

October 17, 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 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 the minutes of October 9, 2023 and October 10, 2023. Motion carried.

Bierschenk moved/Seeman seconded: To approve General Assistance Quarterly Report ending September 30, 2023. Motion carried.

Bierschenk moved/Seeman seconded: To approve and authorize signature on Shared Area Radio Agreement (SARA) 28E Agreement. Motion carried.

Primmer moved/Bierschenk seconded: To table appointment to the SARA Board and put on a future agenda. Motion carried.

Primmer moved/Bierschenk seconded: To approve Quote from Renaissance Roofing and authorize signature approving the needed repairs to the Courthouse. Gutter and Ledge estimate is \$19,500 and the Slate Roof repairs amount is \$14,900 with \$4,000 down up front. Motion carried.

Primmer moved/Bierschenk seconded: To table action on appointing Barb Greenlee as the Department Head for Sanitarian/Land Use Department. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing Ryan and Jennifer Rozek in part of the NE ¼ of the SE ¼ of 16-85-9. This area is part of Lot 2 of Auditor's Plat #23 which is 4.10 acres. Jennifer Rozek was present. Eric Ockenfels and Taran White were also members of the public present. Matt Even presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. The ground is mostly timber area and not been in production with a CSR of 70. Rozek's would like to purchase the entire parcel to build a new home. There is an existing driveway that meets policy requirements. A private water well and septic system will need to be installed. Five notices were sent to the adjacent landowner's and was published in the official newspapers. There was no public comments before today, the one question that was asked during the hearing was about the existing dwelling located within the parcel. This proposal should not have any negative impacts on surrounding area. Hearing no other further comments, the public hearing was closed.

Bierschenk moved/Primmer seconded: To approve the land use change for Ryan and Jennifer Rozek in part of the NE ¼ of the SE ¼ of 16-85-9. Motion carried.

Primmer moved/Seeman seconded: To approve Resolution #23-73, Approving Final Plat for Bowman Addition to Benton County, Iowa. Motion carried.

RESOLUTION #23-73

RESOLUTION ACCEPTING AND APPROVING BOWMAN ADDITION FINAL PLAT, IN BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Bowman Addition to Benton County, Iowa, containing one (1) lot, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Legal Description:

That part of Parcel "A" in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) in Section One (1), Township Eighty-two (82) North, Range Nine (9) West of the Fifth Principal Meridian, Benton County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of said Parcel "A"; thence North 86°36'28" East along the north line of said Parcel "A" 301.40 feet; thence South 01°52'02" East, 340.12 feet to the south line of said Parcel "A" also being the south line of said Southwest Quarter; thence South 87°43'01" West along said south line 302.90 feet to the west line of said Parcel "A"; thence North 01°35'37" West along said west line 334.30 feet (334.13 feet-record) to the point of beginning; containing 2.34 acres, more or less, including 0.13 acres, more or less, within presently established road right-of-way.

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 Bowman Addition would be advantageous to Benton County, Iowa, and

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

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

NOW, THEREFORE BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said board, on April 5, 2022, at the request of Casey Bowman, did grant a variance waiving the following items regarding the submission of the Bowman Addition Final Plat:

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

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

Date this 17th day of October, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Primmer moved/Bierschenk seconded: To approve Resolution #23-74, Transfer of Funds. Motion carried.
RESOLUTION #23-74
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

Fund 0010-Fund 0006 Mental Health \$627.71

Fund 1551-Fund 1513 Capital Projects \$8,659.67

Fund 0021 (WMA)-Fund 0001 (General Basic)-\$929.47

The auditor is authorized to make the necessary adjustments to the FY24 budget.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on October 17, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Primmer seconded: To approve Law Enforcement Contract with City of Norway for a total yearly sum of \$16,900 to be paid quarterly and not to exceed 10 hours a week on the average or 520 hours in period of this contract. Motion carried.

Jerry Greif addressed the Board and Sheriff regarding the cost of courthouse security to Benton County Taxpayers and questioned why it was needed. Sheriff Tippett explained the courthouse restrictions of weapons and buildings that restrict weapons are required to have security by state law. Benton County has chosen to protect not just the court area, but also the employees. Greif asked what the threat was and Tippett responded with the threat is what you don't know. Greif concluded this was extreme to spend this kind of money on something he didn't believe is needed. He suggested it get put to a vote to the taxpayers and also commented on other counties he visited that did or did not have security. Auditor Rippel sent him some of the counties policy's via email.

Bierschenk moved/Seeman seconded: To approve Resolution #23-75, Approving 28E agreement for Victim Witness Coordinator/Sexual Assault Response Team. Motion carried.

RESOLUTION #23-75

28E AGREEMENT FOR VICTIM WITNESS COORDINATOR/SEXUAL ASSAULT RESPONSE TEAM ASSISTANT

WHEREAS, Benton County has a mutual desire to share the services of a Victim Witness Coordinator/SART Assistant.
; and

WHEREAS, Benton County, Delaware County, Jones County, Buchanan County and Clayton County are all those sharing services; and

WHEREAS, it is understood that this Agreement is between five counties and is entered into pursuant to the provisions of Iowa Code Chapter 28E and shall be electronically filed with the Iowa Secretary of State's Office upon execution, as required by law.

Signed this 17th day of October, 2023

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

28E AGREEMENT FOR VICTIM WITNESS COORDINATOR/SEXUAL ASSAULT RESPONSE TEAM ASSISTANT

This 28E Agreement is made on this 27th day of June, 2023, by and between Benton County, Iowa, Buchanan County, Iowa, Clayton County, Iowa, Delaware County, Iowa, and Jones County, Iowa (hereinafter the Counties).

WHEREAS, all parties to this Agreement are public agencies as defined by Sections 28E.2 of the Code of Iowa; and

WHEREAS, Iowa Code Chapter 915 provides for victims' rights in criminal proceedings, including registration and notification; and

WHEREAS, the Counties understand the importance of ensuring the presentation of rights and services to crime victims;
and

WHEREAS, the Counties are committed to improving the services and support available to crime victims and witnesses;
and

WHEREAS, the Counties recognize the importance of their Sexual Assault Response Teams (SART) in providing a victim-centered response in sexual assault crimes; and

WHEREAS, the Counties will cooperate in contracting with a multi-county Victim Witness Coordinator/SART Assistant to

meet these needs; and

WHEREAS, through the resolutions adopted by the parties hereto, the provisions of this agreement have been approved by the parties.

Therefore, the parties agree as follows:

1. **PURPOSE:** The purpose of this agreement is to allow the parties to share the services of a Victim Witness Coordinator/SART Assistant.
2. **TERM:** This agreement is expected to last from July 1, 2023 through June 30, 2023.
3. **ADMINISTRATOR:** No separate legal or administrative entity shall be established in order to administer this agreement. Clayton County is hereby designated as administrator for the joint or cooperative undertaking as required by Section 28E.6.
4. **FINANCING:** The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefore, shall rest with Clayton County, Iowa.
 - a. Clayton County, Delaware County are utilizing the Victim Witness Coordinator and SART Assistant roles. Clayton County and Delaware County will each be responsible for \$3,250.
 - b. Buchanan County, Benton County and Jones County will be utilizing the SART Assistant and not the Victim Witness Coordinator services in their counties. Buchanan County and Benton County will each be responsible for \$1,625. Jones County will be responsible for \$1,825.85.
 - c. Each county shall make payment in full to Clayton County Auditor by August 1, 2023.
 - d. The Counties shall cooperate in applying for and obtaining any federal, state, or other funds to meet the financial obligations under this agreement.
5. **SCOPE OF WORK:** The Victim Witness Coordinator/SART Assistant is an independent contractor. Each county will be responsible for determining the scope of work for the Victim Witness Coordinator/SART Assistant in its county. This work may include, but is not limited to, providing criminal justice services to crime victims and witnesses, and leading and coordinating the activities of a county's SART. Each county will determine if the Victim Witness Coordinator/SART Assistant is required to submit time management sheets.
6. **TERMINATION:**
 - a. This agreement may be terminated at any time by a majority vote of the Counties. Any funds paid to the Clayton County Auditor that have not been earned by the VWC Coordinator/SART Assistant at the time of the termination of this agreement shall be returned to the Counties.
 - b. A county withdrawing with cause must serve written notice upon the Counties at least 30 days prior to its withdrawal date. Notice may be sent by regular or by certified mail, return receipt requested. The withdrawing county must fulfill its financial obligations up to the withdrawal date. "With cause" may include the material breach of the terms or obligations of this Agreement by another county, and/or the failure of the VWC Coordinator/SART Assistant to fulfill his/her duties as established by the Counties.

- c. Any county may withdraw from this agreement without cause by serving written notice upon the Counties by April 1st. Notice may be sent by regular or by certified mail, return receipt requested. A party withdrawing under this subsection must fulfill its financial obligations under this agreement through the end of the fiscal year in which notice is provided.
- 7. **AMENDMENTS:** Any amendments must be in writing and approved by all parties to this agreement.
- 8. **SEVERABILITY:** If any one or more of the provisions of this agreement are declared unconstitutional or contrary to the law, the validity of the remainder thereof shall not be thereby affected.

IN WITNESS THEREOF, the parties hereto have executed this agreement the day and year above written.

**APPROVED BY THE DELAWARE
COUNTY BOARD OF SUPERVISORS**

Jeff Madlom, Chairperson

ATTEST: _____
Auditor

**APPROVED BY THE CLAYTON
COUNTY BOARD OF SUPERVISORS**

Ray Peterson, Chairperson

ATTEST: _____
Auditor

**APPROVED BY THE BENTON
COUNTY BOARD OF SUPERVISORS**

Tracy Seeman, Chairperson

ATTEST: _____
Auditor

**APPROVED BY THE JONES
COUNTY BOARD OF SUPERVISORS**

Jeff Swisher, Chairperson

ATTEST: _____
Auditor

APPROVED BY BUCHANAN COUNTY

Shawn M. Harden
Buchanan County Attorney

ATTEST: _____
Auditor

Primmer moved/Bierschenk seconded: To authorize a second Benton County Secondary Roads Credit Card specifically for the parts department with a credit limit of \$5,000. Motion carried.

Bierschenk moved/Primmer seconded: to approve and authorize signature on plan set for Project BROS-CO06(122)—8J-06 Bridge Replacement-CCS on 21st Ave. Dr. in Big Grove Township. Motion carried.

Bierschenk moved/Seeman seconded: To approve Resolution #23-76, Temporary Road Closure. Motion carried.
RESOLUTION #23-76

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from October 23, 2023, through the completion of the project.

From 27th Avenue Drive east 1.25 miles to 29th Avenue along 52nd Street in Harrison & Polk Townships.

signed this 17th day of October, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

No action was taken on purchase agreements.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor