

July 12, 2022

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer 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 (<https://www.youtube.com/bentoncountyiowa>)*

Bierschenk moved/Seeman seconded: To approve the minutes of Tuesday, July 5, 2022. Motion carried.

Bierschenk moved/Seeman seconded: To approve Auditor's Quarterly Report ending June 30, 2022. Motion carried.

Bierschenk moved/Seeman seconded: To approve the following claims included in today's list using ARPA funds: RC Tech in the amount of \$40,810.30 and \$3,954.20 for wiring projects in courthouse and secondary roads, and Theisen's (John Deer Financial) for Conservation parking lot supplies. Motion carried.

Bierschenk moved/Seeman seconded: To approve payroll checks numbered 142373 through 142387, ACH Deposits 49715 through 49866, handwrites 243031 and 243032, vendor checks 243033 through 243039 and claims numbered 243040 through 243205. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Amana Farms, Inc. for a part of the SE ¼ of the NE ¼ 31-83-10. John McGrath, representing Amana Farms was present along with numerous area landowners. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Amana Farms, Inc. would like to build a commercial fertilizer storage facility on 3-5 acres of land now owned by Steve and Scott Thompson. The storage tanks could potentially store 1 ½ million gallons of fertilizer. The plant supplying the fertilizer is in operation year-round, so storage is needed during winter months. This land is now currently in production. The portion was a concrete plant and borrow plant for the Iowa DOT during construction of the HWY 30 and 218 interchange. The soils were disrupted in that process but were put back upon the completion of the project. The corn suitability rating of a 68. Surrounding land use is mainly row crop farming, with a few residences also in the area. There is no plan for water or sewer on the site. There is a current farm field entrance off a dirt road that meets requirements. Area landowners have contacted Greenlee with their opinions, and concerns of the business and also the road concerns and the materials in the tanks. Greenlee also read a report from the county engineer on expected truck traffic and maintenance of that Level B Road, particularly winter months. Most Benton County dirt roads have only minimal maintenance performed on them and ditches are very shallow and don't allow the moisture to drain out well. Engineer Myron Parizek was also present for the discussion and explained the impact of having the roadbed lower than the fields and tile lines. It would take a ballpark expense of \$100,000 to improve the road, and typically property owners would pick up half of the expense.

Board Chairman Seeman asked McGrath to explain to the crowd more in-depth what the plan was. McGrath explained how the fertilizer is made and stored. Its product is fairly well proven and in demand. They were looking for a place to expand and felt Benton County and along Highway 30 would be a good spot. Landowner Richard Less asked McGrath about the height of the structure and how he wouldn't like this view out his front door nor the odor it produces. Justin Nolan, another landowner asked the board why they previously denied a request on a different site and adding that he didn't feel we needed it in this area. McGrath was also asked about the track record and yield history using this product and the concerns of the unknowns what it could do to future production. What was the value their company could provide Benton County? Currently we have other companies in the area like Farm Service, Tama-Benton Coop and Nutrient that already employ Benton County residents. McGrath stressed how they wanted to provide a much more affordable fertilizer source and also addressed the odor concern and agreed there is an odor after application but how depending on the circumstances of weather and such it wouldn't be noticeable after 10-14 days.

Kate Robertson, Benton Development Group Director explained how Amana Farms, Inc. has been searching over a year and this is an investment into the county for growth and more job creation. Gary Bierschenk told Marc Greenlee he did a good job preparing for the hearing today. Supervisor Seeman addressed the room explaining how he would like to do some more research and table action and also allow a full vote from all three supervisors since Primmer was absent.

Seeman moved/Bierschenk seconded: To table action on the land use hearing until Tuesday July 26, 2022 at 9:15 a.m. to allow time for all three Supervisors to be present and for Seeman to visit some other storage tank locations in Iowa County and see for himself. Motion carried.

10:00 a.m. was the time and date set for a public hearing for road right of way vacation along 33rd Avenue Dr. in Section 24 of Benton Township. The land owner, Justin Harberts, who originally approached the Engineer in regards to this was present. Harberts would like to obtain the .27 Acre of right of way that is a triangular shape in the southeast corner of his property that he has a current fence line. He asked that the county vacate this particular piece so that he can plant a tree line and let it be put back into taxation. Engineer Myron Parizek presented a packet with surveys and old road records of when the area was used and aerial imagery of the area being discussed. No comments were heard before or during the hearing. The public hearing was closed.

Seeman moved/Bierschenk seconded: To approve Resolution #22-58, Vacating part of County Road Right of Way. Motion carried.

RESOLUTION 22-58

Resolution to Vacate part of County Road Right of Way

WHEREAS, this being the date and time set for the hearing on the proposed vacation and closure of a portion of Benton County Secondary Road, described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Southeast Quarter of Section 24, Township 85 North, Range 9 West of the Fifth Principal Meridian; thence N0°09'41"W along the west line of said Northwest Quarter of the Southeast Quarter, 51.29 feet to the centerline of 33rd Avenue Drive; thence N59°52'06"E along said centerline, 240.63 feet to the Southwest Corner of Parcel B; thence N29°54'35"W along the westerly boundary of said Parcel B, 33.00 feet; thence N09°49'35"W along said westerly boundary, 4.57 feet to the northwesterly right of way of 33rd Avenue Drive as established by acquisition document found at Book 13, page 3196, Office of the Recorder, Benton County, Iowa;

thence northeasterly 38.10 feet along said right of way and the arc of a 597.50 foot radius curve, concave southeasterly, chord bears N66°27'04"E, 38.09 feet to the point of beginning; thence continuing northeasterly 277.31 feet along said right of way line and the arc of a 597.50 foot radius curve, concave southeasterly, chord bears N81°34'26"E, 274.83 feet; thence N9°26'35"W, 107.98 feet; thence S59°59'25"W, 293.49 feet to the point of beginning.

WHEREAS, No objections have been received, either in writing or by persons present.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the subject section of road be ordered vacated and closed.

Signed this 12th day of July, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Seeman seconded: To approve the service agreement renewal to participate in the Iowa State Association of Counties (ISAC) HIPAA program from July 1, 2022 through June 30, 2023. Motion carried.

Jean Ohlen, family peer support specialist from Chances and Consequences, Inc. in Van Horne, Iowa came to the board seeing funding to attend the Iowa State Association of Counties (ISAC) meeting in Des Moines in August. After some discussion regarding the cost, Auditor Rippel told Ohlen she would get in touch with a representative at ISAC and find out some options available for non-members. No action taken.

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

Tracy Seeman, Chairman

ATTEST: _____
Hayley Rippel, Benton County Auditor