

October 24, 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 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: www.bentoncountyia.gov*

Primmer moved/Bierschenk seconded: To approve the farm exemption application for Elana Janss in part of the NE ¼ of the NE ¼ of Section 29-82-12. Motion carried.

Primmer moved/Bierschenk seconded: To approve and sign letter of support for Conservation to apply for grant funding to be used for water trails along the Cedar River. Motion carried.

Bierschenk moved/Primmer seconded: To approve the minutes of October 17, 2023 with one typo correction. Motion carried.

Primmer moved/Bierschenk seconded: To approve Resolution #23-77, Abatement of Taxes pursuant to Iowa Code 435.23(3). Motion carried.

RESOLUTION #23-77

WHEREAS, the Benton County Treasurer has reported that six mobile homes have been deemed to have no value by the Timber Ridge Mobile Home Court pursuant to Iowa Code 435.23(3); and

WHEREAS, there are currently tax liens filed against the properties and has determined that it is impractical to pursue collection of the total amount of tax due through the tax sale and the personal judgment remedies and has recommended that the board of supervisors abate the tax on these parcels,

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on the below listed parcels and unpaid through the 2022 county system.

#G3802- \$1438 in tax, penalty and interest	Tax Sale Certificate CH00685 2018
#288AB- \$2805 in tax, penalty, and interest	Tax Sale Certificate CH00676 2017
#0130284S- \$962 in tax, penalty and interest	Tax Sale Certificate CH00704 2022
#11177-\$1207 in tax, penalty and interest	Tax Sale Certificate CH00692 2021
#18B102LS1873- \$2445 in tax, penalty and interest	Tax Sale Certificate 150154 2015
#G2719-\$1077 in tax, penalty and interest	Tax Sale Certificate CH00696 2021

Dated this 24th day October, 2023.

Tracy Seeman, Chairman

Rick Primmer

Gary Bierschenk

ATTEST:

Hayley Rippel, Benton County Auditor

Melinda Schoettmer, Treasurer also reported that effective November 6, her office will be open to the public from 8 am until 4:30 p.m.

Primmer moved/Bierschenk seconded: To approve claims numbered 247735 through 247877, payroll checks numbered 143014 through 143021, ACH Deposits 54835 through 54984 and vendor checks numbered 247878 through 247885. Motion carried.

Primmer moved/Bierschenk seconded: To approve ARPA Claims for Short Elliott Hendrickson, Inc. in the amount of \$4,127.70, RC Tech in the amount of \$40,810.30 and \$6,463.83 and True North Group Consulting Group in the amount of \$4,428. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for David Wilson in part of the NE ¼ of the NE ¼ of 13-84-12. This area is part of Lot 2 of Auditor's Plat #23 which is 4.10 acres. David Wilson was not present, but there was media and public present. Matt Even presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. The site is not in production and the entire parcel has a CSR of 90. Wilson would like to change the use of one acre of land to allow for a single-family dwelling and machine shed. There is an existing driveway that meets policy requirements. A private water well and septic system will need to be installed. Four notices were sent to the adjacent landowner's and was published in the official newspapers. There was no public comments before today, and no comments made today in the hearing. 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 David Wilson in part of the NE ¼ of the NE ¼ of 13-84-12. Motion carried.

Bierschenk moved/Seeman seconded: To appoint Rick primmer as a member to the Benton County Wellness Committee. Motion carried.

Primmer moved/Bierschenk seconded: To appoint the Sheriff to the Shared Area Radio Agreement (SARA) Committee and the EMA Director as the alternate. Motion carried.

Primmer moved/Bierschenk seconded: To approve the Class C Liquor License for The Tipsy Travelers, LLC for November 18, 2023 through November 22, 2023. Motion carried.

Primmer moved/Bierschenk seconded: To approve and authorize signature on permanent & temporary easement(s) for bridge project on 17th Avenue in the amount of \$3,596.00. Motion carried.

Primmer moved/Bierschenk seconded: To approve IDOT Federal-aid Agreements for County Highway Bridge Program Project(s): Agreement No 6-23-HBP-S-032 and Agreement No 6-23-HBP-S-033. Motion carried.

Primmer moved/Bierschenk seconded: To approve IDOT US HWY 218 Detour Agreement for RCB Culvert project in Vinton. Motion carried.

Sue Wilber, Human Resource Director discussed with the supervisors the board position vacancies needed to fill on the Public Health Board and Conservation Board. A revised application form is available on the county website.

Rick Wood asked that his employee evaluation be in closed session.

Primmer moved/Bierschenk seconded: To enter into closed session pursuant to Iowa Code 21.5(1)j: To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion carried at 9:58 a.m.

Bierschenk moved/Primmer seconded: To exit closed session at 10:15 a.m.

Dean Vrba requested that his employee evaluation be in closed session.

Primmer moved/Bierschenk seconded: To enter into closed session pursuant to Iowa Code 21.5(1)j: To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion carried at 10:31 a.m.

Primmer moved/Bierschenk seconded: To exit closed session at 10:55 a.m. Motion carried.

Ben Turnis requested a closed session for his employee evaluation.

Primmer moved/Bierschenk seconded: To enter into closed session pursuant to Iowa Code 21.5(1)j: To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion carried at 11:01 a.m.

Primmer moved/Seeman seconded: To exit closed session at 11:27 a.m. Motion carried.

Darren Stein requested the board go into closed session to do his employee evaluation.

Primmer moved/Bierschenk seconded: To enter into closed session pursuant to Iowa Code 21.5(1)j: To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. Motion carried at 11:35 a.m.

Bierschenk moved/Primmer seconded: To exit closed session at 12:02 p.m. Motion carried.

Primmer moved/Bierschenk seconded: To accept the resignation from Darren Stein as the Weed Commissioner effective immediately. Motion carried.

The Board called Joe Gamble, Attorney from Duncan Green, P.C.

Primmer moved/Bierschenk seconded: To enter into closed session pursuant to Iowa Code 21.5(1) a and c: To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Motion carried at 12:07: p.m.

Primmer moved/Bierschenk seconded: To exit closed session at 12:31 p.m. Motion carried.

Primmer moved/Seeman seconded: Follow the advice given from outside counsel pursuant to Iowa Code 622.10. Motion carried. Doug Cook, member of the public asked questions regarding the Boards action relating to eliminating the positions on the Benton County Public Health Board. Seeman responded there will be another closed session at the upcoming meeting starting at 1:00 p.m. in depth regarding that topic. We can't answer questions at this time until we can get information from our County Attorney.

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

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor