIMS

I, \_\_\_\_\_, hereby select three months of County Paid Leave prior to my retirement from Benton County employment, effective

\_\_\_\_\_ (Date pre-retirement paid leave begins), subject to the following:

- 1. I am eligible for a bona fide IPERS retirement and have/will file paperwork to begin IPERS retiree payments;
2. I have/will submitted my retirement letter with the last day of employment with Benton County to be \_\_\_\_\_ (End of pre-retirement paid leave);
3. County insurance benefits will continue through \_\_\_\_\_ at which time I will be eligible to continue said insurance under COBRA at my own expense;
4. I received a copy of this Agreement on \_\_\_\_\_ (Insert date) and was given up to twenty-one (21) days to consider this Agreement;
5. I understand that following the date of the signing of this Request and Release, I shall have seven (7) days to revoke the Request and Release, and this Request and Release shall not be effective until this seven (7) day period has expired; and
6. I understand that by signing this agreement I am waiving my right to all other County retirement incentives.
7. In consideration for the paid leave and insurance coverage to be provided by the County in this agreement, I hereby release, acquit, and forever discharge Benton County from any and all liability whatsoever. This release includes all past, present, and future claims, demands, obligations, actions, causes of action, or rights of every nature affecting me, which I may have or ever claim to have, rising out of or relating in any way to the employment of me by the County and severance of that employment, including but not limited to the manner in which the notice of the Voluntary Pre-Retirement Paid Leave Opportunity was provided to me. As further consideration, I shall not file or cause to be filed any complaints, claims, charges, lawsuits, or other actions of any kind against the County, its agents, successors, parents, subsidiaries, divisions, officers, directors, or employees, including, but not limited to, actions alleging breach of contract or any tort and legal actions under Title VII of the Civil Rights Act of 1964 as amended; the Age Discrimination in Employment Act of 1967 (29 U.S.C. Sec. 621, et seq.); the Older Workers Benefit Protection Act; the Americans with Disabilities Act; any other state, federal, or local law concerning any form of discrimination; and any other law or regulation. This agreement does not release or waive any rights or claims that are based upon obligations of the County to perform promises and make payments provided for under the Voluntary Pre-Retirement Paid Leave Opportunity encompassed by this agreement.

Submitted on \_\_\_\_\_ (Date)

Printed Employee Name \_\_\_\_\_ Signature \_\_\_\_\_

\_\_\_\_\_ Accepted on \_\_\_\_\_

(Date)
Kirsten Nelson, HR Director

Dated this 8th day of June, 2021.

BENTON COUNTY BOARD OF SUPERVISORS
Tracy Seeman, Chairman
Gary Bierschenk
Rick Primmer

ATTEST: \_\_\_\_\_
Hayley Rippel, Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

June 15, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of June 8, 2021, with correction. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve law enforcement contracts with City of Luzerne for a total yearly sum of \$650.00 to be paid quarterly and City of Garrison for a total yearly sum of \$3,900.00 to be paid quarterly. Motion carried.

**Primmer moved/Seeman seconded:** To approve and sign Excess Flood Insurance Renewal. Seeman and Primmer aye, Bierschenk-nay. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Tarrel and Rhonda Price in part of Parcel A in SE ¼ NW ¼ of 25-86-9. Tarrel Price was present. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Price's have an existing home on the site and the structure they want to build is for family gatherings with living quarters. Price's already did a land use change when they built their home in 2006. Since they are doing an additional septic system due to the living quarters a second land use change was required. Land is not in production. The existing driveway meets all requirements. This location will need a new septic. An existing well is on site and should be able to handle the additional building. The required notification was sent to the adjacent landowner's and published in the official newspapers. Hearing no other further comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve land use change for Tarrel and Rhonda Price for one acre to build a new building on part of Parcel A in SE ¼ NW ¼ of 25-86-9. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize chairman's signature on Eide Bailly LLP FY21 Audit Agreement. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge Rick Bramow's early retirement effective September 30, 2021 and approve 80 hours of vacation carryover. Motion carried.

**Primmer moved/Seeman seconded:** To acknowledge salary increase for First Assistant Timothy W. Dille to 90% of the County Attorney's salary, effective immediately. Seeman and Primmer aye, Bierschenk-refused to vote. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Courtney Long to Veterans Affair Commission. Motion carried.

Supervisor Seeman gave an update from his Conservation meeting. Seeman stated the Conservation Department is fully staffed and received an anonymous donation of \$25,000.

**Bierschenk moved/Primmer seconded:** To approve utility permit for Interstate Power & Light in Iowa Township for boring power line under the road. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve purchase agreement with Larry and Susan Wear in the amount of \$408.00 for temporary and permanent easement on 0.23Acre for box culvert replacement project #BROS-SWAP-CO06(109)—FE-06 on 59<sup>th</sup> St Trl. in Benton Township. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve purchase agreement with David G. and Rhonda Wilhelmi in the amount of \$522.00 for temporary and permanent easement on 0.42Acre for box culvert replacement project #BROS-SWAP-CO06(109)—FE-06 on 59<sup>th</sup> St Trl. in Benton Township. Motion carried.

Adam Rodenberg requested to go into closed session, County Attorney, David Thompson informed the Board that Rodenberg could not go into closed session and stated if he still requested to go into closed session, the item would have to be tabled. Rodenberg stated that is fine and he is not tabling anything. Rodenberg informed the Board that he has accepted another position and will be leaving the county; his last day will be July 2<sup>nd</sup>. He is requesting his vacation to be paid out. He is offering his assistance in any way he can, but he will only be available on a limited basis. The firm WHKS will take over his position and help assisting close out any open projects. Rodenberg requested to buy back his laptop, stand up desk and table that he has been using to work at home due to COVID. Rodenberg also has a county cell phone and iPad that he would also like to possibly buy back from the county. Board was uncertain on how buying back items would work and was going to look further into this request.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

June 22, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*  
( <https://www.youtube.com/bentoncountyiowa>)

**Primmer moved/Bierschenk seconded:** To acknowledge the early retirement for Dana Burmeister, Transportation Director, effective September 20, 2021 and to go forward with advertising for her replacement. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve minutes of June 15, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Class C Liquor License for MidWest Sips for July 31, 2021 in Mt. Auburn, Iowa. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve payroll checks numbered 141893 through 141906, ACH deposits numbered 45793 through 45943, claims numbered 239186 through 239366 and vendor checks 239367 through 239374. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Dan Wirtanen in part of Parcel A in the SE ¼ SE ¼ of Section 15-83-9. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Wirtanen is changing 1 acre of land to be a new non-ag use for an Airbnb. The property has been in existence as an Airbnb for some time, but Greenlee contacted them. They converted an old existing hog building into dwelling for the Airbnb. The existing driveway meets all requirements. This site has an existing well and has rural water connection. This sight will need a new septic for accommodating the additional use or it would violate county ordinance. The required notification was sent to 3 adjacent landowner's and published in the official newspapers. No inquiries were heard in advance or during the meeting today. Hearing no other further comments, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve the land use hearing for Dan Wirtanen in part of Parcel A in the SE ¼ SE ¼ of Section 15-83-9. Motion carried.

Sheriff Tippett provided a copy of the Sheriff Union Contract, but needed a few revisions to the signature page and payment schedule. Tippett will bring back the final copy to be approved next week, so no action was taken.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-46, Changing Employee Status of Heather Baker from part-time to full-time in the Sheriff's office. Motion carried.

### RESOLUTION #21-46

#### EMPLOYMENT STATUS CHANGE FOR HEATHER BAKER

WHEREAS, the Benton County Sheriff has a need for full-time correctional officer, and;  
WHEREAS, Heather Baker has been employed by Benton County as part-time since April 21, 2021 a;  
WHEREAS, Baker has been currently performing the duties of the above mentioned position; and  
WHEREAS, the Sheriff recommended that Baker have her employment status be changed from part-time to full-time,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Heather Baker be changed to a full-time correctional officer in the sheriff's office, effective June 26, 2021 at the hourly rate of \$17.39 an hour.  
Dated 22nd day of June 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

June 29, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

<https://www.youtube.com/bentoncountyiowa>. Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov) (<https://www.youtube.com/bentoncountyiowa>)

**Primmer moved/Bierschenk seconded:** To approve minutes of June 22, 2021 with the correction of the spelling of Wirtanen. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-47, FY 22 Appropriations. Motion carried.

### RESOLUTION # 21-47 APPROPRIATIONS

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2021, in accordance with Section 331.434, Subsection 6, Code of Iowa,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA**, as follows:

Section 1. The amounts as shown, published, and approved in the County Budget for fiscal 2021/2022 on March 30, 2021, be and are itemized by service area to each department on the budgets filed in the office of the county auditor on July 1, 2021 are hereby appropriated. Federal and State grants and/or reimbursements expendable during the fiscal year are hereby appropriated to the designated departments or offices. For purposes of this resolution all departments relating to elections are considered one department. Further, the auditor is authorized to expend funds from the following budgets: Auditor, Elections, District Court, General Services, Non-departmental, GIS, Medical Examiner, Human Resources, and other budgets not under the specific authority of an elected official or full-time county official to ensure the day-to-day operations of the county.

Section 2. Subject to the provisions of other county procedures and regulations and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations, effective July 1, 2021.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract, which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 2021-2022 budget year the auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, she shall immediately so inform the Board and recommend appropriate corrective action.

Section 5. The auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The auditor shall report the status of such accounts to the applicable departments and officers at least quarterly during the 2019-2020 budget year.

Section 6. Tax Increment payments, which are subject to annual appropriation are authorized.

Section 7. All appropriations authorized pursuant to this resolution lapse at the end of the business day on June 22, 2021, for payment of goods and services received and/or performed as of that date. The board reserves the right to waive this date at its sole discretion for specific payments for the provision of goods and services that it deems should be paid within said fiscal year.

Section 8. Departmental appropriations remain in full force and effect through June 30, 2022, for payroll expenses occurring after the date stated in Section 7, for the final processing of expenses submitted on or before June 15, 2022, and for any expenses approved by the Board of Supervisors subsequent to June 21, 2022. All appropriations will lapse at the close of business June 30, 2022.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 29, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-48, FY 22 Bank Depositories. Motion carried.

RESOLUTION #21-48  
COUNTY OFFICIAL BANK DEPOSITORY LIMITS

IT IS HEREBY RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for County funds in amounts not to exceed the amount named opposite said depository and the following named county officers are hereby authorized to deposit said County funds in amounts not to exceed the maximum amount named after said bank as follows for fiscal year 2022:

Lexa Speidel, Recorder	
Cedar Valley Bank and Trust	\$150,000
Ron Tippett, Sheriff	
Farmers Savings Bank & Trust – Vinton	\$ 500,000
Ron Tippett, Sheriff	
US Bank	\$ 1,000
Dana Burmeister, Transportation Dept.	
Midwest One Bank	\$ 2,500
Signed this 29th day of June, 2021	

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-49, FY 22 Bank Depositories. Motion carried.

Resolution #21-49  
Bank Depositories

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for the County funds in amounts not to exceed the amount named opposite said designated depository, and the County Treasurer is here by authorized to deposit said county funds in amounts not to exceed the maximum approved for each respective bank as follows for fiscal year 2022.

Farmers Savings Bank & Trust Vinton/Traer	\$ 20,000,000
Midwest One Bank & Trust Belle Plaine	\$ 1,000,000
Chelsea Savings Bank Belle Plaine	\$ 5,000,000
Chelsea Savings Bank Van Home	\$ 5,000,000
Benton County State Bank Blairstown	\$ 4,000,000
Bank Iowa Norway	\$ 2,000,000
Watkins Savings Bank Watkins	\$ 1,000,000
Cedar Valley Bank & Trust La Porte City/Vinton	\$ 5,000,000
Central State Bank Walford	\$ 2,000,000
Atkins Savings Bank & Trust Atkins	\$ 1,000,000
Keystone Savings Bank Keystone	\$ 3,000,000
Dysart State Bank Dysart	\$ 500,000
Northeast Security Bank Urbana/Independence	\$ 3,000,000

Signed this 29<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** FY22 Salary Certifications for deputies in the Auditor's, Recorder's, Treasurer's, Sheriff's and Assistant County Attorney's Offices.

### RESOLUTION #21-50

#### CERTIFICATION OF DEPUTY SALARIES FOR FY22

WHEREAS, Iowa Code 331.904(1) states that auditor, treasurer, and recorder shall certify the annual base salary of the deputies in the auditor's, recorder's, and treasurer's office pursuant to said code section; and

WHEREAS, Iowa Code 331.904(2) states that the sheriff shall certify the salaries of the first and second deputies within his department pursuant to said code section; and

WHEREAS, Iowa Code 331.904(3) states that the county attorney shall set the salaries of the assistant county attorneys pursuant to said code section; and

WHEREAS, the salaries of the deputies and assistants of the auditor, treasurer, recorder and sheriff, have been certified by the principal officers to the board of supervisors; and

WHEREAS, the base salaries will not exceed the limitations specified in Iowa Code for the deputies in the auditor's, treasurers, recorder's and sheriff's departments; and

WHEREAS, Iowa Code 331.904 states that the Board shall certify the salaries to the county auditor if the salaries are within the budgets set for the auditor, treasurer, recorder and sheriff,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following salaries for deputies and assistants in the respective offices be certified to the county auditor:

**Auditor's Office:**

Gina Edler – 85% of the principal officer  
Nancy Jorgensen –67% of the principal officer  
Courtney Long-64% of the principal officer

**Recorder's Office:**

Marla Sutton-75% of the principal officer  
Katelyn Welper-50% of the principal officer

**Treasurer's Office:**

Rose Sackett – 82% of the principal officer  
Joy McGowan – 74% of the principal officer  
Jodi Bonar– 62% of the principal officer  
Ann Stephens-50% of the principal officer  
Alexandra Maynard-50% of the principal officer  
Beth Geater-50% of the principal officer

**Sheriff's Department:**

Chief Deputy– John Lindaman-85% of the principal officer

FURTHER BE IT KNOWN that the county attorney has set the salaries for the assistants in his office as follows:

Timothy W. Dille – 90% of the principal officer  
Kelly J. Smith-80% of the principal officer

Dated this 29th day of June 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

**Bierschenk moved/Primmer seconded:** To acknowledge Wayne Frickson's resignation, his last day will be July 16, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To set Land Use hearing date for Samuel Tiernan for Tuesday July 27, 2021 at 9:15a.m. for a part of Parcel B in NE 1/4 of SE 1/4 Section 23-T82N-R9W. Motion carried.

**Primmer moved/Bierschenk seconded:** Approval for a credit Card for the Mental Health Department with a limit set at \$2500. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Karlee and Ryan Kasal in part of the NW 1/4 SW 1/4 of 17-82-9. Kasal was present, along with adjoining land owner Dale McKibben and a member of the media. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Kasal would like to change 4.1 acres for a new residence. The existing driveway will need to be moved north due to the site and grade. CSR is 48.. This location will need a new septic. The required notifications were sent to the adjacent landowner's and published in the official newspapers. Greenlee received 2 phone calls prior to the meeting with questions, but no concerns. McKibben was present and double checking about the fence and property lines. Hearing no other further comments, the public hearing was closed.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To approve the land use change for Karlee and Ryan Kasal in part of the NW ¼ SW ¼ of 17-82-9. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the hiring of 2 part-time jailers in the sheriff's office effective July 1, 2021. The new hires are Hayley Pringle and Brandi Tickle at an hour rate of \$15.91 during training period and after completion of that, it will increase to \$17.91 an hour. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge the resignation of Philip Close, full-time correctional officer in the jail effective June 30, 2021. Acknowledge retirements of Ladonna Fairbanks, jail supervisor effective 9-22-21 and Mark Phippen, courthouse security officer effective 10-20-21. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature on the Blairstown Law Enforcement Agreement with an annual sum of \$19,500.00 to be paid quarterly; not to exceed 15 hours a week. Motion carried.

Discussion on the Law Enforcement contract for the City of Atkins was discussed. Sheriff Tippett proposed a contract with the City of Atkins of \$36.05 / hour with a 3% increase of the next 2 consecutive years. The contract would be for 3 years. Sheriff would work with Atkins to create their own Department. Benton County provides the vehicle and cost for equipment and upkeep. Primmer's concern is that it is not the responsibility of the citizens of Benton County to cover local communities especially when said community can provide for themselves. Tippett and Lindaman explained the increase in the hourly wage would help alleviate the spread in pay and actual hours covered for Atkins. Seeman would like to meet with the City of Atkins City Council and find out first-hand what their plan is for establishing law enforcement. Sheriff Tippett will get on the agenda at the Atkins City Council meeting for July 19, 2021.

**Primmer moved/Bierschenk seconded:** To approve the Sheriff Union Contract. Sheriff Tippett will get the Contract to Chairman Seeman later today to sign the signature page.

**Bierschenk moved/Primmer seconded:** To approve fireworks permit for Chris Herr on July 10, 2021. Motion carried.

Adam Rodenberg updated the Board on where current projects stand. Adam will get contact names and information to the Auditor's office for when he leaves July 2, 2021.

**Primmer moved/Bierschenk seconded:** To appoint Doreen Anderson to the Pioneer Cemetery Commission. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-52, 28E Agreement for Victim Witness Coordinator/Sexual Assault Response Team. Motion carried.

### RESOLUTION #21-52

#### 28E AGREEMENT FOR VICTIM WITNESS COORDINATOR/SEXUAL ASSAULT RESPONSE TEAM ASSISTANT

WHEREAS, Benton County has a mutual desire to share the services of a Victim Witness Coordinator/Sexual Assault Response Team (SART) Assistant; and

WHEREAS, Benton County, Delaware County, Jones County, Buchanan County and Clayton County are all those sharing services; and

WHEREAS, Benton County previously adopted a similar agreement on May 29, 2021, for the time period of March 1, 2021 through June 30, 2021.

WHEREAS, This updated agreement is expected to last from July 1, 2021 through June 30, 2022.

WHEREAS, it is understood that this attached Agreement is between five counties and is entered into pursuant to the provisions of Iowa Code Chapter 28E and shall be electronically filed with the Iowa Secretary of State's Office upon execution, as required by law.

Signed this 29th day of June, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Primmer moved/Bierschenk seconded:** To acknowledging the resignation of Assistant County Attorney, Kelly Smith. Her last day will be July 9, 2021. Motion carried.

It being 10:30a.m., **Primmer moved/Bierschenk seconded:** Enter into closed session per County Attorney regarding pending Litigation pursuant to Iowa Code Section 21.5 (1)(c). Motion carried.

**Primmer moved/Bierschenk seconded:** Exit out of closed session.

**Primmer moved/Bierschenk seconded:** To take action as discussed in closed session.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Nancy Jorgensen, Deputy Benton County Auditor

June 30, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer absent. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Seeman seconded:** To approve hiring of Lindsey Upah as the Rural Access Center Director starting part-time July 1, 2021 at \$26 an hour and will come back with an employee contract for full-time in the near future. Motion carried.

**Bierschenk moved/Seeman seconded:** To approve the Law Enforcement Contract with City of Norway, not to exceed 10 hours a week at a yearly amount of \$13,000 to be paid quarterly. Motion carried.

**Bierschenk moved/Seeman seconded:** To approve Resolution #21-52, FY22 Interfund Operation Transfers. Motion carried.

### RESOLUTION #21-52 INTERFUND OPERATING TRANSFERS

**WHEREAS**, it is desired to authorize the auditor to periodically transfer sums from the general basic fund to the secondary road fund, general supplemental fund, and conservation land acquisition fund; and rural services fund to secondary road and sanitary disposal funds during the 2021-2022 budget year, and

**WHEREAS**, said transfers must be in accordance with section 331.432, Code of Iowa,

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA**

as follows:

Section 1. The total maximum transfers for the fiscal year beginning July 1, 2021, shall not exceed the amounts listed in the respective funds as follows:

<u>FROM (Fund)</u>	<u>TO (Fund)</u>	<u>AMOUNT (max.)</u>
General Basic	Secondary Road	\$ 257,075.00
General Basic	Conservation Land Acquisition	\$ 250,000.00
Rural Services Basic	Secondary Road	\$ 3,089,675.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2021-2022. Said quarterly transfers shall be one quarter of the total transfer to each fund as set forth in Section 1.

Section 3. Exceptions to Section 2 shall be transfers to the Conservation Land Acquisition fund, which may be done at any time during the fiscal year

Section 3. The amount of the transfers required in section 1 to the Secondary Road fund shall be in accordance with Iowa Code 331.429(1)(a) and (b).

Section 4. The amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 5. The auditor is directed to transfer said funds in accordance with this resolution and to notify the treasurer and county engineer of the amounts of said transfers.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 30th, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Seeman seconded:** To approve Resolution #21-53, FY22 Transfer of Funds. Motion carried.

RESOLUTION #21-53  
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:  
Local Option Sales & Services (LOSST) to Secondary Roads - \$260,000.00  
Local Option Sales & Services (LOSST) to Rural Services - \$500,000.00  
Local Option Sales & Services (LOSST) to General Basic - \$100,000.00

The Auditor is authorized to make the necessary adjustments to the FY22 budget.  
The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 30th, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Seeman moved/Bierschenk seconded:** To approve Resolution #21-54, FY 22 Service Area Amendment. Motion carried.

RESOLUTION #21-54  
AMEND SERVICE AREA

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2022 budget on March 30, 2021 and **WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds for the newly created Human Resources Department;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2022 county budget is hereby amended within the following service areas:

**Service Area 9** -\$80,000 from Function 9000 (Fund 0001 Department 99) to Function 9000 (Fund 0001 Department 50)  
\$20,054 Function 9000 (Fund 0002 Department 99) to Function 9000(Fund 0002 Department 50)

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated.

The Auditor is directed to make the necessary changes.

Signed this 30th day of June, 2021.

\_\_\_\_\_  
Tracy Seeman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Seeman moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

July 6, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of June 29, 2021 and June 30, 2021. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Primmer moved/Bierschenk seconded:** to acknowledge David Carte’s resignation from part-time driver in the Transportation Department. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and authorize signature on the FY 20 Cost Advisory Plan.

**Primmer moved/Bierschenk seconded;** To set land use hearing date of Tuesday, August 3, 2021 at 9:15 a.m. for Lonnie Williams for a part of Parcel A in the NW ¼ of SE ¼ of 6-85-9. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve law enforcement contracts with City of Mt. Auburn and City of Newhall. City of Mt. Auburn to have a yearly sum of \$650 and Newhall’s \$19,500 both to be paid quarterly. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Sheriff’s Quarterly Report for the period ending June 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Rick Primmer, Kirsten Nelson, David Thompson, Marc Greenlee, Hayley Rippel and Larry Andreesen to the Maintenance Director Hiring Committee. Motion carried.

Justin Birker attended the meeting to have a discussion about a cell phone for the maintenance department. No action was taken. Birker also questioned how the timeline would be for the hiring process and getting another person in the department in case he needs to be absent.

Allison Hicks and Edwon Yedlik, presented a handout for some of the upcoming guest attendees to their Historic Preservation Camp. Hicks also asked about the on-line registration process system by Event Brite. The Treasurer and Auditor were present, but both agreed they would prefer checks made out to Benton County and deposited that way.

Melinda Schoettmer, Treasurer met with the board to discuss the need for new bank accounts. The Sheriff needs to keep his forfeiture accounts separate between the federal and the state. Auditor Rippel also explained the need for a new account for the America Rescue Plan Fund that was recently created also.

**Primmer moved/Bierschenk seconded:** To approve opening 4 new bank accounts, 3 at Farmers Savings Bank and one at Cedar Valley Bank and Trust. Motion carried.

Auditor Rippel spoke on the need for an upcoming department head meeting combined with the American Rescue plan committee to discuss future needs and wants, including the need for network cabling in the courthouse. These projects will need to qualify under the funding guidelines set by the feds.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-55, Approval/Denial of the 2020 Business Property Tax Credit Applications. Motion carried.

RESOLUTION #21-55  
APPROVAL OF BUSINESS PROPERTY TAX CREDITS FOR THE 2020 ASSESSMENT

WHEREAS, Iowa enacted SF295 establishing a business property tax credit; and

WHEREAS, the legislation requires property owners to apply for the credit; and

WHEREAS, the board of supervisors is required to allow or disallow the credit based on the requirements of the legislation; and

WHEREAS, the sign-up period has past and the assessor has provided a list of those applying for said credit; and

WHEREAS, the assessor has recommended allowance or disallowance based on the classification and/or use of the property,

IT IS FURTHER RESOLVED that the thirteen (13) new applications for the 2020 assessment year Business Property Tax Credit filed with the assessor on or before July 1, 2021 are allowed.

IT IS FURTHER RESOLVED that the sixty-eight (68) applications for the 2020 assessment year Business Property Tax Credit that were re-filed with the assessor on or before July 1, 2021, due to changes in ownership or other matters, are allowed.

IT IS FURTHER RESOLVED that the removal of three (3) applications due to change in ownership or other matters is hereby approved.

IT IS FURTHER RESOLVED that notice be made to the denied application and that all applications be filed in the office of the assessor.

Signed this 6th day of July 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To replace members to the Benton County Security Committee as follows: Motion carried.

Treasurer-Melinda Schoettmer  
Veterans Affairs Director-Cara Martin  
Conservation-Ed Hach  
Transportation Director

**Primmer moved/Bierschenk seconded:** To re-appoint Jennifer Zahradnik and David Vermedahl to the Civil Service Commission. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

July 13, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk present and Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of July 6, 2021. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To approve payroll checks numbered 141907 through 141918, ACH deposits numbered 45944 through 46095, handwrite claim 239375, vendor checks 239376 through 239382 and claims numbered 239383 through 239565. Motion carried.

**Bierschenk moved/Primmer seconded:** To acknowledge the amended last day of employment for Kelly Smith, Assistant County Attorney to be July 16 instead of July 9, 2021. Motion carried.

**Bierschenk moved/Seeman seconded:** To approve Auditor's Quarterly Report for period ending June 30, 2021. Motion carried.

**Seeman moved/Bierschenk seconded:** To approve Veteran's Affairs Quarterly Report for period ending June 30, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve fireworks permit for Jeff Rollinger for July 17, 2021 at 9:30 p.m. Motion carried.

Committee Reports were had on the Heartland Risk Pool Meeting attended by Primmer, while Seeman reported on the recent WMA and Conservation meetings.

**Primmer moved/Bierschenk seconded:** To acknowledge retirement date of July 30, 2021 for Alan Jackson, mechanic at secondary roads. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and authorize signatures on the Iowa DOT Agreement #2021-C-111 for HWY 30 intersection paved fillets. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

July 20, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve minutes of July 13, 2021. Motion carried.

**Primmer moved/ Bierschenk seconded:** Enter into closed session at 9:03 a.m. pursuant to Iowa Code Section 21.5 (1)(i). Motion carried.

**Bierschenk moved/Primmer seconded:** Exit out of closed session.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-56, Approve Hiring and Employment Contract for the new Maintenance Director. Motion carried.

### RESOLUTION #21-56 HIRING MAINTENANCE DIRECTOR

WHEREAS: Benton County had a vacancy for the County Maintenance Director position; and  
WHEREAS: A Hiring Committee was created and applications were accepted for the position; and  
WHEREAS: The Committee has the candidates narrowed to one and would like an employee contract;  
THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Richard Wood be hired to fill the position as Maintenance Director at a starting salary of \$58,000 effective July 28, 2021. Wood will be awarded 40 hours of sick leave and two weeks of vacation starting immediately. Wood's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.  
Dated the 20th day of July, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Recorder's Quarterly Report for period ending June 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature on agreement with Nyhart for the interim GASB 75 Report for the Fiscal Year Audit. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve General Assistance Quarterly Report for period ending June 30, 2021. Motion carried.

**Primmer moved/ Bierschenk seconded:** To approve use of courthouse lawn by the Kiwanis Club of Vinton, for the Bring the Noise 5K to be held on August 28, 2021 between 8 and 11:00 a.m. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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The time of 9:30 a.m. and that being for discuss and accept bids received for 4 new sheriff vehicles. Bids received were as follows:

Thys Chevrolet, Blairstown-2022 Chevrolet Silverado 1500 4X4-\$34,280.00 each  
Thys Motor Company, Belle Plaine-2020 Ram 1500 SSV Crew Cab 4X4-\$29,998.00 each

**Primmer moved/Bierschenk seconded:** To approve and award the purchase of 4 new sheriff vehicles from Thys Automotive Group in a total amount of \$119,992 for (4) 2020 Ram 1500 SSV Crew Cab Pickups. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the City of Keystone Law Enforcement Contract for a yearly sum of \$56,000 and 260 hours a year, to be paid quarterly. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge the early retirement of Kelly Roy in the Sheriff's office. Her paid leave will be effective on September 18, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Class B Beer permit for Blairstown Sauerkraut Days. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the Treasurer's Semi-Annual Report, ending June 30, 2021. Motion carried.

Discussion on the need to replace Jeff Kromminga on the Keystone Benefitted Fire District along with Township Trustee was had. Auditor Rippel had called another current member and was hoping they would get back to us with suggestions. So no action was taken at this time.

**Primmer moved/Bierschenk seconded:** To approve 3% wage increase for Kathy Chamberlain, part-time janitor and make it retro effect to July 1, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

July 27, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve minutes of July 20, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To set land use hearing date for Matt Dulin for Tuesday August 24<sup>th</sup> at 9:15am, for a part of the SE ¼ of the NE ¼ 22-85-10. Motion carried.

**Seeman moved/Primmer seconded:** To appoint Steve Kromminga to fill the vacancy for the Keystone Benefitted Fire District. Motion carried.

Steve Kromminga was also asked if he would be willing to accept the opening for Union Township official. Steve declined offer, he currently resides in Kane Township.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Samuel Tiernan in part of Parcel B in the NE ¼ SE ¼ of Section 23-82-9. Matt Even presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Tiernan is changing 2.01 acres of land to be a new non-ag use. This site does not have an existing well or rural water connection. This sight will need a new septic for accommodating the additional use or it would violate county ordinance. The required notification was sent to 3 adjacent landowner's and published in the official newspapers. No inquiries were heard in advance or during the meeting today. Concerns with the line of sight were mentioned and the distance for the line of sight does not meet minimal requirements. Decision was tabled and is pending due to questions on where the County liability.

**Primmer moved/Bierschenk seconded:** To approve Utility Permit for Robert Ritscher in Kane Township. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-57, Changing Employee Status for Patti Lint in Sheriff's Office. Motion carried.

### RESOLUTION # 21-57

WHEREAS, the Benton County Sheriff has a need for full-time help in the kitchen and custodial areas; and  
 WHEREAS, Patti Lint has been employed by Benton County as part-time since October 17, 2018;  
 WHEREAS, Lint has been currently performing the duties of the above mentioned position; and  
 WHEREAS, the Sheriff recommended that Lint have her employment status be changed from part-time to full-time,  
 NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Patti Lint be changed to a full-time food service and custodian in the Sheriff's office, effective immediately at the hourly rate of \$15.94.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Courtney Long, Deputy Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Law Enforcement Contract with City of Urbana with a yearly amount of \$3,250.00, to be paid quarterly and hours not to exceed 130 hours in a twelve-month period. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve payroll checks numbered 141919 through 141931, ACH deposits numbered 46096 through 46246, vendor checks 239566 through 239573, handwritten claim 239574 and claims numbered 239575 through 239684. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-58, Approval and Disapproval of Homestead, Military and Disabled Veteran’s Homestead Tax Credits for the 2021 Assessment. Motion carried.

### RESOLUTION #21-58

#### APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN’S HOMESTEAD TAX CREDITS FOR 2021 ASSESSMENT

WHEREAS, Iowa law provides that property owners may apply for certain credits against their property tax; and

WHEREAS, new applications for various credits have been submitted to the assessor, in accordance with law, for his approval or disapproval; and

WHEREAS, the assessor has made recommendations and provided said applications to the auditor; and

WHEREAS, the auditor has submitted said applications to the board of supervisors for their consideration; and

WHEREAS, the board of supervisors is required to allow or disallow the credit,

NOW THEREFORE BE IT RESOLVED that the following application for Disabled Veteran’s Homestead Credit submitted to the assessor on or before July 1, 2017 is hereby disallowed based on the assessor’s recommendation:

Parcel # 030-03130 – Military Tax Credit

Parcel # 480-18050 – Military Tax Credit

IT IS FURTHER RESOLVED that the remainder of the applications for Homestead Credit, Military Credit, and/or Disabled Veteran’s Homestead Credit that were filed with the assessor on or before July 1, 2021, for the 2021 assessment year are allowed based on the assessor’s recommendation. The assessor is to maintain a permanent file of the applications in accordance with law.

Signed this 27<sup>th</sup> day of July 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Rick Primmer

\_\_\_\_\_  
Gary Bierschenk

ATTEST:

\_\_\_\_\_  
Courtney Long, Deputy Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Credit Card for the Weed Department with a credit limit of \$2,500. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge the appointment of Mark Phippen to the Civil Service Commission per County Attorney’s Appointment. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and enter into a lease agreement with East Central Iowa Council of Government (ECICOG) and Benton County for the new Transportation Building. Motion carried.

Justin Birker requested to go into closed session for an employee evaluation pursuant to Iowa Code 21.5(1)i. The board declined going into closed session and advised following up with the new HR Director with concerns Birker has.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

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Courtney Long, Deputy Benton County Auditor

August 3, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

<https://www.youtube.com/bentoncountyiowa>. Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov)

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of July 27, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring of Thomas Kinsey, for part-time courthouse security officer for the Benton County Sheriff's Office effective 8-14-21 at a wage of \$17.91 an hour. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve tax suspension on Parcel #030-44875 pursuant to Iowa Code 427.9. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the use of the courthouse lawn for Vinton Unlimited for Boomfest to be held on August 28, 2021. Melody Snow would get the paperwork needed submitted. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Lonnie Williams in part of Parcel A in the NW ¼ of SE ¼ 6-85-9. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Williams is changing 2. acres of land to be a new non-ag use to build a new home. CSR is 87, but the land has not been in production for years. There is an existing driveway that does meet the qualifications. This sight will need a new septic and well, and because of the soil type, it possibly will need an alternative system. 6 adjacent land owners were notified prior to the meeting. Nothing in advance of today's meeting was received. Adjoining property owner, Roger Schlaurbaum was present to voice his support of this land use change and said what an asset to the area it will be. Hearing no other comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve land use change for Lonnie Williams in part of Parcel A in the NW ¼ of the SE ¼ of 6-85-9. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Fireworks permit for Mark Pingnot, for September 18, 2021. Motion carried.

Ben Vierling, Assistant County Engineer discussed the process to vacate some of Benton County's right of way at a three way stop. This is located at the intersection of 32<sup>nd</sup> Ave and 66<sup>th</sup> Street. This will not affect travel across the road, so there shouldn't be the need for a public hearing. Once the paperwork is done and recorded by surveyor, Vierling will get back on the agenda for proper approval by a Resolution.

**Seeman moved/Primmer seconded:** To approve Resolution #21-59, Employee Contract for Lindsey Upah.

### RESOLUTION #21-59

WHEREAS: Benton County had a vacancy for Rural Access Manager position; and

WHEREAS: Applications were accepted for the position; and

WHEREAS: The candidates were narrowed to one and that person would like an employee contract;

THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Lindsey Upah was hired to fill the position as Rural Access Manager with a starting date of July 1, 2021 at a starting salary of \$54,080 a year. Upah will be awarded 2 weeks of vacation and 40 hours of sick leave upon commencement of this agreement. Upah's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Dated the 3<sup>rd</sup> of August, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Greg Walston provided an updated on the old school produce and how the garden was doing. Their goal is to donate 10-12,000 pounds of product to food pantries this year. The faucet outside the Service Center Building was also discussed. They will be purchasing a frost free faucet and County Maintenance Director Rick Wood will help oversee the installation.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-60, Bridge Embargo Removal. Motion carried.

**RESOLUTION # 21-60**

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

HA-2535                    0.5 mile south of the N ¼ corner of section 21-86N-10W (Harrison Township) on 24<sup>th</sup> Avenue Drive

Signed this 3<sup>rd</sup> day of August 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-61, Bridge Embargo Removal. Motion carried.

**RESOLUTION # 21-61**

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

IA-3820                    0.8 mile east of the NW corner of section 15-82N-12W (Iowa Township) on 76<sup>th</sup> Street

Signed this 3<sup>rd</sup> day of August 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

August 10, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Seeman seconded:** To approve minutes of August 3, 2021. Motion carried.

**Primmer moved/Seeman seconded:** To approve payroll checks numbered 141932 through 141954, ACH deposits numbered 46247 through 46394, vendor checks 239685 through 239691, handwritten claim 239692 and claims numbered 239693 through 239816. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-62 variance to the sub-division ordinance for Parcel in the SW SE 28-84-9. Motion carried.

### RESOLUTION #21-62

Variance to the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #72; and

WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and

WHEREAS, said ordinance sets forth the minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and

WHEREAS, a request has been presented to the Board of Supervisors by Erin Boelman to vary the required provisions in Article IV, Sections 4.01 through 4.05; Article V, Sections 5.01 through 5.07; Article VI, 6.2 through 6.03 and 6.05 (f); and Article VII, Section 7.01 of the ordinance to allow for the creation of two non-residential parcels to be created within the SW ¼ SE ¼ Section 28-T84N-R9W, to be sold to adjoining land owners.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #72 are hereby varied as stated for the division of real property located in a parcel within the SW ¼ SE ¼ Section 28-T84N-R9W.

Signed this 10<sup>th</sup> day of August 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-63, Resolution Approving the Final Plat of Cromer's First Addition by Benton County, Iowa. Motion carried.

**RESOLUTION #21-63  
RESOLUTION APPROVING THE FINAL PLAT OF  
CROMER'S FIRST ADDITION  
BY BENTON COUNTY, IOWA**

**WHEREAS**, at the request of Robby L. & Tina M. Cromer, the Final Plat of Cromer's First Addition to Benton County, Iowa, containing two lots, has been previously submitted and approved by the Benton County Board of Supervisors on April 6, 2021 (Resolution #21-27) but the 120 days has passed and the Final Plat was not recorded.

WHEREAS, said plat is consisting of the following described real estate:

WHEREAS, a Plat of Cromer's First Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County, Iowa, Supervisors consisting of the following described real estate: is, part of Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of Section Three (3), Township Eighty-Four (84) North, Range Nine (9) West of the 5th P.M., Benton County, Iowa.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of Cromer's First Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatments systems will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

ADOPTED AND PASSED this 10th day of August, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Board continued discussion on the land use change for Samuel Tiernan that was tabled on July 27, 2021. Marc Greenlee, Matt Even, Samuel Tiernan and Bonnie Ehrienberger were present. Supervisor Seeman stated he spoke with the County Attorney regarding liability questions for the property lacking the site distance. He questioned if they lowered the speed limit around the area if it would help the matters, ultimately the County would still be liable since the ordinance specifically states 500 foot site distance is required for driveways. Board encouraged Tiernan to talk to the adjoining neighbors about an easement for a conforming driveway.

**Primmer moved/Bierschenk seconded:** To deny land use change application for Samuel Tiernan in part of Parcel B in NE ¼ SE ¼ of Section 23-82-9 because the driveway is not compliant with the County Driveway Policy and there is no feasible way to make it compliant. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

Board recessed.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-64, Employee contract with Dean Vrba. Motion carried.

**RESOLUTION #21-64**

WHEREAS: Benton County had a vacancy for County Transportation Director position; and

WHEREAS: A Hiring Committee was created and applications were accepted for the position; and

WHEREAS: The Committee has the candidates narrowed to one and would like an employee contract;

THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Dean Vrba be hired to fill the position as Transportation Director at a starting salary of \$50,000 effective August 17, 2021. Upon successful completion of his Class C CDL with Passenger enforcement, Mr. Vrba’s salary will increase to \$52,000. Vrba will be awarded 40 hours of sick leave and two weeks of vacation starting immediately. Vrba’s employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Dated the 10<sup>th</sup> of August, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

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Gina Edler, Benton County Deputy Auditor

August 17, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor’s office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov) ( <https://www.youtube.com/bentoncountyiowa> )*

**Primmer moved/Seeman seconded:** To approve minutes of August 10, 2021. Motion carried.

**Primmer moved/ Bierschenk seconded:** Enter into closed session at 9:05 a.m. pursuant to Iowa Code Section 21.5 (1)(i). Motion carried.

**Bierschenk moved/Primmer seconded:** Exit out of closed session.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution#21-65, hiring of Megan Hall and approving her employment contract for the County Attorney's Office. Motion carried.

### RESOLUTION #21-65

WHEREAS: Benton County Attorney's office has a vacancy for an Assistant position; and  
 WHEREAS: The position was advertised and applications were accepted for the position; and  
 WHEREAS: The Attorney has narrowed the candidates down to one person and would like an employee contract;  
 THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Megan Hall be hired for the position, starting out as a paralegal with a starting salary of \$45,000 effective August 16, 2021. Upon notice of successfully passing of the bar exam, Hall's position will be promoted to Assistant County attorney with salary increasing to \$75,000. Hall will be awarded two weeks of vacation and 40 hours of sick leave upon commencement of the contract. Hall's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Dated the 17<sup>th</sup> of August, 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

\_\_\_\_\_  
 Gary Bierschenk

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 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

Mona Krugger Onken, Mental Health Director for Benton County discussed the Applied Behavior Analysis (ABA) position and if it would be possible to house in Benton County. The county would be reimbursed by the region for this. Further discussion on the need for another vehicle, office space and when the employee would start. The hope is to have the employee start on September 1. Although the Board was in favor of housing this position, no action was taken. There was other details that need to be worked out before taking action on this.

Bids were received as follows for a new sign truck with body and crane for secondary roads:

Mack Granite- \$233,729

Freightliner M2-\$213,083

Peterbilt Model 537-\$261,491

**Primmer moved/Bierschenk seconded:** To approve lowest bid from Freightliner for the M2106 for \$213,083. Motion carried.

Katie Cox, Benton County Public Health Director, gave an update on how Benton County is dealing with Covid-19. The past few weeks has seen an update in cases. The biggest is the Delta Variant, which is more aggressive and spreads faster. They are continuing to get the vaccines out and available. Cox also explained how the booster shots work. The health department is working closely with schools as they being a new school year, with the no mask mandate by the Governor, they continue to work on other measures to encourage them. They have begun contract tracing again. Cox anticipates a rise in cases as people all come back together again. Benton County is just under the 50% mark for people who are fully vaccinated.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
 Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

August 24, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyya.gov](http://www.bentoncountyya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve minutes of August 17, 2021. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-66, Approving Final Plat of Hackett Point Addition to Benton County. Motion carried.

**RESOLUTION #21-66  
RESOLUTION APPROVING THE FINAL PLAT OF  
"HACKETT POINT ADDITION",  
BY BENTON COUNTY, IOWA**

**WHEREAS**, at the request of David & Erin Boelman the Final Plat of Hackett Point Addition to Benton County, Iowa, containing two lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

**THE FINAL PLAT OF HACKETT POINT ADDITION REPRESENTS A SURVEY OF:  
DESCRIPTION OF "HACKETT POINT ADDITION"**

(Part of Affidavit of Surviving Spouse for Change of Title to Real Estate recorded in Book 9 Page 4568 dated 09/25/2009) That part of the Southwest Quarter Southeast Quarter (SW 1/4 SE1/4) in Section No. 28, Township No. 84 North, Range No. 9 West of the 5th P.M., Benton County, Iowa, lying South and West of "Hillside Farms Second Addition" and lying South of "Hillside Farms Third Addition"

And

except Parcel "A" per Plat of Survey dated 06/23/1999 recorded in Book 10 Page 354 in the Office of the Benton County Recorder.

Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

**WHEREAS**, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

**WHEREAS**, the Benton County Board of Supervisors find that the Final Plat of Hackett Point Addition would be advantageous to Benton County, Iowa, and

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that said Final Plat of Hackett Point Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
3. Any new private on-site sebudget
4. treatment system will be constructed with the approval of the Benton County Health Department
- 5.

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 24th day of August, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 141955 through 141966, ACH deposits numbered 46395 through 46543, vendor checks 239817 through 239824, and claims numbered 239825 through 239953. Motion carried.

**Bierschenk moved/Primmer seconded:** To set a public hearing for Tuesday, October 5, 2021 at 9:30 a.m. for FY 22 Budget Amendment. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Class B Liquor License for Blairstown Sauerkraut Days on Labor Day Weekend. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the request on behalf of the Cedar Valley Ranch to keep the \$1,700 in equity transfer for this fiscal year to help cover costs of new water heaters. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve use of courthouse lawn for Historical Society for Civil War re-enactment during the Boomtown celebration on August 28, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve use of courthouse lawn by Vinton Park and Rec for Saturday October 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge Pat Stepanek's resignation to the Benton Development Group Board and appoint Heather Rinderknecht. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Matt Dulin in part of the SE ¼ of NE ¼ 22-85-10. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Dulin would like to change 2 acres of land to be a new non-ag use to build a new home and building to live in and have a carpentry constructions sales business. Property is well maintained, CSR is

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

a 5 and 29 in different areas, the land has not been in production. This parcel does have an existing campground known as “Hidden Valley”. There is an existing driveway off 59<sup>th</sup> Street Drive that meets the qualifications and can be utilized for this new site. Dulin will need a new septic and well. Three adjacent land owners were notified prior to the meeting. Nothing in advance of today’s meeting was received and no public was present to speak in regards. Hearing no other comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve land use change for Matt Dulin in part of the SE ¼ of the NE ¼ of 22-85-10. Motion carried.

Ben Kurka, County EMS Director, came to discuss emergency medical services in Benton County and stress the importance of making EMS an Essential Service in Benton County. Kurka explained the challenges they faced, including the limited transport agencies in Benton County. North Benton Ambulance, Belle Plaine and Blairstown all provide ambulance services. The EMS providers are aging and costs keep going up. A huge challenge is having enough people to accommodate all the calls. EMS historically is not regarded as essential like police and fire. Each county can declare EMS as essential and then they could set up an advisory council for EMS. The Advisory council could then determine budgeting costs, and setting up a county-wide model to make sure everyone in the county can be reached. The Board all three agreed to Kurka in preparing a resolution for future approval and get this moving forward. NO action was taken.

**Primmer moved/Bierschenk seconded:** To approve moving forward with the Racom for the Shared Area Radio Agreement. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-67, Vacating Easement on County Road. Motion carried.

**RESOLUTION #21-67**

Resolution to Vacate an Easement on County Road

WHEREAS, the proposed vacation of a portion of Benton County Secondary Road easement, described as follows:

**That section of County Right-of-Way, established by easement, being a part of the SE¼ SW ¼ of Section 23, T84N R9W. Said easement being on the NE corner of the intersection of 32<sup>nd</sup> Ave and 66<sup>th</sup> St, described in Vacation Exhibit recorded in Book 21, Page 4128.**

WHEREAS, No hearing is required pursuant to Iowa Code, Chapter 306.11.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the subject section of road be ordered vacated and closed.

Dated the 24<sup>th</sup> of August, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-68, Amending Resolution #21-15, Amending policy for COVID related sick leave and FMLA Leave. Motion carried.

### RESOLUTION #21-68

#### AMENDING RESOLUTION #21-15

#### ADOPTION of BENTON COUNTY COVID RELATED SICK LEAVE and FMLA Leave

WHEREAS, the Benton County Board of Supervisors adopted Resolution #21-15, adopting a policy related to the COVID 19 Pandemic on January 26, 2021; and

WHEREAS, The Benton County Supervisors, have amended that said policy, and

IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policy is hereby adopted effective this date:

#### POLICY STATEMENT

It is the purpose of this policy to provide employees and county officials with guidelines to staff being off for COVID Related issues after **August 24, 2021**.

#### SCOPE

This policy applies to all Benton County staff. This policy does not apply to Elected Officials.

#### GOALS

The goals of this policy are to provide direction to staff, department heads, and elected officials to stay home when dealing with COVID related illnesses.

#### ABSENCES ELIGIBLE FOR COVID LEAVE

##### For employees quarantined or sick with COVID

The employees who have been required or advised to quarantine by a medical provider or a county, state, or federal agency, or who have been advised by a medical provider they have confirmed or presumptively confirmed COVID-19. Employees must complete a Request for COVID Related FMLA Sick Leave form and provide it to Human Resources. The employee may choose from any of their leave banks to receive pay including their sick leave banks. This will be covered under FMLA and is dependent upon FMLA leave balance. Absences longer than two weeks must complete the FMLA certification form stating additional leave is necessary.

Additional leave will be dependent upon FMLA leave balance.

Employees with potential Covid exposure will be asked by Human Resources if they are vaccinated. The answer to this question impacts the guidance provided by Public Health. **This information will be kept confidential and will be used only to determine if quarantining is necessary.**

##### **For employees caring for an individual quarantined or sick with covid-19**

Staff will complete a certification form for approval to provide care for an individual who is sick with COVID-19. **Contact Human Resources for more information and to obtain the form.**

##### Approved leave terms

This leave is to isolate at home or to take care of those isolating at home. If the COVID related leave is approved, employees are not to be working secondary jobs outside of their home or partaking in activities away from their home outside of essential daily living tasks. If an employee is found not to be isolating for any reason beside receiving care or conducting essential living tasks (getting food, medicine, and healthcare) they can be disciplined up to and including termination.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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CONTACT INFORMATION

In all cases of absence, employees must provide current contact information (including phone number and email address) to their supervisor.

NOTIFYING EMPLOYER

The employee shall provide the employer with as much notice as practicable.

RETURN TO WORK

**Please work with Human Resources** on your return to work date. Return to work date will be determined by Current IDPH recommendations for COVID or by your physician. **It is the employee’s responsibility to keep their supervisor informed of their expected return to work date and of any changes during the process.**

REQUESTING LEAVE / WHO TO CONTACT

If you have any questions or to request leave, **the employee will contact the Human Resources department directly.**

**All requested materials can be emailed to [knelson@bentoncountyia.gov](mailto:knelson@bentoncountyia.gov) or faxed to 319-472-7191.**

**Note:**

This policy will go into effect on August 24, 2021 and will expire when this policy is revoked by the Benton County Board of Supervisors.

Signed this 24th day of August 2021.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST: \_\_\_\_\_

Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-69, Hiring Melissa Carter, as the Applied Behavior Analyst (ABA) and enter into an employment contract. Motion carried.

**RESOLUTION #21-69**

WHEREAS: The Mental Health East Central Region has a new position for Applied Behavior Analyst (ABA); and

WHEREAS: Benton County, Iowa will act as the employer while Mona Krugger Onken, Utilization Review Coordinator for the MH/DS will be her supervisor; and

WHEREAS: The position was advertised and applications were accepted for this position; and

WHEREAS: Onken has narrowed the candidates down to one position and would like this to be an employee contract;

THEREFORE, BE IT RESOLVED By the Benton County Board of Supervisors that Melissa Carter be hired for the position with a starting salary of \$67,000 and starting September 1, 2021. Carter will be awarded two weeks of vacation and 40 hours of sick leave upon commencement of the contract. Carter's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Dated the 24<sup>th</sup> of August, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

August 31, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of August 24, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To set a land use hearing for Tuesday, September 28, 2021 at 9:15 a.m. for Kyle and Tyra McAbee for part of SE ¼ SE ¼ of 35-85-9. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring Samantha Frank and Sarah Siglin as part-time communications specialists. Their training wage will start at \$15.91 an hour, effective September 4, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the promotion for Keith Mell to Senior Correction Officer with a new wage of \$23.21 an hour effective September 11, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-70, Proclamation of September as Hunger Action Month. Motion carried.

### RESOLUTION # 21-70 PROCLAMATION OF HUNGER ACTION MONTH

WHEREAS, hunger and poverty are issues of vital concern in Iowa where 9.8% of people struggle with hunger in Iowa and one in every eight children do not know where their next meal will come from; and

WHEREAS, Benton County, Iowa is committed to taking steps to combat hunger in every part of our community and to provide additional resources that those in Benton County need; and

WHEREAS, Benton County, Iowa is committed to working with HACAP Food Reservoir, a member of the Feeding America® Nationwide network of food banks, in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, more than 2,000 individuals in Benton County rely on food provided by HACAP Food Reservoir and partner agencies annually; and

WHEREAS, HACAP Food Reservoir distributed more than 10 million meals in 2020 through its network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, the month of September has been designated “Hunger Action Month” in order to bring attention to food insecurity in our communities and to engage the public in action-including volunteer shifts, social media shares, and donations-to end hunger one helping at a time; and

WHEREAS, food banks across the country, including the HACAP Food Reservoir-will use the month of September to bring awareness and help end hunger in their local community;

NOW THEREFORE BE IT PROCLAIMED, that we, the Benton County Board of Supervisors, do hereby recognize September 2021, as “HUNGER ACTION MONTH” in Benton County, Iowa.

Signed this August 31, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-71, Bridge Embargo. Motion carried.

**RESOLUTION # 21-71**

WHEREAS, the structures at these locations due to load rating computations, age and design have reached the point in time where a more restricted weight limit needs to be imposed,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the following new weight restrictions be imposed and restricted as follows:

- PO-0520            **6 ton**  
0.5 mile east of the NW corner of section 18-86-9 (Polk Township) on 52<sup>nd</sup> Street.
- CE-0940            **3 ton**  
0.1 mile west of the NE corner of section 30-86-11 (Cedar Township) on 54<sup>th</sup> Street.
- CE-0028 **12 ton / 20 ton / 20 ton**  
0.2 mile north of the SW corner of section 18-86-11 (Cedar Township) on 16<sup>th</sup> Avenue.
- HO-2020 **20 ton**  
Near the NW corner of section 16-84-12 (Homer Township) on 12<sup>th</sup> Avenue.
- HO-4200 **18 ton**  
0.2 mile east of the NW corner of section 2-84-12 (Homer Township) on 62<sup>nd</sup> Street.
- ED-4710 **11 ton / 14 ton / 14 ton**  
0.3 mile west of the NE corner of section 11-84-10 (Eden Township) on 63<sup>rd</sup> Street.
- CA-0011 **3 ton**  
0.1 mile south of the NW corner of section 7-84-9 (Canton Township) on 28<sup>th</sup> Avenue.
- BG-1057 **10 ton**  
0.3 mile north of the SW corner of section 32-84-11 (Big Grove Township) on 17<sup>th</sup> Street.
- LE-0110 **17 ton / 28 ton / 28 ton**  
0.1 mile east of the NW corner of section 7-82-11 (Leroy Township) on 75<sup>th</sup> Street.
- LE-2400 **10 ton**  
0.4 mile east of the NW corner of section 4-82-11 (Leroy Township) on 74<sup>th</sup> Street.
- LE-1025 **15 ton / 24 ton / 27 ton**  
0.5 mile south of the NW corner of section 17-82-11 (Leroy Township) on 17<sup>th</sup> Avenue.
- STC-0610        **14 ton / 22 ton / 23 ton**  
0.5 mile south of the NW corner of section 7-82-10 (St Clair Township) on 75<sup>th</sup> Street.

Signed this 31<sup>st</sup> day of August 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:  
\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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September 7, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of August 31, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve payroll checks numbered 141967 through 141979, ACH deposits numbered 46544 through 46691, vendor checks 239954 through 239960, and claims numbered 239961 through 240086. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-72, Voter Registration Proclamation Month/Day. Motion carried.

### Resolution #21-72

#### National Voter Registration Month/Day

WHEREAS, registering to vote empowers eligible citizens to exercise their right to vote on Election Day; and

WHEREAS, Iowa consistently ranks among the top 10 states in the nation for voter registration and voter participation, with more than two-million residents currently registered to vote; and

WHEREAS, 17-year-olds are now eligible to register to vote in Iowa; and

WHEREAS, Iowa's voter registration process is easier and more convenient than ever before, with online voter registration, Election Day registration, and applications available through government agencies across the state; and

WHEREAS, the State of Iowa's online voter registration system enables citizens to register to vote and update their registration status quickly and easily, any time of day; and

WHEREAS, we encourage all interested citizens and all appropriate media outlets and civic organizations to participate in this non-partisan voter registration awareness campaign to encourage the maximum participation of qualified voters in Iowa.

NOW, THEREFORE, Benton County Supervisors do hereby proclaim September 2021 as National Voter Registration Month; and Tuesday, September 28th, 2021 as National Voter Registration Day.

Signed this 7th day of September, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Kelly Roy to be promoted to Senior Communications Specialists at the wage of \$23.21 an hour effective back to July 17, 2021.

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**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-73. Abate Taxes for the State of Iowa. Motion carried.

**RESOLUTION #21-73**

WHEREAS, the State of Iowa has acquired property used for right of way and were given the appropriate notice of the taxes due; and

WHEREAS, said entity failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:
740-10761	\$1.00
740-13441	\$277.00
740-14881	\$7.00
740-14761	\$3.00
740-06061	\$186.00
700-02361	\$80.00
830-11620	\$10.00
900-05761	\$200.00
710-00041	\$8.00
740-14561	\$7.00
720-00371	\$27.00
740-18561	\$127.00
700-00311	\$164.00
900-04561	\$3.00
700-00561	\$216.00
740-04121	\$69.00
700-00811	\$9.00
890-00261	\$178.00
880-01361	\$190.00
740-13331	\$7.00
700-01291	\$66.00
740-13321	\$61.00
740-07411	\$19.00
900-04002	\$27.00
900-04001	\$26.00

Dated this 7<sup>th</sup> day of September, 2021

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-74, Abate Taxes for City of Vinton. Motion carried.  
**RESOLUTION #21-74**

WHEREAS, the City of Vinton has acquired property and were given the appropriate notice of the taxes due; and

WHEREAS, said entity failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:
870-28150	\$2,608.00
870-27850	\$1,740.00

Dated this 7<sup>th</sup> day of September, 2021

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Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Mae Hingtgen, CEO of the East Central Region provided an update regarding Mental Health/Disabled Services and changes that will come with Senate File 619. Hingtgen explained the changes in funding between the local and state level and concerns of the region. Any funds leftover at the end of the fiscal year will go back to the state regardless if they were funded locally. Hingtgen also handed out a 2021/2022 Priority Initiatives tiered list. Hingtgen and Mona Onken also introduced the Region's new hire, Missy Carter, Applied Behavior Analyst who is housed in Benton County.

**Primmer moved/Bierschenk seconded:** To acknowledge the resignation of Ben Vierling with his last day of employment of September 10, 2021 and the early retirement for Larry Christianson in Secondary Roads. His leave will start on September 20, 2021, with last day of employment being December 17, 2021. Motion carried.

FY 22 Budget Amendment discussion was had. Auditor Rippel explained the various departments that were in need, along with the added spending authority needed for the American Rescue Plan funds. Rippel hopes to get all the amounts needed and can get the notice to the newspapers in time for the hearing date.

Steve Meyer, Emergency Management Agent Commission along with Scott Hansen, EMA Director wanted to thank the board for the additional funding this fiscal year with the Palo Nuclear Plant closing, that funded ended, so the county helped pick up the difference.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST:

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Hayley Rippel, Benton County Auditor

September 14, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve minutes of September 7, 2021. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-75, Abate Taxes. Motion carried.  
**RESOLUTION #21-75**

WHEREAS, the County of Benton has acquired property for right of way purposes and were given the appropriate notice of the taxes due; and

WHEREAS, said entity failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:
710-00042	\$16.00
740-06062	\$6.00
740-04122	\$4.00
740-07412	\$30.00
740-10872	\$12.00
740-13442	\$8.00
720-00372	\$8.00
700-00812	\$12.00
880-01362	\$10.00
740-11062	\$2.00
510-08001	\$8.00
740-14562	\$48.00
700-00562	\$4.00
900-05762	\$14.00
510-08002	\$14.00
510-08003	\$14.00

Dated this 14<sup>th</sup> day of September, 2021

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Gina Edler, Deputy Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To adopt Resolution #21-76 Intergovernmental (28E) Agreement between the Iowa Department of Natural Resources and Benton County, Iowa. Motion carried.

### RESOLUTION #21-76

#### INTERGOVERNMENTAL (28E) AGREEMENT BETWEEN THE IOWA DEPARTMENT OF NATURAL RESOURCES AND BENTON COUNTY, IOWA

WHEREAS, both the Iowa Department of Natural Resources and Benton County, Iowa are public agencies as defined by section 28E.2 of the Code of Iowa, and

WHEREAS, section 28E.3 of the Code of Iowa provides that any power or powers, privileges, or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, section 455B.172(9) of the Code of Iowa, section 455B.187 of the Code of Iowa, and 567 IAC 38.15-16 provide for the Iowa Department of Natural Resources to delegate its authority for regulation of the construction, reconstruction, and abandonment of private water wells and issuing permits for private water wells to a county board of supervisors or the board's designee while retaining concurrent authority, and

WHEREAS, section 34.2 of the Benton County Code of Ordinances provides that the Benton County Board of Health is responsible for the enforcement of 567 IAC 49 and 567 IAC 39 in Benton County and through its designee Benton County Environmental Health shall be responsible for issuance of required permits for well construction.

IT IS NOW AGREED that the Iowa Department of Natural Resources, Benton County, Iowa, and Benton County Environmental Health enter into an intergovernmental agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the conducting of programs for the evaluation and issuance of private water well construction and reconstruction permits and said cooperative actions include those outlined in the attached intergovernmental agreement.

Signed this 14<sup>th</sup> day of September, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Benton County Auditor

#### IOWA DNR AGREEMENT ID 21ESDWQBEDAY0001 INTERGOVERNMENTAL (28E) AGREEMENT BETWEEN THE IOWA DEPARTMENT OF NATURAL RESOURCES AND BENTON COUNTY, IOWA

**THIS INTERGOVERNMENTAL (28E) AGREEMENT** (Agreement) is entered into by the Iowa Department of Natural Resources (Department), the Benton County Board of Supervisors (County Board), and the designated County private water well permitting entity (Benton County Environmental Health) (jointly referred to as the County.)

I. Authority: This agreement is entered into pursuant to the authority in Iowa Code sub-sections 455B.172(3) and (9) and section 455B.187; 567 Iowa Administrative Code (IAC) sections 38.15-17; and Iowa Code chapter 28E.

II. Statement of Purpose: The purpose of this agreement is to establish the terms and conditions for delegation to designated county Permitting Agencies of the Department's permit-issuing authority with respect to private water well construction and reconstruction (hereafter, jointly, "construction"), as provided in Iowa Code subsections 455B.172(3) and (9), section 455B.187 and administrative rules in Chapters 38 and 49 (IAC) applicable to county delegation. The agreement specifies the extent and manner of cooperation between the two agencies in conducting programs for the evaluation and issuance of private water well construction and reconstruction permits. This agreement places emphasis on assuring the County well program meets or exceeds the minimum standards required by the Department.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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III. Entire Agreement: This Agreement, its amendments, and its attachments shall constitute the entire agreement between the Department and the County with respect to delegation of the Department’s authority to issue and ensure compliance with private water well construction permits. To the extent that the terms of this Agreement conflict with an act of the Iowa Legislature or with 567 IAC Chapters 38 and 49, (hereafter jointly referred to as Chapter 38 and Chapter 49 (IAC)), that act or those Chapters shall control.

IV. A. Concurrent Jurisdiction: The Department retains concurrent jurisdiction with the County over the permitting for the construction and reconstruction of private water wells as provided in Iowa Code section 455B.187. Nothing in this Agreement or its attachments shall be construed as limiting the power of the Department to issue or deny private water well construction permits or to take any other action, including taking enforcement action in any manner and against any person, consistent with the provisions of Chapter 38 (IAC) and Chapter 49 (IAC), or any other rules established or to be established under Division III of Chapter 455B, which the Department and/or the Environmental Protection Commission deem necessary for the continued proper implementation of Iowa Code section 455B.187 or related sections of the Iowa Code.

B. No Defense Created: Nothing in this Agreement shall be construed as creating a defense for any person except the County in any action by or against the Department, and no person except the County may use the terms of this Agreement as a defense against the Department in any action by or against the Department.

V. Review for Compliance: This section of this Agreement shall apply in the event that any of the following items are either rescinded, declared invalid or improper by a court of law, a final administrative action, or an act of the Iowa Legislature, or are rendered moot and/or void for any reason: all or part of this Agreement; and/or all or part of the applicable County ordinances, regulations, and/or resolutions referred to in this agreement; and/or all or part of said Chapters 38 and 49 (IAC). In such an event, the remaining rules, ordinances, and/or resolutions shall remain in full force and effect. Upon notice of such an event, the Department shall promptly review the remaining rules, ordinances, and/or resolutions to determine this Agreement’s continuing compliance with Iowa Code subsections 455B.172(3) and (9) and section 455B.187 and any rule enacted under the authority of those sections.

VI. Certification of Authority: The County certifies it has lawfully adopted private well construction and reconstruction permitting ordinances or enforceable regulations in accordance with Iowa Code section 455B.172(3) that satisfy one of the following standards:

- The ordinances or regulations adopt by reference Chapters 38 and 49 (IAC); or
- The ordinances or regulations adopt Chapters 38 and Chapter 49 (IAC) in their entirety; or
- The ordinances or regulations are consistent with and no less stringent than Chapters 38 and 49 (IAC); or
- The ordinances and regulations grant express authority to the Permitting Agency to implement Chapters 38 and 49 (IAC) as provided in Iowa Code subsections 455B.172(3) and

(9).

The County further certifies these ordinances and regulations grant the county authority to enforce violations of the above ordinances and regulations, or the authority to enforce violations of Chapters 38 and 49 (IAC) as provided in Iowa Code subsections 455B.172(3) and (9). The Department may periodically review the county ordinances and regulations to determine that they are consistent with and no less stringent than Chapters 38 and 49 (IAC), and that the County has adequate authority to enforce their local ordinances or regulations, or has the authority to enforce Chapters 38 and 49 (IAC) as provided in Iowa Code subsections 455B.172(3) and (9).

### VII. Duties:

#### A. Duties of the County

1. Personnel: The County represents that it either has, or will acquire no later than the date of signing this agreement, all personnel required for the performance of the work specified under this Agreement.
2. Continued Employment: The County shall continue to employ sufficient personnel to perform the services of this Agreement for the duration of the Agreement.
3. Documentation: Prior to or immediately upon the signing of this Agreement, the County shall submit the following information to the Department:
  - i. The name(s), title(s), and all relevant work contact information of the employee(s) and/or the division(s) designated within the Permitting Agency that will be responsible for implementing the provisions of this agreement and the delegation authorities specified in Section VI above.
  - ii. A copy of the County regulations and/or County ordinance(s) and/or adopting resolutions authorizing the County to implement and enforce the water well construction permit rules of Chapters 38 and 49 (IAC) pursuant to the County’s certification under Section V of this Agreement.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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4. Compliance with Administrative Rules: The County shall comply with all applicable administrative rules in Chapter 38 and 49 (IAC).
5. Permit Application Review and Permit Issuance:
  - i. The Permitting Agency shall review all private water well construction permit applications for requests to construct private water wells (which shall include all applications to modify, repair, or upgrade existing private wells) on property or portions of property located within the County in accordance with the provisions of County ordinances, regulations, and the provisions of Chapters 38 and 49 (IAC), except as provided in subrule 567 IAC 38.15(4) and rule 567 IAC 38.16.
  - ii. In its review, the Permitting Agency shall determine:
    - 1) If the proposed well location falls within an area that is regulated by federal, state, or local institutional controls.
    - 2) If the proposed well will withdraw less than 500 gallons per minute and the proposed location is known to be within 1000 feet of a previous or current known contaminated site or leaking underground storage tank (LUST) site as shown on the Department's Facility Explorer tool.
    - 3) If the proposed well will withdraw 500 gallons or more per minute and the proposed location is known to be within 2,500 feet of a previous or current known contaminated site or LUST site as shown on the Department's Facility Explorer tool.
    - 4) If the water well construction permit is submitted for a project requesting 10 or more boreholes.
    - 5) If the proposed well location falls within an area where the well is also regulated by a local governing body through the use of municipal ordinances or local covenants.

When proposed water well construction application meets any of the criteria stated in section VII.A.5.ii.1, VII.A.5.ii.2, VII.A.5.ii.3, VII.A.5.ii.4, or VII.A.5.ii.5 of this Agreement, the Permitting Agency shall consult with the Department before the issuance of a well construction permit. The Department will perform an environmental review that is expected to last, but is not limited to, 14-28 days, after which the Department will notify the Permitting Agency if the private well construction permit will be issued, and what, if any, additional construction standards will be required.

- iii. If after the review of an application, the Permitting Agency determines that the proposed construction of a private water well complies with all applicable laws, rules, and county ordinances, and is pursuant to the authority granted to the County by this Agreement, the Permitting Agency shall issue a private well construction permit in a timely manner to the applicant.
  - iv. If the review by the Permitting Agency determines that an application should be denied, the Permitting Agency shall provide a written explanation to the applicant stating the reasons for the denial and shall include notice of the right to appeal the denial.
6. Compliance, Inspections and Monitoring: The County has the primary responsibility for enforcing its laws and regulations relating to the private water well construction permit program as long as this delegation agreement is in force.
  7. Monitoring for Compliance: It is expected that the County and/or Permitting Agency will monitor compliance with issued well construction permits by initiating full or partial on-site inspection and monitoring of permitted wells. The Department shall be allowed access to any reports of such or similar inspections or monitoring activities.
  8. Enforcement Action by the Permitting Agency: Should the Permitting Agency take enforcement action against permits issued by the Permitting Agency for applicable violations of Chapters 38 and 49 (IAC), as well as County rules, ordinances, and/or regulations, such enforcement action shall be handled in accordance with the noncompliance provisions of the County ordinances and regulations or any other applicable County ordinance, resolution, rules and/or regulations.
  9. Intergovernmental Cooperation: The County shall submit such information as the Department may require to show compliance with the private water well construction rules and the adequate implementation of the permitting authority delegated to the County.
  10. Reporting: Pursuant to 567 IAC 38.15(3), the Permitting Agency shall enter all new permit information on the internet access program called Private Well Tracking System (PWTS) before the well is constructed. The Permitting Agency shall ensure that well construction log information has also been entered in the PWTS within 90 days after well construction.
  11. State Permit Fees: Pursuant to subrule 567 IAC 38.5(1), the County shall submit to the Department a fee of \$25 for each well permit issued. These fees shall be submitted within 90 days of well permit issuance. Fees must be submitted along with DNR form 542-8073.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

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## B. Duties Of The Department

1. Administrator: The Department shall be the administrator of this Agreement for purposes of Iowa Code section 28E.6(1) to ensure its terms are properly carried out.
2. Review of County Program: The Department shall periodically review the rules, policies and procedures of the County and/or Permitting Agency to ensure consistency with Chapters 38 and 49 (IAC). The Department shall advise the County and Permitting Agency of its findings in writing. Such reviews shall not be more frequent than once a year unless the Department provides prior written notice. The Department shall conduct at least one review within the 12 months prior to the expiration date of this agreement.
3. Technical Assistance: The Department shall provide technical assistance and well program information to the County programs.
4. Areas of Contamination: The Department shall make available the technical resources to help the Permitting Agency determine the boundaries of known sources of contamination so that the Permitting Agency can determine if additional Department consultation and authorization is required by the applicant relating to the potential for groundwater contamination.
5. Water Allocation Permits: If the use of a proposed well intends to withdraw greater than 25,000 gallons per day, the Department shall, through its normal water allocation procedures under 567 IAC Chapters 50-54, provide the applicant a review of the proposed withdrawal prior to the use of the proposed well.
6. Compliance: The Department states its intention to limit its involvement in compliance activities or enforcement actions related to the Permitting Agency or private well construction permits issued by the Permitting Agency to:
  - i. Audits of the County and/or Permitting Agency's compliance with this Agreement; and
  - ii. Review and comment on any proposed changes in the County and/or Permitting Agency's rules, ordinances, policies, and/or procedures related to this Agreement; and
  - iii. Compliance activities or enforcement actions against any person where:
    - 1) The County specifically requests the Department's involvement and the Department agrees to accept responsibility; or
    - 2) The Department determines that the County program's enforcement response is inappropriate or untimely, after providing notice to the County and Permitting Agency in writing and allowing the County and/or Permitting Authority a reasonable opportunity to act prior to initiating any Department compliance activities or enforcement actions; or
    - 3) The Department is enforcing the provisions of 567 IAC 38.15(4), 38.16 and 38.17.
7. Intergovernmental Cooperation: In addition to the assistance and cooperation noted regarding specific issues above, the Department will keep the County informed of state and federal developments which may affect the private water well construction program in the County.

VIII. Amendments: This Agreement may be amended at a later date by mutual agreement of the parties. Additionally, this Agreement expressly includes "Attachment A: Memoranda of Understanding," which shall include all memorandums of understanding between the County and the Department that are entered into before or after the signing of this Agreement that provide for specific procedures to be used by those parties in the implementation of this Agreement.

IX. Period of Agreement: This Agreement is valid for an initial period of up to five years, beginning upon approval and signature of the County and the Department, and shall end five years after the signed date. This Agreement may be renewed by amendment for up to an additional five years. Such an amendment may expressly include a duplication of this section of the Agreement to allow for future extensions. This Agreement may remain in effect up to a period of one month after the expiration date through a memorandum of understanding between the County and the Department if renewal negotiations are in progress and additional time is required.

X. Legal or Administrative Entity Created: No new legal or administrative entity is created by this agreement.

XI. Manner of Financing: The functions to be performed by the County, under the provisions of this agreement, are to be financed by the County at no obligation to the Department. The County may use permitting fees charged to all eligible applicants pursuant to 567 IAC 38.5. However, the County is not necessarily limited to the funding source referenced above.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

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XII. Acquiring, Holding, or Disposing of Real Property: The functions of this Agreement do not require the acquisition, holding, or disposal of real property. In the event that an amendment to this Agreement or a memorandum of understanding included in Attachment A requires the acquisition, holding, or disposal of real property, this Agreement shall be amended to detail a manner of acquiring, holding, or disposing of real property.

XIII. Termination: The Department or the County may terminate this agreement by providing to the other party a written notice of intent to terminate this agreement at least 60 days prior to the intended date of termination. The notice shall specify the reasons for termination, and shall be delivered by sending the notice to the person listed below via U.S. Certified Mail.

Chairperson  
Benton County Board of Supervisors  
111 E 4<sup>th</sup> St  
Vinton, IA 52349

Director  
Department of Natural Resources  
502 E 9<sup>th</sup> St  
Des Moines IA 50319-0034

Upon termination, the County shall transfer to the Department all private water well construction permit program records in its possession, including file copies of permits, permittee files, unused application forms, all pending applications and pending fees, and all other documents generated as a result of this program. No later than 30 days following the stated termination date, the County shall deliver the above materials to the Department at the following address: Iowa DNR - Water Supply Section, 502 E 9<sup>th</sup> St, Des Moines IA 50319-0034.

XIV. Filing and Recording: The Department shall file a copy of this agreement electronically with the Iowa Secretary of State in accordance with Iowa Code section 28E.8.

**ATTACHMENT A: Memoranda of Understanding**

None.

**IN WITNESS THEREOF**, the Department and the County have executed two copies of this agreement that include, each of which shall be considered an original.

**IOWA DEPARTMENT OF NATURAL RESOURCES**

Date:

\_\_\_\_\_

Iowa Department of Natural Resources

\_\_\_\_\_

**BENTON COUNTY IOWA**

Date:

\_\_\_\_\_

(Signature)

\_\_\_\_\_

Tracy Seeman, Chairman

Benton County Board of Supervisors

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

Benton County Environmental Health

Date:

\_\_\_\_\_  
(Authorized Signature)

Marc Greenlee- Benton County Environmental Health Director

**Bierschenk moved/Primmer seconded:** To approve Benton County Rural Access Hub Policies and Procedures. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #78. Motion carried.

**RESOLUTION # 78**

WHEREAS, Benton County has applied for Fiscal Year (FY) 2022 Living Roadway Trust Funds for a 2021 Vermeer BC 1500 (165 hp Gas) Brush Chipper, and

WHEREAS, this equipment will make the local IRM program more effective, and

WHEREAS, the IDOT has approved for funding up to \$15,000 for the application submitted, and

WHEREAS, the IDOT has prepared a project development agreement,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the project development agreement be approved, and

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that Roadside Biologist, Ben Bonar be authorized to sign and execute the project development agreement.

Signed this 14<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Seeman moved/Bierschenk seconded:** To adopt Resolution #21-77 Hiring George Haefner in Weed Department. Primmer abstained vote. Motion carried.

### RESOLUTION #21-77

WHEREAS: Benton County Weed Department has a position to fill for Assistant Roadside Biologist and

WHEREAS: Applications have been received for the position and narrowed down to one; and

WHEREAS: George Haefner has been performing the duties as part-time since June 1, 2020; and

WHEREAS: This applicant is recommended for this position.

BE IT THEREFORE RESOLVED BY The Benton County Board of Supervisors that George Haefner be hired as Assistant Roadside Biologist \$20.19 per hour starting September 14, 2021. This is an Equipment Operator III classification with a Labor Grade VA.

Signed this 14<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer-abstained vote

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve the purchase of 6 garage door openers for main Weed building from Ollinger Garage Doors for an amount of \$5,630.00. Motion carried.

Ben Bonar told the Board he was going to hold off on advertising/hiring of a part-time intern until they get their wood chipper.

Phil Borleske updated the Board on the Camp Event the Historical Preservation Commission was hosting on October 2, 2021. It is postponed until May 1, 2022 due to COVID-19. Borleske also stated they were to discuss the Courthouse clock at their next meeting since the clock is not keeping time and the bell does not ring.

Supervisor Seeman gave a quick update on the Conservation meeting. On October 11, 2021 at 1:00 p.m. the Conservation Department is planning on doing the park tour with the Board of Supervisors.

Board acknowledged resignation of Full Time Correctional Officer, Heather Baker.

Board acknowledged retirement of Kenneth Bahr from Secondary Roads.

**Primmer moved/Bierschenk seconded:** To approve updated 28E agreement for Road maintenance and snow/ice control with Linn County.

**Prepared By: Linn County Secondary Road Dept., 1888 County Home Rd, Marion, IA 52302,  
(319)892-6400**

Return To: Linn County Auditor, 935 2<sup>nd</sup> Street SE, Cedar Rapids, IA 52404, (319)892-5300

### ROAD MAINTENANCE AND SNOW & ICE CONTROL AGREEMENT COUNTY OF BENTON AND LINN COUNTY SECONDARY ROAD DEPARTMENT

WHEREAS, for the benefit of the traveling public and the mutual benefit of the Benton County, Iowa and Linn County, Iowa, and

WHEREAS, to effectively deal with common street and road maintenance problems which occur on shared portions and are considered to be of a normal and routine nature, to enhance consistency of related traffic control measures and to provide a more cost effective maintenance program, and

WHEREAS, to effectively deal with the common problem of snow removal and ice control on road surfaces and to promote the safer flow of traffic;

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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NOW THEREFORE, Benton County, Iowa (Benton County) and Linn County, Iowa (Linn County) herewith enter into agreement for maintenance and upkeep of roads and for snow and ice control on those roads as listed and shown on attached Exhibits and under the provisions hereinafter stated.

MAINTENANCE

Benton County shall provide normal and routine maintenance on Linn County portions of roads indicated. Linn County shall provide normal and routine maintenance on Benton County portions of roads indicated. For the purpose of this agreement, normal and routine maintenance shall include the work listed below. If the work item is deemed above and beyond normal and routine maintenance as determined by the maintenance County, the work item(s) shall be completed by project agreement and negotiated separately.

- minor ditch cleaning
- granular surface grading & spot rocking
- shoulder repair (No additional rock required)
- minor surface repairs such as crack sealing or pothole repair
- debris removal, illegal dumping clean up and dead animal disposal
- mowing – any and all mowing along County secondary roads shall be in accordance with Iowa Code 314.17
- tree and shrub removal (10’ from the edge of the road, minimum)
- tree-trimming (16’ vertical and 16’ horizontal from the centerline of the road. All trimming to follow ANSI A-300 Pruning standards)
- pavement markings
- sweeping
- sign repairs
- minor bridge repair and culvert repair shall be the responsibility of the jurisdiction assigned that section of road

Each party shall control their maintenance operations as required by their respective policies and employees are to be covered by their own employer’s insurance. It is the intent of this agreement that both parties shall act responsibly and promptly, taking into account its own rules and tempering its response according to type and severity of the maintenance issues that arise.

Normal and routine maintenance does not include the following work items:

- paving
- seal coating
- rock surfacing
- shoulder rock
- full depth patching and grading
- bridge and culvert rehabilitation or replacement
- weed control or eradication – all county roadside areas are included in Linn County’s integrated roadside vegetation management plan

These work items are to be negotiated separately between either jurisdictions department heads or designees. If the proposed work exceeds \$5,000 a maintenance project agreement shall be completed and shall be approved by the respective Boards prior to completion of the work.

It shall be the responsibility of each jurisdiction to erect and maintain signs deemed appropriate within road segments where they have maintenance jurisdiction control.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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The cost of resurfacing rock surfaced roads shall be paid for by the owner County. The County responsible for the maintenance of the segments shall communicate with the owner County as to the amount of rock resurfacing requested and the method of placement.

Dust Control shall be permitted by the jurisdiction that has maintenance jurisdiction control. Residents who wish to obtain dust control must obtain a permit from the entity with maintenance jurisdiction control

Work within right-of-way permits must be applied for through the jurisdiction that has maintenance control and must follow said jurisdictions policies and standards. Entrance permits must be obtained through the jurisdiction where the property is located. Notification of approved entrance permits along shared roads must be forwarded to the jurisdiction that has maintenance control.

Linn County shall be responsible for completing bridge inspections for all Linn/Benton shared county line bridges in accordance with the National Bridge Inspections Standards (NBIS) and Iowa Department of Transportation (IDOT) Instructional Memorandum (IM) 7.020. These bridges include the following:

- 1) Bridge #220480, (Fairfax 1701 or 1701)
  - a. 91' X 32' Concrete slab bridge, on Linn-Benton Rd
- 2) Bridge #220400 (Fairfax 1723 or 1723)
  - a. 183' X 22' Steel beam concrete slab bridge on Linn-Benton Rd.
- 3) Bridge #220391 (Fairfax 1732 or 1732)
  - a. 48' X 24' Timber bridge with timber slab on Linn-Benton Rd.
- 4) Bridge #221831 (Fayette 617 or 617)
  - a. 72' X 25' Timber bridge with aluminum deck on Linn-Benton Rd.
- 5) Bridge #221821 (Fayette 1910 or 1910)
  - a. 24' X 24' Timber bridge with timber slab on Linn-Benton Rd.
- 6) Bridge #221730 (Fayette 1912 or 1912)
  - a. 152' X 21' Steel beam concrete slab bridge on Linn-Benton Rd.
- 7) Bridge #223351 (Grant 1589 or 1589)
  - a. 68' X 26' Steel Rail Car deck on concrete abutments on Linn-Benton Rd.

**CONSTRUCTION**

- Both jurisdictions shall approve plans and specifications before contracts are let or construction begins.
- The cost of all new construction, regardless of type, shall be borne based on jurisdictional limits.
- The planning and project administration of this construction shall be the responsibility of the jurisdiction that has the maintenance responsibility for the segment.
- A 7.5% project administration fee shall be included with the project invoice. The 7.5% fee applies to project costs within said jurisdiction.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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- Each jurisdiction is to acquire rights-of-way within its own respective boundaries, as required.

Each County as deemed necessary shall provide snow and ice control on the other’s portion of the routes as listed and as shown on the attached. Each party shall control their operations as directed by their individual winter maintenance policies. It is the intent of this agreement that both parties shall act responsibly and promptly, taking into account their policy and the type, severity, and duration of the storm.

Requests for additional snow and ice control on roads within any unincorporated areas may be considered by Linn County, and Linn County shall be reimbursed from Benton County for the reasonable cost of this service. The requested additional work may be performed after Linn County has completed its regularly scheduled work outside of the unincorporated area. The routes listed in this agreement may be reviewed periodically by each County.

Requests for additional snow and ice control on roads within the unincorporated area may be considered by Benton County, and Benton County shall be reimbursed from Linn County for the reasonable cost of this service. The requested additional work may be performed after Benton County has completed its regularly scheduled work inside the unincorporated area. The routes listed in this agreement may be reviewed periodically by each County.

Each County agrees to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against either County or which in any way result from carelessness or neglect of either party or its agents, employees, or workmen in any respect whatsoever.

Each County agrees to indemnify and hold each other, their employees and agents, wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by the either County, its agents, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.

This agreement shall supersede any previous shared road maintenance and snow & ice control agreements and be in effect from the date of approval by the Benton County Board of Supervisors and the Linn County Board of Supervisors and shall remain in effect until 30 days following either party providing a written notice for termination.

This agreement as hereby entered into by both parties is executed in three copies, either of which constitutes the original.

For the County of Benton, Iowa dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

For Linn County, Iowa dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Reviewed by Linn County Engineer \_\_\_\_\_

Brad Ketels, P.E.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Supervisor

LINN COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Supervisor

ATTEST: \_\_\_\_\_  
Benton County Auditor

ATTEST: \_\_\_\_\_  
Linn County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

September 21, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor’s office and at: [www.bentoncountyya.gov](http://www.bentoncountyya.gov)* ( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve Class C Native Wine Permit for 42 North Winery LLC effective September 24 through 28, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge resignation of Darien Smothers, from full-time correctional officer in the Sheriff’s office effective September 28,2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the hiring bonuses proposal for the Sheriff’s office, with a possible memorandum of understanding with the Union for this action. Motion carried.

The sheriff presented a resolution to discuss regarding if Benton County would want to be a Second Amendment Sanctuary County. There have been other counties already passing similar resolutions so this is an example from Hardin County. A motion was made by Bierschenk for approval, but was interrupted by the county attorney. Tippet stated this was brought to the board to look over, not as an action item, that it would need homework on it. Supervisor Primmer recommended waiting to allow time for the county attorney to look over and Heartland Insurance. No action was taken.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 141980 through 141993, ACH deposits numbered 46692 through 46838, vendor checks 240087 through 240094, and claims numbered 240095 through 240230. Motion carried.

Stuart Towe, Florence Township and Jim Hemesath came to discuss helping on the funding for a new \$400,000 pumper truck for the Fire Department. They are asking for the 10% gift through Local Option Sales Service Tax and then a possible Emergency Services Revolving Loan. They have over \$53,000 in raised donated money to help offset the costs as well.

**Primmer moved/Bierschenk seconded:** To approve the fire department moving forward with them ordering a new pumper truck and the County will help them with funding the project.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-79, Modifying exclusionary coverages of Heartland Insurance Risk Pool Policies. Motion carried.

### RESOLUTION #21-79

RESOLUTION APPROVING TO MODIFY EXCLUSIONARY COVERAGES OF HEARTLAND INSURANCE RISK POOL POLICIES TO PROVIDE THE FOLLOWING: Coverages for civil technical infractions under Iowa Code Section 39A.6:

WHEREAS, the Iowa Legislature has passed and Governor Kim Reynolds has signed, on March 8, 2021, an Act entitled the “Election Misconduct and Penalties Act”, which is now found in Iowa Code Chapter 39A, Sections 39A.1 through 39A.7, addressed to “election officials”, in Section 39A.1, which include the “county commissioner” of elections and those in the county auditor’s office, under Iowa Code Section 331.505, “who are responsible for carrying out functions or duties under chapters 39 through 53” relating to elections; and

WHEREAS, Iowa Code Section 39A.2 through 39A.5, define Election Misconduct in four degrees of criminal offense for acts and omissions of county auditors and the designated deputies and employees acting in the scope of their official duties for claimed election related misconduct; and

WHEREAS, Iowa Code Section 39A.1(2) declares that “(t)he general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction” but Iowa Code Section 39A.6(3)(a) empowers the Iowa Secretary of State to issue a “technical infraction” notice to the county auditor, (which the Legislature has not defined and about which the Secretary of State has not promulgated implementing rules), for which “the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund” with a removal from office if such amount is not challenged or paid after unsuccessful challenge; and

WHEREAS, the County Home Rule power is vested in the County Board of Supervisors, Iowa Code Section 331.301(2), under which the Board may “exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county and its residents”, “except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly”, Section 331.301(1), “subject only to limitations expressly imposed by a state law”, Section 331.301(3).”; and

WHEREAS, Iowa Code Section 670.8(1) requires that the Board of Supervisors “shall defend its officers and employees, whether elected or appointed and shall save harmless and indemnify the officers and employees against any

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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tort claim or demand whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties” for “any breach of duty, whether statutory or other duty” under Section 670.1(4); and

WHEREAS, Iowa Code Section 331.324(4) requires that “the board [of supervisors] shall pay a loss for which the officer or employee is found liable beyond the amount of insurance . . . (i)f the liability of a county officer or employee in the performance of official duties is not fully indemnified by insurance” and empowers the Board “to compromise and settle any such claim”; and

WHEREAS, the county auditors and their deputies serving within the scope of their employment and duties in connection with the responsibilities they are assigned under the election laws of Iowa are threatened by the increasing animosity, partisanship, and vehemence and vitriol of persons involved in political party politics who can easily make or cause to be made criminal complaint under Sections 39A.2 through 39A.5, or cause action to be brought under Section 39A.6, whether criminal or civil, thus exposing such elected officers and their appointed deputies and employees to criminal proceedings, criminal penalties, attorneys expenses and costs, criminal or civil fines for administrative proceedings, attorneys fees and costs, and removal from office of the Auditor resulting in loss of income for two years all for undefined “technical infractions”,

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the Benton county auditor and any deputy auditor or employee who performs election related responsibilities within the scope of criminal offenses and civil infractions, defined by the Election Misconduct and Penalties Act, Iowa Code Sections 39A.1 through 39A.7, shall be provided at county expense,

- (a) In the cases of criminal charges made under Iowa Code Sections 39A.2 through 39A.4, and any charges brought under Iowa Code Chapter 721, as referred to in Section 39A.7, a defense, meaning a lawyer to represent the auditor, deputy auditor, and any employees of the auditor’s office so charged criminally, including any appeals to the Iowa Supreme Court.
- (b) If a conviction results under any of the charges referred to in subparagraph (a), above, the person convicted shall not be indemnified for any fine so levied in the criminal judgment.
- (c) Any person so charged as defined in subparagraph (a) shall immediately notify the Board of Supervisors of the pendency of such charges to invoke this Section.

2. That the Benton county auditor and any deputy auditor or employee who performs election related responsibilities within the scope of criminal offenses and civil infractions defined by the Election Misconduct and Penalties Act, Iowa Code Sections 39A.1 through 39A.7, shall be provided, at county expense,

(a) in the case of technical violations and infractions under Section 39A.6, defined as civil violations under Section 39A.1, an attorney to represent the auditor, deputy auditor and any employees of the auditor’s office cited for any such technical violation or infraction to file an appeal of such allegations or findings pursuant to Chapter 17A as specified by Section 39A.6(3)(b), in lieu of paying the civil fine of not to exceed ten thousand dollars specified by Section 39A.6(3)(a). Such representation shall continue for any of the successive appeals thereafter provided from the findings and conclusions

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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of the Administrative Law Judge with appeals therefrom to the Secretary of State, the Iowa District Court and the Iowa Supreme Court.

(b) On July 8, 2021, the Heartland Risk Pool Board voted unanimously to modify exclusionary coverages of Heartland policies by providing the following coverages for only civil technical infractions under Iowa Code Section 39A.6:

“However, we will pay reasonable expenses incurred by the **Insured** including but not limited to attorney’s fees, investigator fees, expert fees, penalties and fines related to civil technical infractions under Iowa Code Section 39A.6 but not for the criminal fines imposed upon conviction under Iowa Code Sections 39A.2 through 29A.5 otherwise excluded under this section, up to a limit of \$400,000 per claim.”

Signed this 21st day of September, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-80, Appointing Megan Hall as Assistant County Attorney effective September 9, 2021. Motion carried.

### RESOLUTION # 21-80

WHEREAS, the Benton County Attorney has a need for full-time assistant; and  
 WHEREAS, Megan Hall has been employed by Benton County as full-time paralegal since August 16, 2021 ;  
 WHEREAS, Hall has been currently performing the duties of the above mentioned position and showed her certificate of passing the bar exam; and  
 WHEREAS, the Attorney recommended that Hall have her employment status and wage changed,  
 NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Megan Hall be changed to an assistant attorney in the Attorney's office, effective September 9, 2021 her salary be \$75,000 a year.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

County Attorney David Thompson discussed the courthouse clock and the need for an assessment for some repairs. Not sure what is wrong and why it is running so slow. The last repair was done about 6 years ago. The clock committee and historical preservation commission has met and are asking the board grant approval to hire an expert to come look and provide an estimate. Thompson stated he would come back in the future with the estimate before any work is done.

**Primmer moved/Bierschenk seconded:** To approve the hiring of the expert to come take a look at the clock and provide an estimate. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve minutes of September 14, 2021 with one correction made changing doors to door openers for the weed department. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

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Hayley Rippel, Benton County Auditor

September 28, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*  
 ( <https://www.youtube.com/bentoncountyiowa> )

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Seeman moved/Bierschenk seconded:** To Approve Resolution #21-81, Abate Taxes. Motion carried.

### RESOLUTION #21-81

WHEREAS, the Benton County Assessor has requested the Board of Supervisors abate taxes due to assessment error and survey discrepancies;

WHEREAS, The Assessor will be filing an Auditor's correction to correct the assessment;

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:
190-11210	\$124.00
190-11220	\$124.00

Dated this 28<sup>th</sup> day of September, 2021

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve farm exemption application for Joel Hollenbeck in part of the W ½ of SE ¼ of Section 35-86-10. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Kyle and Tyra McAbee in part of SE ¼ SE ¼ of 35-85-9. Kyle McAbee was present. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. McAbee's would like to change the use of 2 acres for a new home. This site is currently in production, with an average CSR of 47. The new driveway was reviewed and meets all requirements. This location will need a new septic, which may need to be a conventional one. The required notification was sent to two adjacent landowner's and published in the official newspapers, and received no responses. Hearing no other further comments, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve land use change for Kyle and Tyra McAbee for two acres to build a new home on part of SE ¼ SE¼ of 35-86-9. Motion carried.

**Primmer moved/Bierschenk seconded:**

**Primmer moved/Bierschenk seconded:** To approve minutes of September 21, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature for a professional services agreement with Schneider Geospatial, LLC for contracted hours for flexible remote support related to GIS data and reports. Motion carried.

**Bierschenk moved/Primmer seconded:** To acknowledge resignation for Heather Baker, correctional officer in the Sheriffs office effective September 28, 2021. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-82, Abate Taxes. Motion carried.

### RESOLUTION #21-81

WHEREAS, Benton County Board of Supervisors has property they lease from East Central Iowa Council of Governments;

IT IS THEREFORE RESOLVED that the 2020 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes Due:
240-89200	\$40.00

Dated this 28<sup>th</sup> day of September, 2021

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Nathan Summers, D.A. Davidson & Co joined the meeting via zoom to discuss financing plan options for general obligation debt. The county has an estimated \$8 million project for a new emergency radio system. The county hopes to use \$2 million of the American Rescue Plan funds to help cover the civil portion of the project such as a new tower, but will need to borrow the remainder. Summers went over a 5 and 7-year payment plan with an estimated 2% interest rate. No action was taken today, but Summers will get some of the paperwork sent over and this will get put back on the agenda for setting the public hearing and adoption of the appropriate resolutions.

**Primmer moved/Bierschenk seconded:** To approve IDOT Preconstruction Agreement #2022-C-029 for Primary Road Project along US Hwy 30 near IA Hwy 2 intersection. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve IDOT Preconstruction Agreement #2022-C-020 for Primary Road Project along IA Hwy 150 near Urbana. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and sign plan set for Project BROS-SWAP-CO06(119)—SE-06 Twin Box Culvert on 75<sup>th</sup> Street in Florence Township. Motion carried.

**Primmer moved/Seeman seconded:** To approve Resolution #21-82, Temporary Road Closure. Voting aye were Primmer and Seeman, Bierschenk naye. Motion carried.

### RESOLUTION #21-83

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from September 28, 2021, through the completion of the project.

From 75<sup>th</sup> Street thence north 1 mile to 74<sup>th</sup> Street along 16<sup>th</sup> Avenue in Leroy Township.

Signed this 28<sup>th</sup> day of September, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To accept bids from IDOT September letting for Twin Box Culvert construction Project on E24-59<sup>th</sup> St Tr (BROS-SWAP-CO06(109)—FE-06 were received as follows:

-Iowa Bridge & Culvert, L. C. -\$335,557.50

-K Construction Inc. -\$360,181.52

-Peterson Contractors Inc. -\$382,272.07

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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-Progressive structures, LLC. -\$393,078.75  
 -Taylor Construction, Inc. -\$447,852.75  
 -Boomerang Corp-\$487,869.50  
 -Tschiggfrie Excavating Co.-\$549,351.00

**Bierschenk moved/Primmer seconded:** To Award Box Culvert Project to lowest bidder-Iowa Bridge & Culvert, L.C. in the amount of \$335,557.50. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-83, Designate County Engineer to execute contract. Motion carried.

### RESOLUTION #21-84

**WHEREAS**, the Benton County Board of Supervisors, hereafter referred to as "the Board", believes the BROS-SWAP-C006(109)--FE-06, hereafter referred to as "the project" is in the best interest of Benton County, Iowa, and the residents thereof. The project is defined as RCB Culvert Replacement-Twin Box on E24 (59<sup>th</sup> St Tr); and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Benton County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from Iowa Bridge & Culvert, L.C. in the amount of \$335,557.50 and awards the associated contract(s) to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Benton County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Myron L Parizek, the County Engineer for Benton County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Signed this 28<sup>th</sup> day of September, 2021.

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 Tracy Seeman, Chairman

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 Gary Bierschenk

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 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
 Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

October 5, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyyia.gov](http://www.bentoncountyyia.gov)*

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve the minutes of September 28, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the Auditor's Quarterly Report ending September 30, 2021. Motion carried.

Mona Krugger Onken presented the only bid received for a vehicle for the Behavioral Specialist position. She had emailed the request out two different times. Bid received as follows:

-Thys Automotive, 2020 Jeep Renegade 4WD -\$24,999

**Primmer moved/Bierschenk seconded:** To approve the Sheriff's Quarterly Report ending September 30, 2021. Motion carried.

Melody Snow, Vinton Unlimited Director came to ask for permission to use the inside of the courthouse so that children can come visit Santa. In the years past, one of the elected officials allows the public access for this event. Seeman agreed someone would be available to do so. Snow also brought up previous discussion regarding the holiday lights for the courthouse and brought a few pictures with ideas of various lighting options and prices. It was agreed this would be a good tradition to get going again, but obtaining the equipment and people to do it properly is the next step.

**Primmer moved/Bierschenk seconded:** To approve Vinton Unlimited to use the courthouse for Santa to be inside after the lighted holiday parade on Thursday, November 18, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-85, FY 22 Budget Amendment. Motion carried.

### RESOLUTION #21-85

**BE IT REMEMBERED** on this, the 5th day of October, 2021, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 29, 2021. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ 2,000,000
Physical Health & Social Services	\$ 43,000
Mental Health	\$ 125,000
County Environment & Education	\$ 109,875
Roads & Transportation	\$ 0
Government Services to Residents	\$ 10,000
Administration	\$ 152,745
Non-Program	\$
Debt Service	\$ 0
Capital Projects	\$ 125,000
Operating Transfers Out	\$ 0

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$ 2,565,620
Licenses & Permits	\$ 0
Charges for Services	\$ 0
Use of Money & Property	\$ 0
Miscellaneous	\$ 0
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0

Dated this 5<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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Kirsten Nelson, HR Director, provided a wellness update to the Board. October 31<sup>st</sup> is the deadline to get the online assessment and a health physical done. Nelson explained how the participation percentage and points work, but there are always employees who are reluctant to participate. A reminder was sent in employees most recent payroll stub as a reminder to try and get more participation last minute.

**Primmer moved/Bierschenk seconded:** To renew the contract with TASC to administer the county employees flex spending account for one year starting on January 1, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize Kirsten Nelson to sign documents on the county's behalf to sign the proposal from Auxiant to administer the partial self-funding claims starting January 1, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-86, Employee Change in the Sheriff's Office. Motion carried.

### RESOLUTION # 21-86

WHEREAS, the Benton County Sheriff has a need for a full-time courthouse security officer; and  
 WHEREAS, Steven Fish have been employed by Benton County as part-time since December 22, 2021;  
 WHEREAS, Fish has all the required qualifications; and  
 WHEREAS, the Sheriff recommended that Steven Fish have his employment status be changed from part-time to full-time courthouse security officer in the Sheriff's office, effective October 5, 2021 at the hourly rate of \$ 17.91.  
 Dated this 5th day of October, 2021.

\_\_\_\_\_  
 Tracy Seeman, Chairman

\_\_\_\_\_  
 Gary Bierschenk

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 Rick Primmer

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-87, Amending Resolution #18-14, Wages and Benefits for part-time employees in the Sheriff's Office. Motion carried.

**RESOLUTION #21-87**  
Amending Resolution #18-14

**RESOLUTION WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S OFFICE**

Part time Corrections Officers, Communications Specialists, Food Service, Deputy Sheriff and Reserve Deputy Sheriff.

WHEREAS, the Benton County Board of Supervisors adopted Resolution #18-14 on February 27, 2018;

WHEREAS, the Benton County Sheriff has requested that said Resolution be edited to remove some verbiage pertaining to training wage; portion to eliminate "after training" in #2, and remove all of paragraphs # 4 and #5;

WHEREAS, the Benton County Board of Supervisors believes that establishing the wages and benefits for said employees is necessary to provide for the efficient operations of the department through the hire and retention of qualified employees;

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING policies are amended accordingly and adopted for the part-time employees in the Benton County Sheriff's Department:

1. Part-time employees shall receive compensation at the rate of 1.5 times their regular hourly rate of pay for hours worked on a holiday or for each hour worked more than 40 hours per week. Holidays, for purposes of this section, are as defined in the most current labor contract between Benton County Sheriff's Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.
2. Starting wages per hour shall be the same as a starting full-time employee in their respective job classifications except for part-time office administration employees.
3. Starting wages of part-time office administration employees shall be as agreed on by the Sheriff or his/her designee, and the Benton County Board of Supervisors. Part-time office administration employees are not covered under or subject to Paragraphs 4, 5, 6, 10 and 11.
4. Step Raises for: Part time Corrections Officers, Communications Specialists, Food Service, Deputy Sheriff
  1. An employee must work a minimum of one year and 1,000 hours before being eligible for step raise comparable to that of a full-time employee after one year.
  2. An employee must work a minimum of two years and 2,000 hours comparable to that of a full-time employee after two years.
  3. An employee must work a minimum of seven years and 7,000 hours before being eligible for a step raise comparable to that of a full-time employee after ten years.
  4. An employee must work a minimum of fifteen years and 15,000 hours before being eligible for a step raise comparable to that of a full-time employee after twenty years.
  5. These step raises will not be automatic but will be based on job performance, attendance, and willingness to work requested hours. Any part-time person who fails to actively work within any consecutive six-month period shall lose their accumulated hours towards reaching the 1000 hour requirement set forth above.
5.
  - a. Any part-time employee advancing to a full-time position, with the same job classification shall retain their current wage status.
  - b. Any part-time employee advancing to a full-time position and the job classification is new or different from the current job classification that the employee is filling the wage shall be within the union agreement and agreed upon by the employee the board of supervisors and the Sheriff.
  - c. Part time Employees advancing to fulltime status and the job classification is under the civil service commission are not covered under this agreement.
6. Part-time employment will not be used for calculations of any other type of benefits for employees going from part-time to full-time.
7. Part-time employees are not entitled to longevity pay.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

- 8. Part-time employees shall receive a \$.50 per hour shift differential for night shifts worked after successful completion of training. A night shift for purposes of this section is as defined in the most current labor contract between Benton County Sheriff’s Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.
- 9. Part-time employees shall receive a \$.75 per hour shift differential for weekend shifts worked after successful completion of training. A weekend shift for purposes of this section is as defined in the most current labor contract between Benton County Sheriff’s Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.
- 10. A Reserve Deputy (hired on or after February 27, 2018) NOT PART TIME DEPUTY SHERIFF
  - 1. Reserve Deputy Sheriff is defined in Iowa Code section, 80D. All new employees are subject to a 120-day probation period.
  - 2. All Reserve Deputy Sheriff training shall be in accordance with Iowa code section 80 D.
    - a. Training shall be paid for by the Benton County Sheriff. The reserve officer in training will volunteer the time required to complete the training.
    - b. The Reserve officer in training shall volunteer 80 hours of on the job training.
    - c. A Reserve Deputy Sheriff hired on or after February 27<sup>th</sup>, 2018 shall be paid under the following terms, A Reserve Deputy in training shall be paid \$2.00 an hour less than that of a full time Deputy Sheriff. After the completion of the required firearms training and 80 hours volunteer time. After the completion of all required Reserve Deputy training the Reserve Deputy Sheriff shall be paid \$1.00 an hour less than that of a starting full time Deputy Sheriff.
    - d. After working 500 hours a Reserve Deputy Sheriff may be paid the wage of a starting full-time Deputy Sheriff.
    - e. After working 1500 hours a Reserve Deputy Sheriff may be paid the wage of a full-time Deputy Sheriff after one year of employment.
    - f. A Reserve Deputy Sheriff hired on or after February 27, 2018 and has completed the Reserve Officer training prior to employment with Benton County Sheriff may be paid \$2.00 an hour less than the wage of a starting Fulltime Deputy Sheriff starting wage. After the 120-day probation period and the Reserve Officer is able to work alone in accordance with Iowa code section 80D the Reserve Deputy may be paid \$1.00 less than the wage of a starting fulltime Deputy Sheriff. After working 500 hours the reserve Deputy Sheriff may be paid the wage of fulltime starting Deputy Sheriff. After 1500 hours the Reserve Deputy may be paid the wage of a fulltime deputy Sheriff after one year of employment.

This agreement is subject to change with or without notice at the sole discretion of the Benton County Board of Supervisors and the Benton County Sheriff, or his/her designee.

BE IT FURTHER RESOLVED that any prior agreement relative to wages and benefits of part-time employees in the Benton County Sheriff’s Department is repealed upon adoption of this resolution.

Dated this 5th day of October, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve hiring of Ashleigh Trunkhill and Zackary Fisher for part-time correctional officers in the Sheriff’s office at a rate of \$17.91 an hour effective October 5, 2021. Motion carried.  
**Primmer moved/Bierschenk seconded:** To approve and authorize chairman signature on an engagement letter with D.A. Davidson to serve as the underwriter for Benton County on the proposed offering and issuing of General Obligation Bonds. Motion carried.  
**Primmer moved/Bierschenk seconded:** To approve and authorize Hayley Rippel, County Auditor to sign the engagement letter with Dorsey and Whitney, Bond Counsel for General Obligation Debt. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-88, Resolution to set a public hearing date to enter into General Obligation Loan Agreement. Motion carried.

### RESOLUTION #21-88

Resolution to fix a date for a public hearing on proposal to enter into a General Obligation Emergency Communications Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$8,250,000

WHEREAS, The Board of Supervisors of Benton County, Iowa, proposes to enter into a General Obligation Emergency Communications Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$8,250,000 pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa for the purpose of paying the cost, to that extent, of improving and equipping emergency communications systems, and it is necessary to fix a date of meeting of the Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be it Resolved, by the Board of Supervisors of Benton County, Iowa, as follows:

- 1) This Board shall meet on the 19<sup>th</sup> day of October, 2021, at the Benton County Service Center, Vinton, Iowa at 9:30 a.m., at which time and place proceedings will be instituted and action taken for the entering into the Loan Agreement.
- 2) The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once not less than 4 nor more than 20 days before the meeting, in a legal newspaper published at least once weekly, and of general circulation in the County.

Signed this 5<sup>th</sup> day of October, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST:

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Hayley Rippel, Benton County Auditor

October 11, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 1:00 p.m. at the Benton County Nature Center.

The Supervisors along with the Conservation Board and some conservation employees toured various county properties. Director Shelby Williams explained the various improvement projects and also areas that are still needing improved.

**Bierschenk moved/Primmer seconded:** To adjourn at 4:20 p.m. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

October 12, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk, and Primmer present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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**Bierschenk moved/Primmer seconded:** To approve the minutes of October 5, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 141994 through 142007, and 142008 through 142017, ACH deposits numbered 46839 through 46985, ACH Deposits 46986 through 47128, vendor checks 240231 through 240237, handwrite 240238, claims numbered 240239 through 240444 and vendor checks 240445 through 240451. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve farm exemption for Matt and Johnna Rathje, in part of the SW of NW of 35-83-10. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge resignation of Alex Maynard in the Treasurer’s office effective October 27, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the Recorder’s Quarterly Report ending September 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Chuck Yedlik at Taylor Township Clerk to fill the vacancy. Motion carried.

**Bierschenk moved/Primmer seconded:** To appoint Matt Garbers as Union Township trustee. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the purchase of a 2020 Jeep Renegade for Mental Health’s Behavioral Specialist from Thys Automotive for \$24,999. Motion carried.

Tom Boeckmann, Vinton, started the discussion for the resolution that was addressed a few weeks earlier regarding the second amendment. Since the posting of the previous meeting, Boeckmann said it has caught the attention of national headquarters of the National Rifle Association. Also describing the outburst from that meeting as an embarrassment to the taxpayers and government of Benton County. Boeckmann stressed that the Second Amendment is different from the other amendments by stating it “shall not be infringed.” He felt it was important that county boards take this seriously and understand the will of the people. It is the right thing to do, and make a stand and have the constituents in Benton County’s best interest and why the constitution is important. He urged the board to pass the resolution.

Bill Keller, local firearms instructor also from Vinton was present. Keller stressed possessing a weapon is a natural right. He appreciates the efforts of the board and felt it has become political.

Primmer said he would second the motion that Bierschenk made at the previous meeting. County Attorney asked if there was more discussion and proceeded to talk about the misinterpretation on why he objected at that previous meeting. Supervisor Seeman said his concern was that people might think this will allow them to come into the county buildings with a weapon. Thompson pointed to Chapter 331 of the Iowa Code on the role of the county board. The second Amendment is alive and well.

Mary Coots, another Vinton resident present for the discussion spoke next. “I see our Constitution being shredded every day. I see our rights being trampled on every day. I think it is time we bring attention to it and stop it. “ Attorney Thompson agreed he understood what Coots was saying, but questioned if we were going to do a resolution for every right in the constitution. Coots replied, if we have to, then I think we should. After some further discussion,

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-89, Declaring Benton County, Iowa to be a second amendment sanctuary county. Motion carried.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**RESOLUTION 21-89**

**A RESOLUTION DECLARING BENTON COUNTY, IOWA,  
TO BE A SECOND AMENDMENT SANCTUARY COUNTY**

**WHEREAS**, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; “A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed,” and

**WHEREAS**, the right of the people to keep and bear arms for the defense of life, liberty and property is regarded as an inalienable right by the people of Benton County, Iowa; and

**WHEREAS**, the people of Benton County, Iowa derive economic benefit from all safe forms of firearms recreation, hunting and shooting conducted with Benton County using all types of firearms allowable under the United States Constitution and the laws of the State of Iowa; and

**WHEREAS**, the Benton County Board of Supervisors was elected to represent the citizens of Benton County, and have sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and

**WHEREAS**, Iowa State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and

**WHEREAS**, legislation is currently being considered and expected to be proposed by both the Iowa State Legislature and the Federal Legislature the potentially seeks to infringe on the constitutionally protected right of citizens to keep and bear arms; and

**WHEREAS**, it is desirable to declare that Benton County is a Second Amendment Sanctuary County, as Benton County opposes the enactment of any legislation that would infringe upon the constitutional right of the people of Benton County to keep and bear arms; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Benton County Board of Supervisors hereby declares Benton County, Iowa, to be a Second Amendment Sanctuary County, and hereby states its opposition to the enactment of any legislation that would infringe upon the constitutionally right of the people of Benton County, Iowa to keep and bear arms.

Dated this 12th day of October, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-90, Approve Hiring Equipment Operator in Benton County Secondary Roads Department. Motion carried.

RESOLUTION #21-90

WHEREAS: Benton County Secondary Road Department has an opening to fill for an Equipment Operator at the Main Shop and  
WHEREAS: Applications were accepted for this position and  
WHEREAS: These applications have been reviewed and evaluated.  
THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that James Kane be hired to fill one position of Equipment Operator at a starting wage of \$21.35 per hour starting October 22, 2021. This is an Equipment Operator II classification with a Labor Grade IVA.  
Dated this 12th day of October, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Engineer Myron Parizek gave an update on the bridge and culver repair near Blairstown and hoping it would be finished by the end of this week. The culvert north of Luzerne could take four to five weeks.  
**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

October 19, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk were present and Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor’s office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*  
( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve the minutes of October 12, 2021. Motion carried.  
**Primmer moved/Bierschenk seconded:** To appoint Rose Rouse as a member to the Pioneer Cemetery Commission. Motion carried.  
**Bierschenk moved/Seeman seconded:** To approve General Assistance Quarterly Report. Motion carried.  
**Bierschenk moved/Primmer seconded:** To appoint Katie Stetzel as Medical Examiner Investigator. Motion carried.  
Discussion on the bids received for the asphalt and cement for the Benton County Service Center. The South end was \$16,740, North end \$60,751.60 and the entire parking lot for roughly \$93,469. No action was taken.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-91, Hiring Laura Deaton as Deputy Sheriff. Motion carried.

RESOLUTION #21-91  
APPROVING HIRE IN SHERIFF’S DEPARTMENT

IT IS HEREBY RESOLVED that the Sheriff has a vacancy for the position of a full time Deputy Sheriff, and;  
WHEREAS Laura Deaton has been selected through the Civil Service Board and completed all the required testing;  
WHEREAS Deaton is an ILEA certified officer, and will come with 7 years of experience;  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Laura Deaton be hired as a full-time Deputy in the Sheriff’s Department, effective November 1, 2021 with a starting wage at \$29.53 an hour, per union contract.

Date this 19th day of October, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Ben Bonar, Weed Commissioner discussed the cost increase to a brush chipper that he had previously been granted approval to purchase. The original price quoted was \$62,090 and now the cost is \$72,940. The LRTG Grant is in the amount of \$15,000 but he would need approval for the remainder.

**Primmer moved/Bierschenk seconded:** To approve the purchase of the brush chipper and get the price locked in. Voting aye were Primmer and Bierschenk. Seeman Naye. Motion carried.

The time of 9:30 has arrived and this being the time and place specified for taking action on the proposal to enter into a General Obligation Emergency Communications Loan Agreement in a principal amount not to exceed \$8,250,000, the County Auditor announced that no written objections had been placed on file. The Sheriff, EMA Director and Vinton Fire Chief were present for the hearing. Discussion regarding the equipment and having it all be the same from one vendor will be a benefit. All city police and fire departments, ambulances, Sheriff Department, Conservation, Secondary Roads staff will all be included in this project. Discussion was also had on the amount to borrow with the possibility of using the ARP funds for the civil portion was still an option. Scott Hansen spoke on how they will look for grants with the project manager also. Whereupon, the Chairperson called for any written or oral objections, and there being none, Bierschenk moved to close the public hearing and Primmer seconded. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-92, Taking Action on Proposal to enter into General Obligation Emergency Communications Loan Agreement. Voting aye were Primmer, Bierschenk and Seeman. Nays none. Motion carried.

### RESOLUTION #21-92

Resolution Taking Additional Action on Proposal to Enter into a General Obligation Emergency Communications Loan Agreement

WHEREAS, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), heretofore proposed to enter into a General Obligation Emergency Communications Loan Agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$8,250,000 pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa for the purpose of paying the cost, to that extent, of improving and equipping emergency communications systems, and pursuant to law and duly published notice of the proposed action, has held a hearing thereon on October 19, 2021;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Benton County, as follows:

Section 1. The Board of Supervisors hereby determines to enter into the Loan Agreement in the future and orders that General Obligation Emergency Communications Bonds (the "Bonds") be issued at such time, in evidence thereof. The Board of Supervisors further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved October 19, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

Ben Turnis, Information Technology director, discussed the proposal to move forward with the website upgrade. Turnis provided samples of how the website will look. It will make it easier for officials to send information and will have a more user-friendly mobile interface as well. There is a \$25,000 upfront cost to convert the current website over to the new and then a yearly maintenance fee. The current website will not be down during the process.

**Bierschenk moved/Seeman seconded:** To approve the proposal from Neapolitan Labs, LLC and pay the 50% down-payment of the core costs. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve a purchase agreement to rent with option to buy from Martin Equipment for a used 2019 John Deere 644K wheel loader. Motion carried.

The Engineer reported that the bridge north of Blairstown had been opened back up.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

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Hayley Rippel, Benton County Auditor

October 26, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk were present and Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

<https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Seeman seconded:** To approve the minutes of October 19, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142018 through 142028, ACH Deposits 47129 through 47273, claims numbered 240452 through 240574, vendor checks 240575 through 240582. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature on the Annual Urban Renewal Report for the Department of Management. Motion carried.

**Bierschenk moved/Seeman seconded:** To approve Class C Liquor License for Bev the Barbarian, LLP for October 30, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve a credit card for the maintenance department with a \$2,500 limit. Motion carried.

Karla Mell was present to discuss an open records request. This will be put on the agenda for the next meeting to take action on. Mell is requesting video footage off security camera from a certain incidence on the 3<sup>rd</sup> floor of the courthouse.

**Bierschenk moved/Primmer seconded:** To authorize and approve PCI Project Change Order for Schedule 1A (Jorgensen site) Middle Cedar Watershed Bid Package 6 in the amount of \$13,900. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and sign contract amendment 3, agreement by and between the University of Iowa Flood Center and Benton County, for modeling services to extend contract end date to June 30, 2022 and update the required provisions for the resiliency grant. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize signature on contract amendment No.3 between Benton County, Iowa and the East Central Iowa Council of Governments (ECICOG) for the provision of administrative services to implement the watershed project funded through the Community Development Block Grant ending June 30, 2022. Motion carried.

Jennifer Fencl, East Central Iowa Council of Governments provided a quick update regarding the WMA projects. As of now, all projects bid out have been done or atleast started.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

November 2, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/Primmer seconded:** To approve the minutes of October 26, 2021 with a correction on the amount of the WMA change order. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the purchase of courthouse christmas lights and move forward with getting them hung on the courthouse. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring Katlyn DeBrower as a part-time sheriff deputy effective November 2, 2021 at the hourly rate of \$24.85 an hour. Motion carried.

**Bierschenk moved/Primmer seconded:** To acknowledge resignation of Lydia Close, communications specialist in the sheriff's office effective November 12, 2021. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Primmer moved/Bierschenk seconded:** To approve Resolution #21-93, Employment change for Dennis Eden in the Sheriff's office. Motion carried.

### RESOLUTION # 21-93

WHEREAS, the Benton County Sheriff has recommended a promotion for a correctional officer; and  
 WHEREAS, Dennis Eden has been employed by Benton County since December 28, 2013;  
 WHEREAS, Eden has all the required qualifications and will take on additional duties and assisting others where needed;  
 WHEREAS, the Sheriff recommended that Dennis Eden have his employment title be changed to Senior Correctional Officer in the Sheriff's office, effective November 2, 2021 at the hourly rate of \$ 23.21.  
 Passed this 2<sup>nd</sup> day of November, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-94, To approve amended and substituted county electronic services system 28E Agreement. Motion carried.

### RESOLUTION #21-94

#### AMENDED AND SUBSTITUTED COUNTY ELECTRONIC SERVICES SYSTEM 28E AGREEMENT

WHEREAS, Iowa Counties and Iowa County Recorders Association are required to implement electronic recording and electronic transactions in each county and develop county and statewide internet web sites to provide electronic access to records and information; and  
 WHEREAS, in 2005, House File 882 required that the board of supervisors in each county is required to execute a 28E agreement with the Iowa County Recorders association for the implementation of the county land record information systems; and  
 WHEREAS, House File 257, an Act relating to the authority of county boards of supervisors to amend an agreement between the counties to implement the county land record information system; and  
 THEREFORE, the Benton County Supervisors has approved and agreed to enter into the amended and substituted County Electronic Services System 28E Agreement.

THE EXECUTION OF THIS AGREEMENT BY EACH UNDERSIGNED COUNTY SHALL CONSTITUTE ADOPTION OF THIS AGREEMENT. FOR EACH UNDERSIGNED COUNTY, SUCH EXECUTION SHALL BE PURSUANT TO AUTHORITY GRANTED BY MOTION OF THE BOARD OF SUPERVISORS.

#### AMENDED AND SUBSTITUTED COUNTY ELECTRONIC SERVICES SYSTEM 28E AGREEMENT

**WHEREAS**, the Iowa County Recorders Association (hereinafter referred to as "Association") and the following Counties to wit: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright [See Also Attachment A] entered into the above described County Electronic Services System 28E Agreement; and  
**WHEREAS**, the Electronic Services System was created in 2005 and has implemented electronic recording and electronic transactions in each county and has developed a model statewide land record information system and website to provide electronic access to records and information in the State; and  
**WHEREAS**, the Iowa County Recorders Association and each participating county have been instrumental in creating and expanding the public's access to public records while at the same time assuring the creation and development of a system that redacts and protects personally identifiable information efficiently and accurately; and  
**WHEREAS**, the Electronic Services System has efficiently and successfully performed the duties specified in Section 331.604 of the Code of Iowa; and  
**WHEREAS**, the Electronic Services System has successfully fulfilled its fiduciary responsibilities to Iowa citizens and counties by transmitting fees paid by customers to Iowa counties for the public services rendered by the System and by conducting an annual financial audit assuring the integrity and efficiency of the Electronic Services System created and developed by the participating Counties and the Iowa County Recorders Association; and

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**WHEREAS**, 2005 Iowa Acts, chapter 179, section 101 has been amended by the Iowa General Assembly (House File 527, 2021 Iowa Acts) to allow the Electronic Services System to amend the agreement to provide for the ongoing implementation of the county land record information; and

**WHEREAS**, in accordance with the recent amendments by the Iowa legislature, the parties seek to amend and Substitute the County Electronic Services System 28E Agreement and in the process allow the system to contract directly for services thereby eliminating the financial liability of the Iowa County Recorders Association for the direct contractual actions of the Electronic Services System while at the same time allowing for a representative governance system assuring continued leadership by elected County Recorders across the State; and

**NOW THEREFORE**, the undersigned counties and the Iowa County Recorders Association hereby Amend and Substitute the aforementioned County Electronic Services System 28E Agreement entirely with this **AMENDED AND SUBSTITUTED COUNTY ELECTRONIC SERVICES SYSTEM 28E AGREEMENT** as follows:

1. **PURPOSE.** This Agreement is an Amended and Substituted Intergovernmental Agreement creating and continuing the Electronic Services System administering the county land records information system, a/k/a Iowa Land Records, and other services. The purpose of the Electronic Services System was to establish a system and the necessary associated infrastructure to enable the recordation of various land records by interested parties in all areas of the State, and to provide reasonable public access to the public to land record information, while assuring that personally identifiable information was redacted in accordance with Iowa Law prior to public access to such records through the system.
2. **STATUS AS LEGAL ENTITY.** The Electronic Services System shall hereafter be constituted as a separate and distinct legal entity formed and established pursuant to chapter 28E of the Iowa Code (2021) governed by the governing board as set forth herein. As so constituted, it shall have the following powers:
  - a. To receive and disburse electronically into bank accounts designated by the Electronic Services System and each County Recorder authorized fees for electronic recording and other services.
  - b. To provide Iowa counties with an Electronic Services System for other services provided through the Office of the County Recorder;
  - c. To provide an Electronic Services System for other public agencies or private organizations.
  - d. To contract with any public or private entity to provide all necessary services.
  - e. To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of this Agreement;
  - f. To establish a system of accounting and budgeting, and a system for receiving payments;
  - g. To retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement; and
  - h. To exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.
  - i. Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and/or the county land record information system.
  - j. Establish Policies and Procedures to provide for the governance and operation of the Electronic Services System and a governing board or committee.
  - k. Establish committees and subcommittees as needed to carry out the duties and responsibilities established by the ESS Coordinating Committee (“Committee”).
    - l. To sue, or be sued, acquire and own real or personal property necessary for its corporate purpose.
    - m. Adopt a corporate seal and alter the seal at its pleasure.
    - n. To issue debt as it deems necessary to fulfill its purposes.
    - o. Execute all powers conferred in chapter 28E of the Iowa Code (2021) and as subsequently amended from time to time.
3. **DURATION.** This Agreement shall become effective at such time as the undersigned counties have executed this Agreement in the manner hereinafter provided, and this Agreement is filed and recorded as required by Iowa Code section 28E.8 (2021). Copies of the filed and recorded Agreement shall be provided to the member counties. The operations of ESS shall be perpetual unless terminated in accordance with this Agreement.
4. **GOVERNING BOARD.** The Electronic Services System shall be governed by the committee known as the ESS Coordinating Committee (“Committee”).
  - a. **Composition of ESS Coordinating Committee.** Initially the Committee shall consist of 10 members, and the number of members may be adjusted in the manner provided pursuant to paragraph 4(d). The members of the Committee shall be appointed by the Iowa County Recorders Association Executive Board.

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- b. Members of the ESS Coordinating Committee shall consist of eight County Recorders who shall be representative of the Electronic Services System membership as follows:
  - i. One County Recorder shall be appointed from each of the six geographic districts established by the Iowa County Recorders Association.
  - ii. One County Recorder shall be appointed from one of five counties with the highest population based on the most recent official U.S. census.
  - iii. One County Recorder who is a member of the Iowa County Recorders Association Executive Board. To the extent practicable, the County Recorders should be representative of the various indexing and imaging systems utilized throughout Iowa. Deputy Recorders shall be eligible to serve on the ESS Coordinating Committee.
  
- c. Members of the Committee may also include representatives of stakeholders and professionals who develop, originate or process official real estate documents. Stakeholder representatives shall comprise no more than six positions on the Committee. These members shall be qualified from one of the following groups:
  - i. A person who is a representative of Iowa financial institutions including banks, credit unions or mortgage companies.
  - ii. A person who is a representative of professionals active in the practice of real estate law.
  - iii. A person who is a representative of professionals in abstracting and land title management.
  - iv. A person who is a representative of information technology professionals who serve Iowa counties.
  - v. A person who is representative of professional realtors or brokers.
  - vi. A person who is representative of professional and licensed land surveyors.
  - vii. Any person who is representative of another profession engaged in the Iowa real estate industry.

A stakeholder representative must actively support and contribute to the success of the Electronic Services System.
  
- d. Adjustments may be made to the composition of the Committee by resolution approved by at least 75% of the Committee and effective upon ratification by the Iowa County Recorders Association Executive Board. In the event the Iowa County Recorders Association Executive Board does not ratify the change in composition of the Committee within 90 days of adoption of the resolution by the Committee, any such change shall be considered defeated.
  
- e. **Vacancy.** In the event that a vacancy occurs on the Committee as a result of a resignation or for any other reason, the Iowa County Recorders Association Executive Board shall appoint a replacement from the applicable group described in paragraphs 4(b) and 4(c).

**5. VOTING**

- a. In the conduct of the Committee's business, each member of the Committee will have one vote, and the majority vote of those members present and voting shall decide such matters, unless a different voting threshold is set forth herein.
- b. Committee members may participate and vote via electronic means including teleconference, web conference, or other electronic mediums, subject to the requirements of Chapter 21 of the Iowa Code.
- c. The Chair, or in the Chair's absence, the Vice Chair of the Committee, may vote and participate in discussion, but shall not make or second a motion.

**6. OFFICERS**

- a. The officers of the Committee shall be the Chair, the Vice Chair and the Secretary/Treasurer, each of whom shall be elected by vote of the Committee at the annual meeting of the Committee.
  
- b. The Chair shall preside at all meetings of the Committee. The Chair or the Vice Chair in the absence of the Chair shall sign any instruments which the Committee has authorized to be executed, except in cases where the signing of instruments shall be required by law or protocol to be otherwise signed or executed, or where the resolution of the Committee authorizes the signing of such instrument by another person.
  
- c. In the absence of the Chair, or in the event of the death, inability to act or refusal to act by



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the Chair, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon that office.

- d. The Secretary shall have responsibility for (i) the taking and preservation of minutes of the proceedings of the Committee, (ii) the giving of all notices in accordance with this Agreement or any Policies and Procedures, or as otherwise directed by the Committee or required by law, (iii) acting as custodian of the records of the ESS and (iv) keeping a current registry of the names and addresses of the members of the governing body of each Participating Community, and of each Participating Community's principal officers and of the Committee representatives and alternates.
- e. The officers of the Committee shall be elected annually by and from the members of the Committee present at the annual meeting of the Committee. Nominations shall also be accepted from the representatives present at the annual meeting. All nominees, including those offered by a nominating committee, must receive a second in order to be considered a candidate and voted on for office.
- f. Each officer shall hold office until his or her successor has been duly elected. Alternates shall not be eligible to serve as officers. Each of the officers shall be from different participating counties. A vacancy in the office of Chair, Vice-Chair or Secretary shall be filled by the Committee for the unexpired portion of the term.

**7. MEETINGS.**

- a. Regular meetings shall be held at least quarterly at the place, day and hour set forth in a schedule of regular meetings for the following year that is approved by the Committee by no later than the last meeting in last quarter of each calendar year. A copy of the agenda and all materials to be considered at the meeting shall be mailed or delivered to the members of the Committee, at least two (2) business days prior to the meeting, or as may otherwise be set forth in the Policies and Procedures.
- b. Special meetings of the Committee, for any purpose or purposes not inconsistent with this Agreement, may be called by the Chair, or shall be called by the Chair at the request of any six participating counties. The notice requirements of subsection (a) shall apply to all special meetings.
- c. All meetings of the Committee shall be conducted in compliance with Chapter 21 of the Code or any successor laws, as the same may be amended or supplemented in the future, and in general accordance with Robert's Rules of Order.
- d. The members present at any properly announced meeting shall constitute a quorum. A quorum is required to be present to convene a meeting of the Committee and for the conduct of its business. The Chair shall determine whether a quorum exists, shall cause the names of all members present to be entered into the meeting minutes, and shall call the meeting to order if a quorum exists.

- 8. POLICIES AND PROCEDURES.** The Committee may adopt Policies and Procedures relating to the notice and conduct of its meetings and those of any committees or subcommittees it shall establish. Such Policies and Procedures may be adopted, and may be amended or repealed, by a majority vote of the members of the Committee present and voting taken at any regularly scheduled or specially called meeting as described in Section 7, hereof, provided that notice of the impending vote thereon is contained in the

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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meeting notice and agenda of the meeting at which such vote is to be taken.

9. **DUTIES.** The Electronic Services System shall have the following duties.
- a. To execute contracts necessary for implementation of the county land record information system as required by law.
  - b. To adopt Policies and Procedures for the county land record information system and other public services.
  - c. To maintain the county land record information system and website(s)
  - d. To integrate land record information managed by county recorders with land record information from other sources, as practicable
  - e. To implement and maintain processes for redacting personally identifiable information contained in electronic documents which that are displayed for public access or transferred to another person
  - f. To establish standards for recording, processing and archiving electronic documents and records
10. **BUDGET AND ANNUAL REPORT.** The ESS Coordinating Committee shall, prior to January 1 of each year, prepare and adopt a budget for the operation of ESS for the next calendar year. The ESS Coordinating Committee shall make a copy of the ESS budget available to each member county. The ESS Coordinating Committee may amend the ESS budget during the fiscal year.

The accounts of ESS shall be audited and verified by a certified public accountant within two hundred seventy (270) days of each calendar year and a copy thereof provided to the Board of Supervisors and County Recorder of each member of the Agreement, the Auditor of the State of Iowa and, upon request, to any other elected official in a county that is a party to this Agreement.

Not later than July 1 of each year, an annual report concerning the operations of ESS and related county activities shall be provided to the Board of Supervisors of each member of the Agreement.

11. **FUNDING.** ESS shall provide the services referred to in this Agreement to each member county. Funding for the operation of ESS shall be provided through any electronic recording service fee established for these purposes as specified or authorized in the Iowa Code, any payment surcharge or service fee, any service or user fees for other services, and other sources deemed appropriate by the Electronic Services System and its members to be charged for other services or data.
12. **ADDITIONAL MEMBERSHIP.** Any Iowa county may become party to this Agreement and gain membership in ESS by adoption of this Agreement, as it may have been amended, by motion of its board of supervisors. Membership shall be effective upon filing and recording of the Agreement as required by Iowa Code section 28E.8 (2021), with a copy of the filed and recorded Agreement to be provided to Electronic Services System ESS Coordinating Committee and the new member county.
13. **WITHDRAWAL.** Any county, by motion of its board of supervisors, if specifically authorized by a session law, signed by the governor, may withdraw from ESS by giving written notice to the ESS Coordinating Committee no later than June 15 preceding the calendar year of withdrawal. Any such withdrawal will become effective no earlier than January 1 following the date notice is given, or the date specified in the notice, whichever is later. Services of ESS shall continue to be provided to the withdrawing county until the date of withdrawal.
14. **STANDARDS.** Members shall comply with all standards, policies and requirements for the delivery of electronic services adopted by the ESS Coordinating Committee.
15. **AMENDMENTS.** This Agreement may be amended by motion of the ESS Coordinating Committee which must be approved by at least 75% of the Committee. The passed amendment shall then be submitted to the individual member counties. A separate explanation of the reasons for the amendment shall be included in the transmission of the proposed amendment to the individual member counties. Each county desiring to vote upon the amendment shall do so by motion and return to ESS Coordinating Committee a certified copy of the motion indicating the county's vote on any such amendment within sixty (60) days of the date that the county receives a copy of the proposed amendment. Any county not voting upon the amendment within this time shall be considered to have approved the amendment. If the amendment receives a majority of the votes of all County members, it shall become effective ten (10) days following the date the vote is tabulated. Amendments shall be filed and recorded as required by Iowa Code section 28E.8 (2021).
16. **NON-LIABILITY.** ESS is a public agency. The ESS Coordinating Committee and individual counties shall not be liable for any acts, deeds, resolutions or other actions of ESS. Each individual county, and its assets and taxing

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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authority may not be reached, attached or executed upon by any creditor or claimant of ESS. The ESS Coordinating Committee and its assets may not be reached, attached or executed upon by any creditor or claimant of ESS.

17. **THIRD PARTY BENEFIT.** Neither the provisions of this Agreement nor the provisions of any agreement that ESS may have with any public or private agency shall inure to the benefit of any other third party or any individual resident or taxpayer of any county and neither this Agreement nor any agreement that ESS may have with any public or private agency may be the basis of a claim or cause of action on behalf of any other third party or any individual resident or taxpayer of any county.
18. **TERMINATION.** If specifically authorized by a session law, signed by the governor, this Agreement may be terminated by motion of the ESS Coordinating Committee which must be approved by at least 75% of the Committee which shall then be submitted for consideration by the individual member counties. A separate explanation of the reasons for the termination shall be included in the transmission of the proposal to the individual member counties. Each county desiring to vote upon the termination shall do so by motion and return to ESS Coordinating Committee a certified copy of the motion indicating the county's vote on any such amendment within sixty (60) days of the date that the county receives a copy of the proposed termination. Any county not voting upon the termination within this time shall be considered to have approved the termination. If the termination receives a majority of the votes of all County members, it shall become effective one hundred and eighty (180) days following the date the vote is tabulated. The termination shall be filed and recorded as required by Iowa Code Chapter 28E (2021).
19. **DISPOSITION OF ASSETS.** The assets of ESS have been supported by annual payments made by each county for the maintenance of integrations with individual county land records management systems. In the event this Agreement is terminated and ESS is abolished, all property of ESS shall be liquidated and distributed equally among the participating counties, or as otherwise directed by applicable Iowa Law, after payment of all just debts, obligations and liabilities of ESS.
20. **SEVERABILITY.** If any portion of this Agreement or the application of this Agreement to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given affect without the invalid provisions or applications, and to this end, the provisions of this Agreement are declared to be severable.

Signed this 2nd day of November, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Karla Mall called in to discuss her open records request. Mall had inquired last week regarding video footage from an incidence on the 3<sup>rd</sup> floor of the courthouse on October 15, 2021 between 3 and 4 p.m. Mall explained the county attorney told her to contact the supervisors. Rick Primmer explained the county's current security policy and how these records are to be kept confidential unless ordered by the court. No action was taken.

Jean Ohlen, Blairstown resident, met with the board regarding mental health and her compassion for the subject. Ohlen was a career nurse for 50 plus years in the psychiatric field and has been helping with the “stepping up” program. She is also a family peer specialist, and is helping other nursed to a study on Benton County. Ohlen purchased a building in Van Horne called Chances and Consequences and urged the board to do more and help fund more for mental health in Benton County. She discussed substance abuse and depression, protection of children and also the impact of compulsive gambling. She invited the supervisors to attend an open house in her building on Wednesday, November 3, 2021.

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**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

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Tracy Seeman, Chairman

November 9, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)*  
( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-94, Approve hiring of Ariane Geiger in the Treasurer's office. Motion carried.

RESOLUTION #21-95  
APPROVE HIRE OF TREASURER CLERK

WHEREAS, the Benton County Treasurer requested and was granted approval to hire clerk; and  
WHEREAS, the treasurer has advertised and conducted interviews for said full-time positions, including all veterans who applied; and  
WHEREAS, after careful consideration, the treasurer has recommended that Ariane Geiger be hired to fill the positions;  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hire of Ariane Geiger as clerk in the treasurer's office, at an annual salary of \$36,500, effective November 15, 2021, is hereby approved.  
Signed this 9th of November, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Melinda Schoettmer, Treasurer also discussed the upcoming change to contiguous county titling for adjoining counties to be able to come to Benton County to do their titling at no additional collection fees to us.

**Bierschenk moved/Primmer seconded:** To approve farm exemption for Ray and JoAnn Musil for part of the NW ¼ of the SW ¼ of 2-84-9. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142029 through 142086, ACH Deposits 47274 through 47417, claims numbered 240583 through 240747, vendor checks 240748 through 240754. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the minutes of November 2, 2021. Motion carried.

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## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-95, Approve Committed Funds Balances as of June 30, 2021 in accordance to GASB 54. Motion carried.

RESOLUTION #21-95  
RESOLUTION COMMITTING FUND BALANCES IN ACCORDANCE WITH GASB 54

WHEREAS, the Governmental Accounting Standards Board has adopted statement #54 (GASB 54); and

WHEREAS, Benton County desires to commit a portion of fund balances in accordance with GASB 54,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following funds are committed as of June 30, 2021:

COMMITTED FUND BALANCES:

**General Fund:**

\$16,000 sanitarian vehicle replacement;  
\$30,000 election equipment replacement;  
\$50,000 emergency response;  
\$500,000 infrastructure upgrades;

**Rural Services Fund** - \$16,000 land use administrator vehicle replacement

**Conservation Land Acquisition Fund**-\$200,000 conservation building at Hannen and land purchase

**EMS Revolving Loan Fund** – \$122,715 for emergency services loans

**LOSST Fund** - \$115,000 Pictometry aerial flight cost, technology upgrades and infrastructure

BE IT RESOLVED that committed fund balances established prior to June 30, 2021, are hereby uncommitted as of June 30, 2021, and the committed fund balances stated above are established in lieu thereof.

BE IT FURTHER RESOLVED that the designation of committed fund balances indicates that Benton County prefers to use available financial resources for the specific purposes set forth above, and although committed, the funds are to remain an integral part of the spendable or appropriable resources of Benton County

Signed this 9th of November, 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To appoint Wendy Winkie to replace Edwon Yedlik on the Historical Preservation Commission. Motion carried.

Dean Vrba, Transportation Director wanted to bring the fares for transportation up to the Board. Vrba is currently looking at increasing the costs soon to make it more comparable with the actual costs to the department. No action was taken, Vrba will come back with the new fares in a future meeting for formal approval.

Wayne Shannon and Brenda Sandberg, both members of the Pioneer Cemetery Commission came to the board to discuss the Stringtown Cemetery project trying to re-establish 22 graves in the plot. Shannon asked about the survey of the area where graves overlap the adjacent landowner. The Board urged the commission to talk to the county attorney in regards to the survey and paperwork needed. Sandberg also mentioned the need for space to store some items for the commission along with some filing cabinets. If they could have a central location for these items would be ideal.

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Cole Kruizenga, ISG Incorporated, discussed upcoming action for the board to think about regarding the Heartland Greenway System Pipeline inspection. Greenway proposes doing the inspection on behalf of Benton County for this project. A meeting about this project will be held on January 3, 2022 at the Norway Community Center at noon. The board would like to have the county attorney look this over and learn more about what it all entails.

**Primmer moved/Bierschenk seconded:** To authorize the chair to sign the Racom Tower purchase contract after the County Attorney fills in the legal description and other areas, and also approve the Auditor for issuing payment for the tower. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve three (3) part-time communication specialists in the sheriff's office. Jessica Roberts, Allyssa Mcatee and Michelle Ruhs will be paid at the rate of \$17.91 an hour effective November 9, 2021. Motion carried.

Lindsey Upah, Rural Access Hub Manager, proposed the possibility for the county to allow the Abbe Center to rent office space at the Benton County Service Center. The board didn't make any decisions but want to talk to a few of the involved entities this would affect first.

Maintenance Director Rick Wood addressed some of the janitor services at the Service Center. Wood also discussed a wage increase that was mentioned for Justin Birker, maintenance assistant. Supervisor Primmer mentioned how they would like to hold off on raises until the new fiscal year, although there have been exceptions in the past. No action was taken, but Wood was asked to bring back some figures and budget plan to a future meeting.

The time of 10:30 a.m. having arrived, Election Deputy Gina Edler and the board proceeded with canvassing the November 2, 2021, regular City/School Election.

**Primmer moved/Bierschenk seconded:** The write-ins for Atkins council member for Mike Stewart and Michael Stewart are both to be counted as same person. Motion carried.

**Bierschenk moved/Primmer seconded:** The write-ins for Blairstown Mayor for Rodney Kubichek, Rod Kubichek, Rod Kubick, Rodney C. Kubichek, Rodney Kubichec, Rodney Kubick, Rodney Kucek all be counted as same person. Motion carried.

**Bierschenk moved/Primmer seconded:** The write-ins for Keystone Mayor for Erin Janns and Erin Janns are both to be counted as same person. Motion carried.

**Bierschenk moved/Primmer seconded:** The write-ins for Luzerne council member Geni Brandt, Jeani Brandt and Jeanie Brandt are all to be counted as same person. Motion carried.

**Primmer moved/Bierschenk seconded:** The write-ins for Norway council for Kelly Leudki, Keily Leudtke and Kelly Ludeking all variations to be counted as same person. Motion carried.

**Primmer moved/Bierschenk seconded:** The write-ins for Walford Mayor for Bill Voss and William (Bill) Voss are both to be counted as same person. Motion carried.

**Primmer moved/Bierschenk seconded:** The write-ins for College Community District 2 for Andy Volt and Andrew Volt both to be counted as same person. Motion carried.

**Bierschenk moved/Primmer seconded:** The write-ins for Union School, District 1 for Darrel Dewinter and Darrell Dewinter are both to be counted as same person. Motion carried.

The following City Officials were elected:

**City of Atkins:** Mayor-Bruce Visser, Council-Samantha Petersen, James Koehn and EJ Bell, Council to fill a vacancy-Julie DeMeulenaere

**City of Belle Plaine:** Council at Large-Mitch Malcolm, Council District 1-Lyle Morrow, Council District 3-Judy Schlesselman, Park Commissioner -Tracy Papesh

**City of Blairstown:** Mayor-Rodney Kubichek, Council-Brian Hagen, Bradley Davidson, Luke Becker

**City of Garrison:** Mayor-Garrett Flickinger, Council-Robert Decker, Allan Ray Lindsey and Tina Rommann

**City of Keystone:** Mayor-Mark W. Andresen, Council-Mary Kay Hennings, David Lee Monson and Kathy Janns

**City of Luzerne:** Mayor-John W. Brandt, Council-Kelly Kendall, Barbara A. Shields, Kyla Buttikofer, Lorin Potter and Dwight Glinnsman

**City of Mt. Auburn:** Mayor-Tosha McGarvey, Council- Dean Vrba, Beth Hendryx, Alisha Burmeister, Mercedes Bickel and Cody Lundry

**City of Newhall:** Mayor-Doug Boddicker, Council-Douglas Charles Rinderknecht, Doug Wendel, Ben Seeck, Mart Campbell and Bruce Cross

**City of Norway:** Mayor-Bruce E. Volz, Council-Ron Miller, Robby Miller and Martin Schulte, Council to fill a vacancy-Kevin Frese

**City of Shellsburg:** Mayor-Lonnie M. Speckner, Council-Lori Travis, Sharon Harvey and Shadov Vogt

**City of Urbana:** Mayor-Mitch E. McDonough, Council-Joshua Holthaus and Armin Martin

**City of Van Horne:** Mayor-Pat Gorkow, Council-Amy L. Knaack, Kimberly Fisher and Jim Parmenter

**City of Vinton:** Mayor-Bud Maynard, Council at Large-Rylie Pflughaupt Council District 1-Ron Hessenius, Council District 3-Valerie Bearbower, City of Vinton-fill a vacancy District 4-Bethany Gates

**Primmer moved/Bierschenk seconded:** To declare the canvass of the City/School Election to be complete and the votes cast to be official. The official results are to be recorded in the office of the County Auditor. Motion carried. School officials and the City of Walford officials will be certified in the second-tier canvass which will be held on November 16 at 9:05 a.m. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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The Board discussed committee reports as they signed all the election certificates. Those included the conservation meeting Seeman attended and the Atkins roundhouse. Primmer mentioned the meeting he had with Racom regarding moving forward and getting the prices locked in for that radio project.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

November 16, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyia.gov](http://www.bentoncountyia.gov)* (<https://www.youtube.com/bentoncountyiowa>)

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-96, Variance to the Sub-Division Ordinance. Motion carried.

### RESOLUTION #21-96

Variance to the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #72; and

WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and

WHEREAS, said ordinance sets forth the minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and

WHEREAS, a request has been presented to the Board of Supervisors by Richard Morio to vary the required provisions in Article VI, 6.01 through 6.08 of the ordinance to allow for the creation of 1 non-residential parcel within the SE ¼ SW ¼ Section 27-T86N-R10W, to be part of a larger development in the SW ¼ Section 27-T86N-R10W, that would follow in accordance with Benton County Subdivision ordinances at the time of development.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #72 are hereby varied as stated for the division of real property located in a parcel within the SE ¼ SW ¼ Section 27-T86N-R10W.

Signed this 16<sup>th</sup> day of November 2021.

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Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

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The time of 9:05 a.m. having arrived, Election Deputy Gina Edler and the board proceeded with canvassing the 2<sup>nd</sup> tier of the November 2, 2021, regular City/School Election.

The following **School Board Directors** were elected:

**Belle Plaine:** Valerie Coffman and Rima K. Johnson

**Benton Community:** District 4-Cynthia Phillips

District 5-Theresa Ludeking

District 6-Brenda Werning

Benton Community Public Measure BF-Passed

**Vinton-Shellsburg:** At Large-Jennifer A. Birker and Kimberly Schirm

District 1-Darin Humiston

The following City Mayor and Council Members were elected:

**City of Walford:** Mayor-Bill Voss, Council-Ashley Grimm and Amy Ellis, To fill a vacancy-Aaron Voss

**Bierschenk moved/Primmer seconded:** To declare the 2<sup>nd</sup> tier canvass of the City/School Election to be complete and the votes cast to be official. The official results are to be recorded in the office of the County Auditor. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge the post-election audit of the hand count for the Bruce/Cedar/Mt. Auburn precinct matched the machine count. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the minutes of November 9, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve law enforcement contract with City of Van Horne to provide police protection for a total yearly sum of \$19,500 to be paid quarterly not to exceed 15 hours week. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve 24 hours vacation carryover for Ben Turnis to be used by April 30, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To increase Dean Vrba's salary by \$2,000 per employee contract for obtaining his Class B License effective November 8, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To go along with the State for closing and acknowledge December 23, 2021 as a holiday for Benton County employees but leave Thanksgiving week as is. Motion carried.

Fair board members: Dick Meyer, Kirk Steinfeld, and Dale Seeck came to the supervisors to ask for funds to help renovate the grandstands at the Benton County Fairgrounds. The County Attorney asked about the private sector, have they inquired about loans, or do they have any interest in repaying the county for this? No action was taken.

No action was taken for the wage increase for Justin Birker. This was tabled so that the board could have an exempt session pursuant to Iowa Code 21.9 and discuss the matter with Human Resource Director Kirsten Nelson and then come back with a decision at the next meeting.

The security committee approved an updated security policy and wanted the board to update as well.

**Primmer moved/Bierschenk seconded:** Based on recommendation of the security committee to adopt the new and approved security policy and authorize signature. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor



## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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November 16, 2021

The Benton County Board of Supervisors met in special session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 1:00 p.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*  
( <https://www.youtube.com/bentoncountyiowa> )

Diana Richardson and Teri Brennan of Racom, met with the board along with the sheriff and EMA Director Scott Hansen. The purpose of this meeting was to go over the E-911 Radio project and proposed contract with RACOM. The project is broken into 2 parts, one being the Civil which covers the towers, sites, upgrades, generators and supporting equipment. The project will need 5 tower sites for county wide coverage. The county currently has 3 in existence. One of those being outside of Garrison that Benton County is in the process of purchasing from Racom. The others are in Van Horne and Belle Plaine. They have to consider the best locations with the coverage it can handle. They will design equipment based on the engineering. There will need to be 2 new ones, one near Norway and 1 East of Vinton. The current Norway tower site, is near a cemetery, and would need to be granted an exception to house a taller tower than what is there. There are currently regulations for tower placements, and Scott Hanssen was going to inquire on getting an exemption for the Norway tower site located near a cemetery. Officials also discussed the maintenance agreement and other materials relating to this project, and paying for it with Debt Service and utilizing some of the ARP funds.

**Primmer moved/Bierschenk seconded:** To approve contract with Racom with the term amended as discussed with the first 10% down payment portion to go towards the civil portion using the ARP funds and also allow the Auditor to reach out to an outside firm for further advice using the ARP funds. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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 Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

November 23, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountytia.gov](http://www.bentoncountytia.gov)*  
( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/ Primmer seconded:** To approve both sets of minutes from November 16, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142087 through 142101, ACH Deposits 47418 through 47564, claims numbered 240755 through 240894, vendor checks 240895 through 240902. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve and acknowledge the claims being paid that are using the American Rescue Plan Act (ARPA) funds, the deposit for Neapolitan Labs for the website upgrade, Amazon for some office shields in the Treasurer's office and RACOM for the 10% project cost deposit for the civil portion of the E911 radio upgrade. Motion carried.

**Primmer moved/Bierschenk seconded:** to approve contract for services with Northeast Iowa RC & D regarding administration for the ARPA funds, and will only be charged \$75 an hour administrative costs on an as needed basis that can be paid through the ARPA fund.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-97, Classification change for Michele Stainbrook, Sheriff's office employee. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**RESOLUTION # 21-97**

WHEREAS, the Benton County Sheriff has recommended a promotion for a Senior Communications specialist; and  
WHEREAS, Michele Stainbrook has been employed by Benton County since April 23, 2013;  
WHEREAS, Stainbrook has all the required qualifications and will take on additional duties and assisting others where needed;  
WHEREAS, the Sheriff recommended that Michele Stainbrook have her employment title be changed to Senior Communications Officer in the Sheriff’s office, effective December 4, 2021 at the hourly rate of \$ 23.21.  
Passed this 23rd day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-98, Classification and wage change Tricia Lagrange in Sheriff’s office. Motion carried.

**RESOLUTION # 21-98**

WHEREAS, the Benton County Sheriff has recommended a promotion for a Senior Communications Specialist; and  
WHEREAS, Tricia Lagrange has been employed by Benton County since December 27, 2016;  
WHEREAS, Lagrange has all the required qualifications and will take on additional duties and assisting others where needed;  
WHEREAS, the Sheriff recommended that Tricia Lagrange have her employment title be changed to Senior Communications Specialist in the Sheriff’s office, effective December 4, 2021 at the hourly rate of \$23.21.  
Passed this 23rd day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

Jim Hemeseth and Marge Becker met with the board to discuss the funding help they had previously discussed for Florence Township to purchase a new truck. They are purchasing a truck in the amount of \$403,797.66 and the county plans to gift 10 % out of Local Sales and Service Tax (LOSST). In previous discussions they planned to possibly borrow from the EMS revolving loan. There is a build time with the truck, so it allows for more time to go over further details. No action taken today, but the LOSST gift will be on the agenda next week.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To Resolution #21-99, wage and classification change for Brad Allyn in transportation department. Motion carried.

**RESOLUTION # 21-99**

WHEREAS: Benton County Transportation has an employee that has been employed by Benton County since April 6, 2021, and

WHEREAS: Upon the completion of obtaining completion of his Class C CDL with passenger endorsement licensing,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly wage of Bradley Allyn be set at \$15.40 effective November 22, 2021. This position carries a Labor Grade IVB classification.

Passed this 23rd day of November, 2021.

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Tracy Seeman, Chairman  
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Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve the updated fares for Benton County Transportation corridor routes that will go into effect January 1, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Class C Liquor License for Bar Candy pending approval from the Sheriff's office for December 4, 2021 at Kacena Farms. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-100, Wage and Classification change for Gabe McGowan at secondary roads. Motion carried.

**RESOLUTION # 21-100**

WHEREAS: Benton County Secondary Road Department has a position to fill of an Equipment Operator II (maintainer operator) at the Mt Auburn shed, and

WHEREAS: Applications have been accepted for this position, and

WHEREAS: The applicants have been narrowed to one.

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Gabe McGowan be transferred to the position of Equipment Operator II (maintainer operator) with a Labor Grade Classification of IVD. The base wage will be \$23.56. The effective date will be November 22, 2021.

Passed this 23rd day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-101, Wage and Classification change for Grant Wittmer at secondary roads. Motion carried.

**RESOLUTION # 21-101**

WHEREAS: Benton County Secondary Road Department has a position to fill of an Equipment Operator II (maintainer operator) at the Keystone shed, and  
WHEREAS: Applications have been accepted for this position, and  
WHEREAS: The applicants have been narrowed to one.  
THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Grant Wittmer be transferred to the position of Equipment Operator II (maintainer operator) with a Labor Grade Classification of IVD. The base wage will be \$23.56. The effective date will be November 22, 2021.  
Passed this 23rd day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman  
\_\_\_\_\_  
Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-102, Wage and classification change for Grant Vesely in secondary roads department. Motion carried.

**RESOLUTION # 21-102**

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and  
WHEREAS: Upon the completion of the probationary period the base wage is to be increased from the starting wage  
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Grant Vesely be set at \$22.79 effective November 24, 2021. This position carries a Labor Grade VB classification.  
Passed this 23rd day of November, 2021.

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Tracy Seeman, Chairman  
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Gary Bierschenk  
\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-103, Declaring Emergency Medical Services (EMS) to be an essential service in Benton County. Motion carried.

**RESOLUTION#21-103**

**DECLARING EMERGENCY MEDICAL SERVICES TO BE AN ESSENTIAL SERVICE**

A resolution by Benton County to declare emergency medical services (EMS) to be an essential county service as authorized by Iowa Code Section 422D.1.

**WHEREAS,** Benton County supports the need for residents and visitors to have timely access to EMS.

**WHEREAS,** ensuring efficient and effective EMS coverage is essential for maintaining the health and welfare of its residents and visitors.

**WHEREAS,** in order to be able to efficiently and effectively provide EMS to its residents and visitors, the Board of Supervisors will proceed with the process under Iowa Code Section 422D.1 to declare emergency medical services as an essential county service in order to allow an ad valorem property tax for EMS and the creation of a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding implementation of the same.

**NOW, THEREFORE, BE IT RESOLVED,** Benton County hereby declares emergency medical services to be an essential county service.

**BE IT FURTHER RESOLVED,** Benton County directs that notice of the first meeting to consider this resolution be made and any other actions be taken as necessary to proceed with the process under Iowa Code Section 422D.1 to declare EMS be an essential county service.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

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HEREBY RESOLVED by the Board of Supervisors for Benton County on this 23<sup>rd</sup> day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To appoint Jennifer Zahradnik, as a supervisor representative on the Compensation Board. Motion carried.

Committee Reports were heard from Rick’s Central Iowa Juvenile Detention meeting and Tracy’s recent landfill budget meeting.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

November 30, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Bierschenk and Primmer were present. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center.

Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor’s office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/ Primmer seconded:** To approve minutes from November 23, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To set land use hearing date of Tuesday, December 28, 2021 at 9:15 A.M. for John and Rhoda Harris in part of the NW ¼ of NW ¼ of 23-85-9 . Motion carried.

**Primmer moved/Bierschenk seconded:** To approve vacation carry over of 10 days for Marc Greenlee. Motion carried.

**BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”**

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-105, Gifting LOSST Funds to the Florence Township Fire Department. Motion carried.

**RESOLUTION #21-105**

WHEREAS, the Benton County Board of Supervisors has established a program for gifting funds to emergency service providers who provide services within the unincorporated area of Benton County; and

WHEREAS, the Florence Township Fire Department has requested a gift of funds; and

WHEREAS, the Florence Township Fire Department provides emergency services to areas in Florence Township, City of Norway and mutual aid to other surrounding townships;

WHEREAS, the Florence Township Fire Department has provided invoices totaling \$403,797.66 for the purchase of an emergency response truck; and

WHEREAS, the Florence Township Fire Department agrees that the vehicle obtained with the proceeds of this gift shall be used when necessary for rural fire protection and/or life support operations, consistent with the intended use of the money from the Local Option Sales and Services Fund,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Gift to the Florence Township Fire Department in the amount of \$\$40,379.77 which represents ten percent of the total purchase price for equipment.

Adopted this 30th day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Alisha Burmeister Benton County Auditor Clerk

Supervisor Seeman reported on Emergency Management committee meeting, stating they will be receiving \$13,851.00 from the ARPA funds. With this they are wanting to purchase eighteen (18) weather stations to put in various places in the county, including local fire stations. Also discussed was the letter of intent received from Linn County that they will maintain seven (7) of the siren towers that are on the Linn-Benton border. The rest of the towers will be offered to local government first then open to private companies to purchase.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-104, Wage adjustment for Justin Birker, Maintenance Department. Motion carried.

**RESOLUTION # 21-104**

WHEREAS, Benton County Human Resources has recommended a temporary promotion for Maintenance Director; and WHEREAS, Justin Birker has been employed by Benton County since December 20, 2010;

WHEREAS, Birker has all the required qualifications and temporarily took on additional duties and assisting others where needed;

WHEREAS, Human Resources Director recommended that Justin Birker’s wage change to Maintenance Director wages, effective July 5, 2021-August 27, 2021 at the hourly rate of \$ 27.15

WHEREAS, the difference of pay July 5, 2021-August 27, 2021 to be paid to Birker is \$1,728.

Passed this 30th day of November, 2021.

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Alisha Burmeister, Benton County Auditor Clerk

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Kirsten Nelson, HR Director, discussed a Pay Increase Policy she would like to implement in the County handbook. Supervisor Seeman suggested format changes in section 3 (a). Supervisor Primmer suggested the County Attorney look over the policy before taking action. Tabled until next week's meeting.

Supervisor Seeman discussed the employee shortage at the Secondary Roads department. Supervisor Primmer asked if there had been any additional new hires, especially snowplow drivers. Supervisor Seeman did not think there had been, but there were some applicants. Some interviews had taken place last week, waiting to hear of any potential hires.

**Primmer moved/Bierschenk seconded:** To recess at 9:33 A.M. until the county attorney arrived. Motion carried.

**Primmer moved/Bierschenk seconded:** To open meeting at 9:36 A.M.

County Attorney, David Thompson, asked if the closed session could be first since he had some things to discuss for the clock tower before any decisions made. Attorney Thompson and Supervisors did not see an issue since it would not be open to the public anyways. Attorney Thompson gave the Iowa code for this closed session.

**Primmer moved/Bierschenk seconded:** To enter into closed session at 9:38 A.M. per Iowa Code Section 21.5(1)c. Motion carried.

**Primmer moved/Bierschenk seconded:** To exit closed session at 10:35 A.M. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve and authorize David Thompson, County Attorney, to sign all legal documents pertaining to the opioid settlements discussed in closed session. Motion carried.

Attorney Thompson discussed the state of the courthouse clock. It has not been working properly so the committee had Rory Demesi with Mechanical Watch Supply look it over and give a quote on fixing it. According to him, there are various issues with it and is not currently safe to be on so it has been temporarily shut off. Rory Demesi advised the clock be restored to its original condition. Attorney Thompson stated Monroe County had similar issues with their clock and had Mechanical Watch Supply restore it and are very happy with the outcome.

**Primmer moved/Bierschenk seconded:** To approve Attorney Thompson to take action on various things talked about during the closed session.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
Tracy Seeman, Chairman

ATTEST:

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Alisha Burmeister, Benton County Auditor Clerk

December 7, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

Roy Schulz and Wayne Shannon, members of the Pioneer Cemetery Commission came to update the Board on their budgeted items and projects they have been working on. They have been working on signs and surveying, and will also be getting signs on their vehicles to distinguish who they are and also photo IDs. The commission is also hoping to set up a monument to put the names and grave marker in Stringtown Cemetery.

**Bierschenk moved/Primmer seconded:** To approve 20 hours of vacation carryover for Sarah Wagner to be used by March 31, 2022. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve hiring of Brian Sondag as a part time correctional officer for the sheriff's office at a beginning wage of \$17.91 an hour effective immediately. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve a claim for Theisen's in the amount of \$67.96 for materials to hang the office shields is to be paid out of the ARP Fund. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142102 through 142108, ACH Deposits 47565 through 47709, claims numbered 240903 through 241013, vendor checks 241014 through 24020. Motion carried.

The Auditor's office reported working on the re-districting maps, and will be setting up a meeting soon, and setting the public hearing date but no action was taken at this time.

**Bierschenk moved/ Primmer seconded:** To approve minutes from November 30, 2021. Motion carried.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

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**Bierschenk moved/Primmer seconded:** To approve Resolution #21-106, Bridge embargo removal. Motion carried.

### RESOLUTION #21-106

WHEREAS, the structure at this location has been replaced by a new structure and  
 WHEREAS, the new structure will no longer need a weight restriction,  
 BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously  
 imposed on this structure be removed. The structure is located as follows:  
BR-0032 0.2 mile south of the NW corner of section 19-86N-12W (Bruce Township) on Hwy V37

Adopted this 7th day of December, 2021.

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 Tracy Seeman, Chairman

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 Gary Bierschenk

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 Rick Primmer

ATTEST:

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 Hayley Rippel, Benton County Auditor

Committee Reports were had and an update regarding accommodating the Abbe Center to make office space in the Service Center.

**Bierschenk moved/Primmer seconded:** To adjourn. Motion carried.

\_\_\_\_\_  
 Tracy Seeman, Chairman

ATTEST:

\_\_\_\_\_  
 Hayley Rippel, Benton County Auditor

December 14, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Primmer moved/ Bierschenk seconded:** To approve minutes from December 7, 2021. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve Class C Liquor license for Kimm's Sinclair. Motion carried.

**Primmer moved/Bierschenk seconded:** To acknowledge Chris Rider's retirement from the Sheriff's office effective December 3, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To accept Jennifer Zahradnik's resignation from the compensation board. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Karen Mouchka to the compensation Board as the Supervisor's representation. Motion carried.

**Primmer moved/Bierschenk seconded:** To appoint Jon Kaestner to the landfill commission for at large position. Motion carried.

Ben Bonar presented the 2021 Weed Commissioner's Report and also discussed some 2022 Living Roadway Trust Fund (LRTF) Grant Opportunities.

**Bierschenk moved/Primmer seconded:** To approve and authorize chairman to sign on the 2021 Weed Commissioner's Report to be filed with the state. Motion carried.

James Hicks, came to discuss developing land off 32<sup>nd</sup> Avenue between Shellsburg and Urbana which is currently platted as Hidden Meadows Sub-Division. Hicks would like to buy 17 acres of the land and develop into eight lots. Land Use Administrator Marc Greenlee was present, he advised Hicks, he would be looking at a land use change first. He felt it was improper for the board to get too involved until there was an actual application and a preliminary and final plat to approve. No action was taken.

**Primmer moved/Bierschenk seconded:** To approve utility permit for Kinzenbaw Earthmoving & Tim Miller in Leroy Township. Motion carried.



**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-107, Wage and classification change for Taylor Pflughaupt. Motion carried.

RESOLUTION #21-107

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and  
WHEREAS: Upon the completion of the probationary period the base wage is to be increased from the starting wage  
THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Taylor Pflughaupt be set at \$22.69 effective December 14, 2021. This position carries a Labor Grade VB classification.  
Signed this 14<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Tracy Seeman

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Gary Bierschenk

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Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-108, Hiring new equipment operator in secondary roads. Motion carried.

RESOLUTION #21-108

WHEREAS: Benton County Secondary Roads Department has a Maintainer Operator to fill at the Vinton Shed and  
WHEREAS: Applications were accepted for the position and  
WHEREAS: These applications have been narrowed to one.  
THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Dennis Shea be hired to fill the position as Maintainer Operator at a starting wage of \$22.03 per hour starting December 14, 2021. This is an Equipment Operator II classification with a Labor Grade IVA.  
Signed this 14<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Tracy Seeman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**Bierschenk moved/Primmer seconded:** To approve Resolution #21-109, Hiring new Equipment Operator for secondary roads. Motion carried.

RESOLUTION #21-109

WHEREAS: Benton County Secondary Road Department has an opening to fill for an Equipment Operator at the Main Shop and  
WHEREAS: Applications were accepted for this position and  
WHEREAS: These applications have been reviewed and evaluated.  
THEREFORE, BE IT RESOLVED BY The Benton County Board of Supervisors that Shane Clark be hired to fill one position of Equipment Operator at a starting wage of \$22.15 per hour starting December 27, 2021. This is an Equipment Operator II classification with a Labor Grade IVA.  
Signed this 14<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Tracy Seeman

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Gary Bierschenk

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Rick Primmer

ATTEST:

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Hayley Rippel, Benton County Auditor

## BENTON COUNTY BOARD OF SUPERVISORS RECORD “R-R”

**Primmer moved/Bierschenk seconded:** To set public hearing dates for repealing Ordinance #64 and adopting new Ordinance #76, first reading on January 3<sup>rd</sup>, 9:30 a.m., second reading on January 4, 2022 at 9:30 and 3<sup>rd</sup> and final reading on January 5, 2022 at 9:30 a.m. Motion carried.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

December 14, 2021

The Benton County Redistricting Committee met in regular session with Nick Volk, Gina Edler and Supervisor Gary Bierschenk present. The meeting was called to order at 10:30 a.m. at the conference room at the Benton County Service Center. *Unless otherwise noted, all actions were approved unanimously.*

Edler presented the current census numbers of the Benton County Election precincts. Edler stated she would recommend not changing the Election precincts as most of the precinct numbers have gone down and none of them are over the 3,500 threshold.

Edler discussed the protocol of redistricting supervisor districts. Current population of the supervisor districts per size comparison is at 1.10. Supervisor district size comparisons have to be 1.05 or less. Edler presented two Options. Option 1 had a size comparison of 1.04 and Option 2 had a size comparison of 1.02. There are items that cannot be considered when drawing district boundaries i.e., addresses of incumbents, political affiliations of registered voters, past election results and other demographic information beyond census head counts. Volk stated he liked Option 2 better because it was a lower size comparison. He requested that the District 1 and 3 be interchanged. Bierschenk agreed that he liked Option 2 better. Edler stated she was concerned since Option 2 left District 1 with only three townships being represented, that the public would not realize that the supervisor district are determined by population but did not care either way.

Edler gave the timeline for which the redistricting needed to be done. The process of redistricting is as follows: a public hearing has to be done by the committee, the Board of Supervisors passes a resolution, have three hearings to pass a new ordinance for the supervisor districts. Committee decided to meet December 15, 2021 at 11:30 to set public hearing date and approve an option for the supervisor districts.

Bierschenk moved/Volk seconded: to adjourn. Motion carried.

December 15, 2021

The Benton County Redistricting Committee met in regular session with Gina Edler present and Nick Volk and Supervisor Gary Bierschenk via phone. The meeting was called to order at 11:30 a.m. at the Auditor's Office at the Benton County Courthouse. *Unless otherwise noted, all actions were approved unanimously.*

Edler read an email from Scott E. Hansen regarding concerns over Supervisor District Options. Hansen believes Option 2 would severely limit the geographical area in which a Supervisor candidate for District 1 can reside.

Edler discussed District Population variations. Option 1 would require the Board of Supervisors to publish a justification for the variation in two of the supervisor districts as they are above the maximum allowable variation amount. Option 2 does not have any additional requirements as all the districts are below the maximum allowable variation.

Bierschenk stated Option 2 makes most sense. Volk stated he liked that it made each district about the same with population size, and it would not cause additional cost to the County.

Volk moved/Bierschenk seconded to: Approve Option 2 for Benton County Supervisor District plan for redistricting. Motion carried.

Edler moved/Bierschenk seconded to: Set public hearing date for Supervisor District Redistricting for January 3, 2022 at 8:00 a.m. at the Benton County Service Center Conference Room. Motion carried.

Volk moved/Bierschenk seconded to: Approve Benton County Election precinct plan. Motion carried.

Bierschenk moved/Volk seconded: to adjourn. Motion carried.

December 21, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously.*

*Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/ Primmer seconded:** To approve minutes from December 14, 2021. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142109 through 142116, ACH Deposits 47710 through 47857, claims numbered 241021 through 241163, vendor checks 241164 through 241171. Motion carried.

Braxton Morrison and Shelby Chekal, Critical Incident Stress Management (CISM) officials explained what services they offer. They are a county-wide organization that started in 2017, and most recently obtaining their 501(c)3 status. They help those who respond to emergencies and traumatic events in Benton County and were looking for some space where they could provide confidential services. The board agreed to allow use of the Service Center's conference room when it was not in use.

## BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"

Jennifer Fencil with the East Central Iowa Council of Governments (ECICOG) explained some needed change orders for the Watershed Management Authority (WMA).

**Primmer moved/Bierschenk seconded:** To approve change order No. 1, Project 8600, Schedule 2 (Vinton Site) in the amount of \$5,055.00 for additional seeding Motion carried.

**Primmer moved/Bierschenk seconded:** To approve change order No. 1, Project 8600, Schedule 1B (Hart Site) in the amount of \$29,275.00. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve Change order No. 2, Project 8600, Schedule 1B, (Hart Site) for a pipe change by Peterson Contractors Inc. in the amount of \$4,500. Motion carried.

The Board had some committee reports including briefly discussing the proposed re-districting for the supervisor's districts. The redistricting commission works using the new census data and blocks to maintain equal population in each district.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Benton County Auditor

December 28, 2021

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer called in. The meeting was called to order at 9:00 a.m. at the conference room at the Benton County Service Center. Members of the public were provided the zoom access capability to join in during open session and livestream at <https://www.youtube.com/bentoncountyiowa>. *Unless otherwise noted, all actions were approved unanimously. Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

( <https://www.youtube.com/bentoncountyiowa> )

**Bierschenk moved/ Primmer seconded:** To approve minutes from December 21, 2021. Motion carried.

The appointment of Mindy Icenbice as Medical Examiner Investigator was discussed. Primmer questioned how mileage worked since she lives out of the county and thought it would start from her work in Belle Plaine. Alisha Burmeister, Auditor clerk, did not recall paying medical examiners for mileage, nor did Supervisors Bierschenk or Seeman. Tabled until next meeting and more research done.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for John and Rhoda Harris in part of the NW ¼ of NW ¼ 23-85-9. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Harris would like to change 2 acres of land to be a new non-ag use to build a new home and Morton building. CSR is a 50. There is an existing driveway off 32<sup>nd</sup> Avenue that does not meet the qualifications so a new drive is planned south of the existing one for this new site. Harris will need a new septic and well. Three adjacent landowners were notified prior to the meeting. One neighbor questioned what was planned but no issues after discussion and no public was present to speak in regards. Hearing no other comments, the public hearing was closed.

**Bierschenk moved/Primmer seconded:** To approve land use change for John and Rhoda Harris in part of the NW ¼ of the NW ¼ of 23-85-9. Motion carried.

VA Director, Cara Martin, was unable to attend the meeting, so no action taken.

**Primmer moved/Bierschenk seconded:** Recess at 9:20 A.M.

**Primmer moved/Bierschenk seconded:** Resume at 9:50 A.M.

**Primmer moved/Bierschenk seconded:** To approve Resolution #21-110, Bridge Embargo Removal. Motion carried.

### RESOLUTION #21-110

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

LE-0009                      0.1 mile north of the SW corner of section 6-82N-11W (Leroy Township) on 16<sup>th</sup> Avenue  
between 74<sup>th</sup> Street and 75<sup>th</sup> Street

Signed this 28<sup>th</sup> day of December 2021.

\_\_\_\_\_  
Tracy Seeman

\_\_\_\_\_  
Gary Bierschenk

\_\_\_\_\_  
Rick Primmer

ATTEST:

\_\_\_\_\_  
Alisha Burmeister, Clerk for Benton County Auditor

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "R-R"**

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Fair board members: Dale Seeck, Nichole McKenna, and Kirk Steinfeld, discussed the need for funding for new grandstands at the fairgrounds. Dale stated Farmers Savings Bank & Trust is willing to work with them on a loan and they are planning for that to be \$50,000. They talked with Kate Robertson with Benton County Development Group, and she stated there were not any large grants available right now but some small ones. She was also going to look at more options for them. The Fair Board is also looking at multiple fundraising and donation opportunities. Nichole McKenna stated she is working on a letter to send out for these opportunities. Supervisor Seeman asked how much the bleachers would cost. Dale stated those would be \$170,000.00. They would like this project to be finished by fair 2022 and would be done row by row so all activities would be able to continue throughout the summer. Supervisor Primmer suggested they look into LOSST funds from the City of Vinton since it is in city limits and many events held at the fairgrounds draw in revenue for the city. To qualify for LOSST funds from the county, County Attorney, David Thompson, stated the fair board would have to meet all requirements of Iowa Code Chapter 174.19. This requires financial statements reported to the supervisors and gave his opinion that at least going back five (5) years before any funding is considered. Supervisor Primmer suggested they bring those financial statements and check with the City of Vinton before any decisions made. Supervisors Seeman and Bierschenk agreed.

Transportation Director, Dean Vrba, asked about snow removal at his building. Supervisor Primmer was going to contact Terry Marter since he does the Service Center.

**Primmer moved/Bierschenk seconded:** To adjourn. Motion carried.

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Tracy Seeman, Chairman

ATTEST: \_\_\_\_\_  
Alisha Burmeister, Clerk for Benton County Auditor

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