

February 14, 2023

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.bentoncountyiowa.gov (<https://www.youtube.com/bentoncountyiowa>)*

Primmer moved/Bierschenk seconded: To approve the minutes of February 7, 2023, February 9, 2023 and both sets of February 10, 2023. Motion carried.

Primmer moved/Bierschenk seconded: To authorize County Attorney Ray Lough, to be designee and sign documents on behalf of the Opioids Settlements. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #23-9, Approving Final Plat of Dulin's Second Addition to Benton County, Iowa. Motion carried.

DULIN'S SECOND ADDITION TO BENTON COUNTY, IOWA
RESOLUTION APPROVING PLAT

RESOLUTION #23-9

WHEREAS, a Plat of Dulin's Second Addition to Benton County, Iowa, containing one (1) lot has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

See Exhibit "A" attached hereto and made a part hereof

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

WHEREAS, the Benton County Board of Supervisors find that the Final Plat of Dulin's Second Addition to Benton County, Iowa, would be advantageous to Benton County, Iowa, and

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that said Final Plat of Dulin's Second Addition to Benton County, Iowa, will be and the same hereby acknowledged, approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975 and amended September 4, 1981 and April 17, 2008.
2. Any new water supply will be constructed with the approval of the Benton County Health Department.
3. Any new sewage treatment system will be constructed with the approval of the Benton County Health Department.

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said board, on December 6, 2022, at the request of Kim A. Dulin, did grant a variance waiving the following items regarding the submission of the Dulin's Second Addition to Benton County, Iowa Final Plat:

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

The Benton County Auditor is hereby directed and authorized to certify this Resolution Approving Plat to the Benton County Recorder and affix the same to the Final Plat as provided by law.

Resolution passed and approved on this 14th day of February, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

Attest:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Primmer seconded: To set Tuesday, March 14, 2023 at 9:20 a.m. for land use hearing date for Sheyenne and Hayley McNulty in part of the NE¼ NW¼ and NW¼ of NE¼ Section 24-83-9. Motion carried.

Primmer moved/Bierschenk seconded: To amend Maximum Levy Budget Hearing date from February 21, 2023 to March 7, 2023 at 9:30 a.m. Motion carried.

Bierschenk moved/Primmer seconded: To not participate in the U.S. Geological Survey Ground Water Model Study. Motion carried.

Primmer moved/Bierschenk seconded: To authorize Chairman’s signature on the insurance agent/broker change form for Holmes Murphy taken over from Arthur J. Gallagher. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #23-10, Wage and Classification Change for Rod Schmuecker at Secondary Roads. Motion carried.

RESOLUTION # 23-10

WHEREAS: Benton County Secondary Roads Department has an employee that has been employed by Benton County for a year, and

WHEREAS: Upon the completion of the year period the base wage will be increased from the intermediate wage (per bargaining unit agreement)

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that the hourly wage for Rodney Schmuecker be set at \$25.84 per hour effective February 22, 2023. This position (equipment operator) carries a Labor Grade classification IVC.

Signed this 14th day of February, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Primmer seconded: To authorize signature on a petition, contract and waiver for sealcoat improvements on 61st Street Drive, Vinton, Iowa; and approve Resolution #23-11, Adopting Final Assessment Schedule and Confirming and Levying Special Assessments. Motion carried.

RESOLUTION NO. #23-11

Accepting work along 61st Street Drive, from US HWY 218 West 2700 feet, Vinton, IA.
Adopting Final Assessment Schedule and Confirming and Levying Special Assessments

WHEREAS, certain property owners filed a Petition, Contract and Waiver with the Board of Supervisors (the “Board”) of Benton County, Iowa (the “County”), requesting that the Board undertake sealcoat improvements to a portion of the secondary road that goes along 61st Street Drive, from US HWY 218 West 2700 feet, Vinton, IA. (the “Project”) and agreeing to be assessed for one-half of the total cost of the Project, which Petition was approved by the Board on February 14, 2023; and

WHEREAS, heretofore and in strict compliance with Chapters 331 and 384 of the Code of Iowa, the Board did order the construction of the Project, and;

WHEREAS, the Project Engineer has duly filed a certificate with respect to the Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer has inspected completed work for the Project and that the same has been performed in compliance with the terms of the contract, and the Engineer has filed a final assessment schedule, which has been fully considered by this Board;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. It is hereby found and determined that the work of constructing the Project which has been completed by the contractor is in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the cost of the Project that shall be assessed against private property within the assessable district is \$59,853.92.

Section 3. The final assessment schedule filed by the Project Engineers covering the Project is hereby approved and adopted.

Section 4. Each of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule is hereby confirmed and levied, in the amounts shown on the schedule.

Section 5. Each of such assessments is hereby divided into 5 equal installments, as near as may be.

Section 6. All unpaid installments shall bear interest at the rate of 1.5% per annum from the date of this Resolution; provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of this Resolution, such payments to be made at the office of the County Auditor.

Section 7. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer on the first day of July, 2023, and shall become delinquent from October 1, 2023, and then bear the same interest with the same penalties as ordinary taxes.

Section 8. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2024 to 2027, inclusive.

Section 9. The County Auditor is hereby authorized and directed to certify and file the final assessment schedule with the County Treasurer.

Section 10. The County Auditor shall send notice of the special assessments, by regular mail, to each of the property owners, at the address shown on the final assessment schedule, not more than seven days after the date of this Resolution.

Such notice shall be in form substantially as follows:

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE
Seal Coating Project along 61st Street Drive, from US HWY 218 West 2700 feet, Vinton, IA
BENTON COUNTY, IOWA

TO WHOM IT MAY CONCERN: Take notice that the Board of Supervisors of Benton County, Iowa, has adopted the final assessment schedule covering the 61st Street Drive Project, which has been duly certified to the County Treasurer.

The Project consists of the construction of sealcoat improvements on a portion of the secondary road that goes northeast along 61st Street Drive, from US HWY 218 West 2700 feet, Vinton, IA.

The amounts of the assessments against each property owner who signed the Petition, Contract and Waiver for this Project and who agreed to be assessed a portion of the cost of the Project are as follows:

| | |
|---------------|------------|
| Moore | \$6,650.44 |
| Reams | \$6,650.44 |
| Ollinger | \$6,650.44 |
| Patterson | \$6,650.44 |
| Kurth | \$6,650.44 |
| Helms | \$6,650.44 |
| Whitson | \$6,650.44 |
| Salger | \$6,650.44 |
| Corbett Farms | \$6,650.44 |

Any assessment may be paid in full or in part without interest within 30 days after the 21st day of February, such payments to be made at the office of the County Auditor. Assessments which are not paid in full within that time period will be divided into 5 equal annual installments due on the first day of July, commencing July 1, 2023. All unpaid special assessments will draw annual interest at 1.5% computed initially from the 14th Day of February, 2023, to April 1, 2024, and thereafter computed from the April 1 immediately preceding the due dates of the respective installments.

By order of the Board of Supervisors of Benton County, Iowa.

County Auditor

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved February 14, 2023.

Signed this 14th day of February, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Supervisor Seeman reported on the recent Conservation Meeting and the bids were received and opened for the Hannen Project. Budget discussion was had on how the Board will handle asking for some cuts and how they wanted to handle that. The Auditor was going to move forward with the Maximum levy proposal and wait and see the outcome of SF 181 and if the Valuation report has to be amended, will adjust if needed.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor