

September 13, 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, September 6, 2022. Motion carried.

Primmer moved/Bierschenk seconded: To set public hearing date for FY 23 Budget Amendment for Tuesday, October 11, 2022 at 9:30 a.m. Motion carried.

Primmer moved/Bierschenk seconded: To set land use hearing date of Tuesday, October 11, 2022 at 9:15 a.m. for Colton Kinzenbaw in a part of the SE ¼ of the NW ¼ of Section 11-82-11. Motion carried.

The time of 9:05 a.m. having arrived, and this being the time and date for the first consideration on Ordinance #78, An Ordinance readopting the existing Benton County Code of Ordinances and/or repealing certain portions therein. The board took up the matter. There were no members of the media or public present. Notice of the hearing had been published in accordance with the law and copies were available on the county's website and in person. There was discussion regarding Ordinance #71, ATV/UTV, and how the HF 2130 preempts the county. There was no other comments or questions in regards, so the public hearing was closed.

Primmer moved/Bierschenk seconded: To approve the first consideration of Ordinance #78, An Ordinance readopting the existing Benton County Code of Ordinances and/or repealing certain portions therein and waiving the second consideration. Motion carried.

After the public hearing was closed, Supervisor Primmer asked the County Attorney regarding waiving one of the readings and he recommended the board hold all three before final adoption. The motion was later amended as follows:

Primmer moved/Bierschenk seconded: To approve the first consideration of Ordinance #78, An Ordinance readopting the existing Benton County Code of Ordinances and/or repealing certain portions therein. Motion carried.

Primmer moved/Bierschenk seconded: To approve and authorize signature on Nyhart Service Agreement for Iowa 509A Actuarial Certification in the amount of \$1400.00. Motion carried.

Primmer moved/Bierschenk seconded: To approve payroll checks numbered 142435 through 142452, 142453 through 142466, ACH Deposits 50323 through 50475, 50476 through 50629, vendor checks 243636 through 243642 and claims numbered 243643 through 243802 and vendor checks 243803 through 243810. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Jeremy and Rachel Basham in a part of SW ¼ of the NW ¼ of Section 36-85-9. Brian Schminke, land owner and Jeremy Basham, were both present. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Basham would like to build a new home. The site is currently in production with an average CSR of 63. The potential site will need a new driveway along with a new well and septic. Legal notices were published and adjacent owners were notified. The overall pattern of the area is several rural residences. After no further discussion the public hearing was closed.

Bierschenk moved/ Primmer seconded: To approve the land use hearing change for Jeremy and Rachel Basham in a part of SW ¼ of the NW ¼ of Section 36-85-9. Motion carried.

Tracy Seeman reported on his conservation meeting. This Thursday night is an open house at the Edna Shain Fen Wildlife Area location South of Mt. Auburn from 5-7 p.m. (2053 54th St.)

Chuck Yedlik was back to discuss his driveway with the Board after addressing his issue on August 16th. The County has a driveway policy in place for safety reasons. Yedlik's driveway site distance is currently 338 feet. It would need 350 feet and a speed limit of 40 miles per hour. County Attorney David Thompson advised sticking to the solid engineering principles and emphasized the importance of safety. But the Board asked Engineer Myron Parizek if he could draft a reduced speed limit resolution back to be addressed and check on a culvert if needed for Yedlik if he needs one to purchase. He might raise and widen his driveway to make room for his farm equipment. No action was taken.

Primmer moved/Bierschenk seconded: To approve Resolution #22-80, Approve 28E Agreement with the State of Iowa. Motion carried.

RESOLUTION #22-80

WHEREAS, Benton County currently is in an agreement with the Iowa Department of Transportation for the County to be able to issue driver's licenses, non-operator's identification cards, and persons with disabilities devices ("county issuance") on a permanent basis under section 321M.3 of the Iowa Code, and;

WHEREAS, Benton County wishes to exercise authority to participate in county issuance, and:

WHEREAS, the Benton County Treasurer shall administer the county's issuance program and shall be responsible for performance of county issuance functions under this agreement pursuant to Iowa Code § 321M.10

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors that Benton County approves the 28E Agreement between the Iowa Department of Transportation and Benton County, Iowa.

Signed this 13th day of September, 2022.

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #22-81, Abatement of Taxes. Motion carried.
RESOLUTION #22-81

WHEREAS, The entities listed below has acquired property for public 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 2022 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.

Owner	Parcel #	Taxes Due:
Belle Plaine Comm School District	030-20500	\$532.00
Vinton-Shellsburg Comm Schools	250-42720	\$582.00

Dated this 13th day of September, 2022

Tracy Seeman, Chairman

Gary Bierschenk

Rick Primmer

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #22-82, Amending Resolution #22-79. Motion carried.
RESOLUTION #22-82

Amending Resolution #22-79
ESTABLISHING NEW FUND-LOCAL GOVERNMENT OPIOID ABATEMENT FUND

WHEREAS, The Benton County Board of Supervisors adopted Resolution #22-79 on August 31, 2022, and;

WHEREAS, The Benton County Auditor has requested that said Resolution be amended to change the fund number,

THEREFORE, BE IT RESOLVED that Resolution #22-70, is hereby amended by the following:

Special Revenue Fund for the Local Government Opioid Abatement be Fund **0025** instead of 0027, effective upon the passage of this resolution.

The remaining resolution, as amended, remains in full force and effect.

Adopted this 13th day of September, 2022.

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