

July 26, 2022

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

Primmer moved/Bierschenk seconded: To approve the minutes of Tuesday, July 19, 2022 and Wednesday, July 20, 2022. Motion carried.

Primmer moved/Bierschenk seconded: To approve 27.5 hours of vacation carryover for Rick Wood to be used by November 1, 2022. Motion carried.

Bierschenk moved/Primmer seconded: To approve claim to Ron Wagner Home Improvement in the amount of \$7,037.50 for gutters at the new transportation building to be paid out of ARPA Funds.

Primmer moved/Bierschenk seconded: To approve use of the courthouse grounds by Vinton Kiwanis for a 5K to be held on August 27, 2022. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #22-61, Amend Service Area 9. Motion carried.

RESOLUTION #22-61

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2023 budget on March 15, 2022;

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 FY2023 county budget is hereby amended within the following service areas:

Service Area 9- \$91,227.39 moved from Fund 0002 to Fund 0006 (Function 9040)

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 26th day of July, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Primmer seconded: To approve farm exemption application for Joel Thys in a part of the SW ¼ NE ¼ of Section 26-82-11. Motion carried.

Bierschenk moved/Seeman seconded: To approve payroll checks numbered 142388 through 142404, ACH Deposits 49867 through 50016, vendor checks 243206 through 243213 and claims numbered 243214 through 243361. Motion carried.

Primmer moved/Bierschenk seconded: To approve law enforcement contracts with the City of Urbana, for a total yearly sum of \$4,225.00 to be paid quarterly and not to exceed 130 hours, and City of Newhall for a total of \$25,350.00 to be paid quarterly and not to exceed 780 hours a year. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for the continued land use hearing for Amana Farms, Inc. for a part of the SE ¼ of the NE ¼ 31-83-10. It was tabled from Tuesday, July 12, 2022. Marc Greenlee provided a recap of the technical information presented at that meeting along with the main concerns heard from the public. Since that meeting, the Supervisors did go on a tour with John McGrath of Amana to a few of their sites. Two of the storage bins and one field that had recently had the fertilizer applied. 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. They haul away and land apply some of their effluent stream from that manufacturing process. The stream qualifies as a liquid fertilizer by the State of Iowa and is regulated by the state. This site has been used by the Iowa Department of Transportation for a concrete plant and borrow pit for the overpass project. The Corn Suitability Rating of the

land is 68. Benton County works to protect farmland with a rating of 70 and higher. The county is required to notify anyone within 500 feet of a proposed land use change. Four adjacent property owners were previously notified. This land is next to a Level B Road, which would be difficult to maintain in winter months.

Supervisor Primmer thanked the board for tabling the July 12th agenda item so that he could be present. Seeman shared that yes, there is an odor, but it was not overpowering and also referring to a field they visited where the fertilizer was applied. Primmer added that he didn't find the odor "objectionable. Bierschenk was also impressed with the lack of smell and impressed with the condition of the sites, how they were all clean and well cared for.

Iowa House File 2512 and 2477 were passed around to be shared, and the board wondered if Benton County even has a say in the matter, or if they will be superseded by the State of Iowa. This raised some legal questions regarding agricultural or commercial uses.

The board turned it over to John McGrath to explain plans for the expanding operation. He shared how fertilizer needs to be stored in winter months, since it can't be applied to frozen ground. There will be an odor when the tank is filled or emptied. That could last 5 to 10 days. They have been handling this product since 2008 and the Amana area since 2016. They use it for 9,000 acres and they thought HWY 30 would be a good location to be off of. Brad Buchanan, Crop Tech Services, Inc gave some background and talked on the good quality of the fertilizer. They have been using the recycled product over 20 years in surrounding counties. Supervisor Primmer questioned Thompson about the price of fertilizer and how this will be divided out between them and the surrounding farmers. Landowner Steve Thompson also pointed out the economic benefit, with the cost and he felt his farms could use half and the rest available to others. The County Assessor was present to speak up on the value of these tanks if they are assessed as commercial or agricultural. Continued discussion was had back and forth with numerous residents who attended the meeting to voice their concerns. Concerns mainly being the odor, road conditions, and the disruption of the views of the nearby homes. Tim Sage, stating he was present in support, saying the county needs economic development. It also gives farmers another option for fertilizer. The tax base needs to be larger and to stop giving this business the run-around. Jill Bridgewater asked about how many jobs this would provide, with McGrath answering that there would be trucking jobs. Supervisor Primmer continued with regards to the smell, that there is no county ordinance to prohibiting this. Greenlee added that the State of Iowa doesn't regulate it either. Primmer added that the way the ordinance reads now, he didn't know how the board could deny this request. Seeman wanted a legal opinion, and didn't want to cause a riff in the community. Kate Robertson, Benton Development Group asked if Benton County was open for business. That this is a large investment into the county. McGrath also adding that this facility needs to be built before the ground freezes. Primmer agreed to not want to string out the matter.

Bierschenk moved/Primmer seconded: To table action until they could talk to legal counsel on the matter. Motion carried.

Committee Reports were had by Seeman who attended the landfill meeting and Bierschenk attended the Central Iowa Juvenile Detention meeting. The EMA meeting was also discussed that was attended by both Seeman and Scott Hansen, mainly to update about the sirens what cities who have currently already accepted the agreements or will be soon.

Primmer moved/Bierschenk seconded: To enter closed session at 11:13 a.m. pursuant to Iowa Code 21.5(1)j. Motion carried.

Primmer moved/Bierschenk seconded: Exit closed session at 11:25 a.m. Motion carried.

Primmer moved/Bierschenk seconded: To authorize and approve signatures for the letter of intent to purchase tower site east of Vinton. Motion carried.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor