

July 25, 2023

The Benton County Board of Supervisors met in regular session with Supervisors Seeman and Bierschenk present, Primmer called in. 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 are invited to join in during open session or watch the 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: (<https://www.youtube.com/bentoncountyiowa>)*

**Bierschenk moved/Primmer seconded:** To approve Treasurer's Semi Annual Report ending June 30, 2023. Motion carried. Melinda Schoettmer, Treasurer explained to the board about the ability her office has to add a \$10 service fee to out of county residents for license fees. Schoettmer said other counties have already implemented it and aren't having any issues. The Board agreed this was her decision to make.

**Primmer moved/Bierschenk seconded:** To set land use hearing date of Tuesday, August 22, 2023 at 9:15 a.m. for Michael & Shelley Crow in part of the SW ¼ SE ¼ of Section 14-82-11. Motion carried.

**Bierschenk moved/Primmer seconded:** To approve the minutes of July 18, 2023. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve payroll checks numbered 142918 through 142930, ACH Deposits 53763 through 53916, vendor checks numbered 246849 through 246856 and claims numbered 246857 through 246994. Motion carried.

**Primmer moved/Bierschenk seconded:** To approve the claims for Streff Electric, Inc. for \$196.00 and Speidel & Sons Well & Pump Co. for \$4,400 in the above list using ARPA Funds. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Bryce and Michelle Nemitz in part of Parcel A in the NW ¼ NW ¼ of 3-84-9. Bryce Nemitz was present. Matt Even presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Even stated the land is currently in hay crop with a CSR of 58 and this area also has some steep slopes near other rural dwellings. Nemitz would like to change 1.15 acres for a new single-family dwelling and shop. There is an existing driveway that meets requirements on the north side of this parcel. A private well and septic will be needed. Seven notices were sent to the adjacent landowner's and was published in the official newspapers. There was no public comments before today and this proposal should not have any negative impacts on surrounding farm operations. Hearing no other further comments, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve the land use change for Bryce and Michelle Nemitz in part of Parcel A in the NW ¼ NW ¼ of 3-84-9. Motion carried.

The time of 9:45 a.m. having arrived, and this being the time and date for a public hearing on the first consideration of proposed ordinance #79, floodplain management. The Ordinance is a revision of Benton County's existing floodplain management ordinance #75, regulating flood hazard areas in the unincorporated areas of Benton County. The Board reviewed the proposed summary and referred to Iowa Code Section 331.302(5). The ordinance also attempts to minimize adverse effects caused by occupancy of flood hazard areas. The ordinance will require a permit to be issued by the floodplain administrator prior to any floodplain development mapped in a flood zone area. A violation of this ordinance shall be a county infraction. Copies of the full ordinance is available in the Auditor's office. If the new ordinance is passed, the old ordinance #75 will be repealed in its entirety. There were two people from the public present. Jill Marlow was concerned about this ordinance doesn't have an appeal process if an application for a variance is denied, referring to Iowa Chapter 335, Zoning authority to counties. Marlow stated she knows this Ordinance is created by the DNR and has reached out to the Ray Lough, County Attorney for guidance as to Section 6 in said proposed Ordinance. Another concerned resident who lives south of Mud Creek was in attendance with some questions about how this new ordinance would affect her house/flood insurance costs. Barb Greenlee suggested an elevation certificate might be an option for her to obtain. There was further discussion whether doing improvements or not would keep them compliant if they don't have any intentions to make changes. Matt Even, Land Use Office was going to reach out to the DNR and provide more information and try and get some answers for the second reading next week. After hearing no further comments, the public hearing was closed.

**Primmer moved/Bierschenk seconded:** To approve the first consideration of Ordinance #79, Floodplain Management. Motion carried.

Pioneer Cemetery Commission members Isaac Harthoorn and Roy Schulze came to discuss the need for a budget amendment for FY 24. They had a claim they intended to pay last fiscal year come in late and didn't want to cut their current budget short for the projects and needs they have. They are asking to consider an additional \$1,050.00 in spending authority when the supervisors amend the current FY 24 budget.

**Primmer moved/Bierschenk seconded:** To approve the new commercial lease agreement between Squiers Storage Rentals and Benton County Transportation effective January 1, 2024 through December 31, 2024 in the amount of \$500 a month. Motion carried.

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

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Tracy Seeman, Chairman

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

Hayley Rippel, Benton County Auditor