

March 7, 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 8:30 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/Seeman seconded: To approve minutes of February 28, 2023 and March 2, 2023. Motion carried. Members of the Benton County Conversation Board along with Director Shelby Williams and department employees met with the board to share their opportunity to expand the Wildcat Bluff area. The land is about two and a half miles south of Urbana. The Heritage Foundation helped with negotiations with Wendling Quarry who was the one that approached them. This is 184 acres and combining with current owned 134 acres would put this at a level similar to the state. Conservation Board members saw this as a once in a lifetime opportunity that will bring opportunities for the future. The overall cost of this would be 1.2 million with \$125,000 already committed from grants and support already. They would have two years to purchase, but would need the commitment to help them apply for the REAP Grant this fall that would be up to \$900,000. Plans included developing trails, and removing interior fences. Supervisor Primmer didn't have a problem if it is going to be funded from grants and donations, but he had a problem committing tax dollars. When asked if they would need additional staff to help with this project, the answer was No. Coe College and other organizations are interested. No action was taken. Randy Scheel of Conservation Board said the confidence they have to pay this back in two years is extremely high and they wanted to keep the supervisors up to date on what they are doing.

Primmer moved/Bierschenk seconded: To approve Class C Liquor License for Tara Hills Country Club. Motion carried.

Primmer moved/Bierschenk seconded: To Accept Mindy Fisher's resignation to the Board of Health and appoint Kaitlin Emrich as her replacement with term ending December 31, 2025. Motion carried.

Primmer moved/Bierschenk seconded: To approve payroll checks numbered 142745 through 142779, ACH Deposits 52265 through 52410, vendor checks 245457 through 245463 and claims numbered 245464 through 245574. Motion carried.

Primmer moved/Bierschenk seconded: To approve Utility Permit for USA Communications to place fiber in the right of way in Iowa Township for the Belle Plaine Exchange. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #23-13, Bridge Embargo. Motion carried.
Resolution #23-13

WHEREAS, the structures at these locations due to load rating computations, age and design have reached the point in time where a more restricted weight limit needs to be imposed,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the following new weight restrictions be imposed and restricted as follows:

CE-0047 **3 ton**
0.3 mile north of the SW corner of Section 30-86-11
(Cedar Township) on 16th Avenue.

LE-1025 **10 ton/ 15 ton/ 15 ton**
0.5 mile south of the NW corner of Section 17-82-11
(Leroy Township) on 17th Avenue.

Signed this 7th day of March, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #23-14, Bridge Embargo. Motion carried.

WHEREAS, the structures at these locations are not currently posted for any embargo restrictions, and

WHEREAS, these structures, due to age, design and load rating computations have reached the point where a restricted weight limit needs to be imposed,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the following new weight restrictions be imposed and restricted as follows:

BG-1046 **23/37/40 ton**
0.4 mile north of the SW corner of Section 29-84-11
(Big Grove Township) on 17th Avenue.

FR-5052 **22/37/37 ton**
0.2 mile south of the NW corner of Section 36-83-09
(Fremont Township) on 33rd Avenue.

Signed this 7th day of March, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #23-15, Temporary Road Closure. Motion carried.
Resolution #23-15

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from March 13, 2023, through the completion of the project.

From 75th Street thence north 1 mile to 74th Street along 32nd Avenue, and from 32nd Avenue thence west 2 miles to 30th Avenue along 75th Street,

and

From 32nd Avenue thence east 0.5 miles to 32nd Avenue Drive along 75th Street all in Florence Township.

Signed this 7th day of March, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

County Attorney Ray Lough and Sheriff Deputy John Lindaman spoke with the board regarding their concern with privacy and confidentiality regarding Victim Witness Abuse/Sexual Awareness and how they are planning an upcoming meeting with Riverview Center regarding the privacy and confidentiality concerns. No action taken.

The time of 9:35 a.m. having arrived, and this being the time and date set for the public hearing on the Maximum Property tax levy for FY 24 Budget. No members of the public were present. The Auditor presented the information and explained that even after valuations have been amended due to SF181, and neither the levy or valuations can be higher than what was published. There was no further discussion.

Bierschenk moved/Primmer seconded: To close the public hearing. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #23-16, Maximum Property Tax Levy for FY 24 Budget. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

Resolution #23-16

Approval of FY 2024 Maximum Property Tax Dollars

WHEREAS, the Benton County Board of Supervisors have considered the proposed FY 2024 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county website, and

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 7, 2023.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Benton County that the maximum property tax dollars for General County Services and Rural County Services for FY 2024 shall not exceed the following:

General County Services - \$10,067,421

Rural County Services - \$4,426,256

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY 2024 does represent an increase of more than 102% from the Maximum Property Tax dollars requested for FY 2023.

By Roll Call Vote:

Ayes: Primmer

Nays:

Seeman

Bierschenk

Passed and adopted the 7th day of March, 2023.

Attest: Hayley Rippel, Benton County Auditor

Tracy Seeman, Chairman
Benton County Board of Supervisors

Mae Hingtgen, Chief Officer of the Mental Health/Disability Services (MH/DS) of the East Central Region and Mona Onken discussed a memorandum of understanding regarding reimbursement from the Region for county employees for FY 2024. There are clarifications and consistency throughout the region for duties of advocates They also discussed supervisory responsibilities for Bethany Wheaton, Judicial Mental Health Advocate and also discusses the Crisis Support Management (CSM). It was pointed out that the advocate was supposed to be neutral and also referring to the duties outlined in Iowa Code 229.19.

Primmer moved/Bierschenk seconded: To approve Resolution #23-17, MOU Regarding Reimbursement from the Region, including Exhibit A, and excluding Exhibit B. Motion carried.

Resolution #23-17

**MEMORANDUM OF UNDERSTANDING
REGARDING REIMBURSEMENT FROM MH/DS OF THE
EAST CENTRAL REGION FOR COUNTY EMPLOYEES**

1. COME NOW the Benton County Board of Supervisors (hereinafter "the County Board") and the Governing Board of the Mental Health/Disability Services of the East Central Region of Iowa (hereinafter "the Governing Board") indicate their mutual understanding of the following:
2. Benton County is a member county in and the County Board is a signatory to a 28E Agreement for Mental Health/Disability Services for the East Central Region.
3. The purpose of this Memorandum of Understanding is to establish an entity to provide local access to mental health and disability services for children and adults and to engage in any other related activity in which an Iowa 28E organization may lawfully be engaged, all in compliance with Senate File 2315, Division IV, Section 32, as signed into law on May 25, 2012.
4. The 28E Agreement contemplates that the Region's Chief Executive Officer, Coordinators of Disability Services, and

all support staff will be made up of and will remain employees of the individual member counties and shall be subject to the county's personnel policies and the region's applicable policies and procedures.

5. The county's assignment of the employee to the region is subject to the review of the Governing Board.
6. Pursuant to the 28E Agreement, the portion of the employee's time and responsibilities that are performed on behalf of the region, the region has the authority to review the employee's performance and make recommendations that are communicated to the county board of supervisors regarding the employee's continued appointment by the Governing Board.
7. In so doing, the 28E Agreement requires that there will be statements of understanding between the Governing Board and the individual county Boards of Supervisors that identify the individual employee, the position to be filled, and the portion of the employee's wages and benefits that will be reimbursed to the county from regional funds.
8. In the event one of the specific employees listed leaves, for whatever reason, her or his employment with Benton County and a new employee is hired to fill that vacant position, the County Board's representative on the Region's Governing Board shall provide the Governing Board with an updated Exhibit A. The Governing Board shall reimburse the member county for the time an employee spends fulfilling regional functions as defined in Exhibit A. Reimbursement shall include the employee's base salary, benefits, applicable payroll deductions, occupancy expenses, and identified administrative expenses. Each member county agrees to provide the employee with sufficient office space, equipment, supplies and telephone to conduct employee's region responsibilities while working within the member county, which will be reimbursed by the region. The Governing Board shall reimburse the member county for all travel expenses incurred while an employee performs regional work. Reimbursements shall be reviewed annually or as needed when changes to a member county's expenses occur.
9. The Region shall issue funds to each member county for one fourth of the member county's MH/DS combined payroll and occupancy budgeted expenses as identified above by the latest practical claims date before the beginning of the new quarter (July, October, January, and April) in order to ensure that the county receives adequate funds to cover the quarterly administrative expenses.
10. If a county has higher expenditures during a quarter that exceed the quarterly payment, a request for reimbursement will be sent to the region to be considered at the next Regional Governing Board meeting. If a member county expects lower expenditures in any given quarter, the county should notify the region. Adjustments to a county's quarterly distribution will be completed in the fourth quarter, as necessary.
11. Member counties will submit a quarterly report of expenditures to the region for reconciliation purposes. The quarterly report will not impact the next quarterly distribution.
12. The member county is responsible for tracking each employee's time when conducting regional work. The member county must conduct a time study semi-annually, at a minimum, supporting the amount that is reimbursed by the region.
13. This agreement shall be effective for the time period of July 1, 2023 through June 30, 2024. The Governing Board may vote to extend or amend this MOU for FY 25 and beyond.
14. Any disagreements in reimbursement amounts shall be discussed and rectified between the Governing Board and County Board of Supervisors in the same manner disputes are resolved under Section 4.7 of the regional 28E Agreement.

BENTON COUNTY
BOARD OF SUPERVISORS

GOVERNING BOARD OF THE MENTAL
HEALTH/DISABILITY SERVICES OF THE EAST
CENTRAL REGION OF IOWA

By: _____

By: _____

Benton County Chairperson

Dewey Hildebrandt, Chairperson

Signed the _____ day of _____, 2023.

Signed the _____ day of _____, 2023.

Attest: _____
Benton County Auditor

**EXHIBIT A
BENTON COUNTY EMPLOYEES**

The region intends to employ or contract for staff for the following functions and responsibilities with the following rates:

Employee Name	Position	% of Wages/Benefits to be Appropriated to Region
Mona Onken	Utilization Coordinator	100%
Melissa Carter	Behavioral Specialist	100%
Sarah Wagner	Regional Social Worker	89%

By: _____
Benton County ECR Representative

By: _____
Dewey Hildebrandt, ECR Board Chair

Date: _____

**EXHIBIT B
MENTAL HEALTH ADVOCATE RESPONSIBILITIES**

Advocate Name	Bethany Wheaton
County(ies) Served	Benton County

In an effort to standardize the advocacy work of court-appointed mental health advocates across the Region, the Benton County Supervisors and Regional Governing Board agree to the following responsibilities:

- Complete all duties outlined in Iowa Code 229.19
- Complete HIPAA training annually and submit ECR verification form
- Complete mandatory reporter training every 3 years and submit certificate
- Enter or update newly assigned individuals (or individuals not previously entered) into CSN, including date of birth, sex, ethnicity, education, and diagnosis
- In CSN, assign self as advocate, enter initial commitment, type of order, date of commitment, and name of treatment facility per IAC 441-25.103
- Secure CSN release for all clients. If unable to secure release, attempts must be documented
- Ensure timely updates regarding commitment information in CSN that reflects changes in treatment facility and termination of commitments
- Maintain an organized, confidential and secure file for each individual serviced. This file may be a combination of physical documents and the CSN record
- Follow IAC 441-25.104 regarding frequency of contacts and document in CSN
- By the 15th of each month, submit list of clients, including CSN number, for whom there was a contact in the previous month. This should not include the entire caseload. If desired, advocate may pull this report from CSN.
- Participate in the Region's quality assurance process as delineated in IAC 441-25.107

By: _____
Benton County ECR Representative

By: _____
Dewey Hildebrandt, ECR Board Chair

Date: _____

Date: _____

Further discussion regarding Exhibit B which was part of the MOU, and who was to supervise the Mental Health Advocate was had.
Primmer moved/Bierschenk seconded: To approve Exhibit B and appoint the Sheriff to oversee the Mental Health Advocate.
Motion carried.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor