

August 2, 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>)*

Bierschenk moved/Primmer seconded: To approve the minutes of Tuesday, July 26, 2022. Motion carried.
Primmer moved/Bierschenk seconded: To approve Resolution # 22-62 Temporary Construction Closure on 59th St. Trail for Bridge Replacement. Motion carried.

RESOLUTION #22-62

Temporary Construction Closure

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from August 15, 2022, through the completion of the project.

From 33rd Avenue Drive thence easterly approximately 0.5 mile to Linn County Line along 59th Street Trail in Benton Township.

Signed this 2nd day of August, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #22-63, Resolution for participation in the SS4A Grant Application. Motion carried.

RESOLUTION #22-63

WHEREAS, as part of the new Federal Transportation Bill, Infrastructure Investment and Jobs Act (IIJA), there is over \$1B of roadway safety funding available in the form of Safe Streets and Roads for All (SS4A) grants. To be an eligible applicant for this new safety funding, a county MUST have an eligible Action Plan in place; and

WHEREAS, the Iowa County Engineers Association (ICEA) plans to apply for a SS4A grant to develop and supply all 99 counties in Iowa with an eligible Action Plan at no cost to the counties. ICEA encourages all 99 counties to participate in this grant application; and

WHEREAS, the Benton County Board of Supervisors will commit to achieve significant declines in roadway fatalities and serious injuries in Benton County; and

WHEREAS, the Benton County Board of Supervisors recognizes the Action Plan and will assist the County Engineer's department in achieving the goal of a dramatic decrease in roadway fatalities and serious injuries and zero roadway fatalities and serious injuries by the years 2030 and 2050, respectively; and

WHEREAS, the Benton County Board of Supervisors, after consulting with the Benton County Engineer, desires to participate in a joint SS4A grant to develop and receive an eligible Action Plan for Benton County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that this County does hereby request to be included in the statewide SS4A grant to develop Actions Plans for all 99 counties in Iowa.

Signed this 2nd day of August, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Primmer seconded: To approve hiring of two part time drivers for Transportation Department. Donald Mahurin and Clyde Renn at \$16.94 an hour effective August 4, 2022. Motion carried.

Bierschenk moved/Primmer seconded: To approve Resolution #22-64, Variance to Sub-Division Ordinance.

RESOLUTION #22-64

Variance to the Benton County Subdivision Ordinance

WHEREAS, Leo Kinzenbaw has requested a variance to the Benton County Subdivision Ordinance #72; and

WHEREAS, the Board believes that certain requirements should be varied; and

NOW THEREFORE BE IT RESOLVED that the following requirements of the Benton County Subdivision Ordinance #72 shall be waived with regards to the division of real property located in the NW 1/4, Section 11-T82N-R11W.

In Article IV, Sections 4.01 through 4.05; Article V, 5.01 through 5.07; Article VI, 6.2 through 6.03 and 6.05 (f); and Article VII, Section 7.01

FURTHER IT IS RESOLVED that the owners shall comply with the remaining requirements set forth in the Benton County Subdivision #72.

Signed this 2nd day of August, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #22-65, Variance to the Sub-Division Ordinance. Motion carried.

RESOLUTION #22-65

Variance to the Benton County Subdivision Ordinance

WHEREAS, Matthew and Heidi Corpman have requested a variance to the Benton County Subdivision Ordinance #72; and

WHEREAS, the Board believes that certain requirements should be varied; and

NOW THEREFORE BE IT RESOLVED that the requirements of the Benton County Subdivision Ordinance #72 shall be waived in its entirety in regards to the division of real property located in the NW 1/4, Section 18-T85N-R12W.

Signed this 2nd day of August, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

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 has been tabled 2 weeks in a row. The first time was so they could visit the storage facilities located in Iowa County. Most recently because they had questions about how the state law affects the county's authority in this. No representation for Amana Farms was present. There were 3 concerned residents in attendance. Marc Greenlee, Land Use Administrator provided a brief recap. He addressed the state law that was in question last week and relayed what he heard from the Benton County Attorney in those regards. Greenlee said the Amana Farms project is subject to Benton County's land use ordinance. The material that Amana Farms wants to bring into the county is a byproduct of a manufacturing plant, not an agricultural byproduct. Supervisor Seeman said he talked with John McGrath of Amana Farms. They were willing to bring their product into Benton County after the beans are harvested and apply it to the field. Then everyone can see how it's going to be. If the odor isn't so overpowering, everyone in the neighborhood could get along. Seeman did agree that Amana Farms meets all of the criteria to put a tank there. Benton County has to have a good reason to deny other than the smell. A neighbor questioned what determines what is "overpowering" regarding the smell, and also said she had concerns about the truck traffic this will cause. Supervisor Bierschenk said he was confused why Amana Farms didn't want to build in Iowa, Linn or Poweshiek County. It would make sense to me for them to continue to build more tanks in Iowa County.

Seeman made a motion to table this, and Bierschenk seconded. Primmer asked if there was a timeframe on this or if the board was going to keep pushing it down the road. Adding that Amana Farms has gone through all of the hoops the board has asked of them, and smell and sight are not a part of the ordinance. Seeman said this is tabled until its brought up again. Voting aye were Seeman and Bierschenk, Primmer voting nay. Motion carried.

Primmer moved/Bierschenk seconded: To recess for 10 minutes. Motion carried.

Primmer moved/Bierschenk seconded: Enter back into open meeting at 10:00 a.m. Motion carried.

Preston Moore with the Humane Society of the United States met with the board regarding the County's Ordinance #37, which is Animal Protection and Control. He also brought up the ordinance in Keystone and the recent situation. Moore also handed out a pamphlet with examples of other upgrades to other's animal ordinances. These upgrades help protect personal property rights so people have the right to get a dog if they feel it's best for their family. He's worked with several communities on this who had similar ordinances, and he's also worked with law enforcement. Moore recommended multiple levels of classifications so they can deal with animals that have behavior danger risks. Restrictions that communities can provide a legally sound way to intervene. He also explained the appeal process and supporting breed neutral ordinances. Moore also stated that lowans have a desire to have less government control in their lives, and getting rid of mandates. Moore provided a list of shelters and rescue groups, but recommended immediately suspending its ordinance and working with him to help revise or adopt a new one. No action was taken, the Board wanted time to digest and research more on the subject.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor