

August 16, 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](http://www.bentoncountya.gov) ( <https://www.youtube.com/bentoncountyiowa>)

**Bierschenk moved/Primmer seconded:** To approve the minutes of Tuesday, August 9, 2022. Motion carried.  
**Primmer moved/Bierschenk seconded:** To set land use hearing date of Tuesday, September 13, 2022 at 9:15 a.m. for Jeremy and Rachel Basham a part of SW ¼ NW ¼ of Sec 36-85-9. Motion carried.  
**Primmer moved/Bierschenk seconded:** To approve law enforcement contracts for City of Keystone for a total yearly sum of \$8,450.00 with an average of 260 hours a year. The City of Norway for a total yearly sum of \$16,900 on and 520 hours a year. Motion carried.  
**Primmer moved/Bierschenk seconded:** To approve Resolution #22-69, Changing employment status on two correctional officers in the sheriff's office. Motion carried.

**RESOLUTION # 22-69**

WHEREAS, the Benton County Sheriff has a need for full-time correctional officer(s), and;  
WHEREAS, Brannen Hudson and Hayley Pringle have been employed by Benton County as part-time;  
WHEREAS, Hudson and Pringle have been currently performing the duties of the above-mentioned position; and  
WHEREAS, the Sheriff recommended that Hudson and Pringle have their employment status be changed from part-time to full-time,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Brannen Hudson be changed to a full-time correctional officer in the sheriff's office at the hourly rate of \$23.44 an hour and Hayley Pringle at the hourly rate of \$21.82 per union contract pay schedule.

Signed this 16th day of August 2022.

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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 hiring of Owen Hansen for a part-time correctional officer with beginning wage of \$19.70 an hour. Motion carried.  
The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Ron Boyer in a part of Parcel C in the NE ¼ of the NE ¼ of Section 9-84-9. Boyer was present during this time. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Boyer would like to build a house/machine shed combination. There was a new driveway on the property that meets all current criteria. This site has an existing well that will work, but will need a new septic. Four adjacent owners were notified, with zero responses. Overall pattern of the area is several rural residences and farms. After no further discussion the public hearing was closed.  
**Primmer moved/ Bierschenk seconded:** To approve land use hearing change for Ron Boyer in a part of Parcel C in the NE ¼ of the NE ¼ of Section 9-84-9. Motion carried.  
The time of 9:30 a.m. having arrived, and this being the time and date for a land use hearing for Don Foltz in a part of the SW1/4 of the SE ¼ of Sec 23, T85N, R9W. Foltz was present. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Foltz would like to change use of 2 acres out of the 10-acre parcel to build a new home and machine shed. Average CSR of the ground is a 50 and not in production. This site will need a new driveway that should be able to comply. It will also need a new well and septic. Notification was sent to eight adjacent owners with zero responses. The area is primarily housing with no crops or livestock nearby. After no further discussion, the public hearing was closed.  
**Bierschenk moved/ Primmer seconded:** To approve land use hearing for Don Foltz in a part of the SW1/4 of the SE ¼ of Sec 23, T85N, R9W. Motion carried.

Chuck Yedlik came to the board to ask for a variance to the driveway resolution to ask for it to be widened. The Engineer presented the driveway resolution and pointed out that the minimum sight distance be 500 feet, and this current driveway in consideration is only at 338 feet. Parizek talked about the traffic in that area and how a culvert would also be needed. The board then discussed liability of allowing the widened driveway if there wasn't the proper distance as stated in the driveway resolution. They wanted to find out more on this before deciding.

**Primmer moved/Bierschenk seconded:** To table action on the variance request for widening the driveway for Chuck Yedlik to get some legal advice regarding the county's liability. Motion carried.

Dust control was discussed regarding the HWY 30 widening project affecting gravel road 1 mile south between 70<sup>th</sup> street and 73<sup>rd</sup>. Engineer Myron Parizek commented that the DOT is aware of their responsibility for dust control, that they will probably ask the county to coordinate

**Bierschenk moved/Primmer seconded:** To approve Resolution #22-70, Wage and Classification change for Rod Schmuecker at secondary roads. Motion carried.

RESOLUTION #22-70

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 Rodney Schmuecker be set at \$24.61 effective August 22, 2022. This position carries a Labor Grade IVB classification.

Signed this 16<sup>th</sup> day of August, 2022.

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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

Preston Moore of the Humane Society visited the board again in regards to the vicious animal ordinance. He asked if the board had any questions. Moore also encouraged anyone who wanted to discuss his proposal to give him a call. He provided a handout with three main concerns he had to discuss. 1) How the Sheriff's Department attempted to improperly enforce the county's ordinance with a municipality that has a contradictory ordinance. He explained how the home rule when power and authority conflict. 2) How the current ordinance is being enforced inconsistently. 3) How the ordinance is turning people and employees away from Benton County. Moore urged that the county formally suspend its appearance-based vicious animal ordinance and requested that the employees of the sheriff's office receive continuing education related to the 25<sup>th</sup> Amendment of the Iowa Constitution. The Board had no more further questions. No action taken.

A concerned citizen came in with questions regarding the taxes and how the recycling fees play a big part of the increase he had from the City of Vinton.

Shelby Williams, Conservation Director provided an update on some of the current projects and also some that she was wanting guidance on to allow her to move forward with obtaining quotes. Then the discussion lead to using the American Rescue Plan Act (ARPA) funds and what should or shouldn't be allowed. No action taken.

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

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Tracy Seeman, Chairman

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

Hayley Rippel, Benton County Auditor