

January 30, 2024

The Benton County Board of Supervisors met in special session with Supervisors Primmer, Seeman 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.bentoncountya.gov*

Bierschenk moved/Seeman seconded: To approve the Agenda as listed. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

Seeman moved/Bierschenk seconded: To approve the minutes of Tuesday January 23, 2024 and Monday, January 29, 2024. Voting aye were Bierschenk, Seeman and Primmer. Motion carried.

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

Seeman moved/Bierschenk seconded: To appoint Jim Wheeler to the Historic Preservation Commission. All members voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve Resolution #24-10, Granting Variance to the Sub-Division Ordinance. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-10

Variance to the Benton County Subdivision Ordinance

WHEREAS, Ed Hensley-Hensley Innovations LLC. has requested a variance to the Benton County Subdivision Ordinance #72; and

WHEREAS, the Board believes that certain requirements should be varied; and

NOW THEREFORE BE IT RESOLVED that the following requirements of the Benton County Subdivision Ordinance #72 shall be waived with the regards of the division of real property located in the NW 1/4, Section 6-T83N-R12W.

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

FURTHER IT IS RESOLVED that the owners shall comply with the remaining requirements set forth in the Benton County Subdivision #72.

Signed this 30th day of January, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

The Board of Supervisors presented plaques to former Board of Health members thanking them for their service. Those in attendance accepting their plaques were Dr. Maggie Mangold and Braxton Morrison.

Jane Drapeaux presented the FY 25 Budget Request for the Hawkeye Area Community Action Program (HACAP)-they kept the asking the same as last year, \$78,776. Drapeaux also provided a handout recapping what that budget amount pays for and how the HACAP services were provided in Benton County. She said they feel they are an important part of making life better for low-income people in Benton County.

Discussion on the Board of Health appointments and how the three-year staggering terms are currently with two ending on 12/31/2024 and the remaining 3 on 12/31/2025. The Board is going to have the new members decide at their first meeting they attend how they will fill in those regards.

Seeman moved/Bierschenk seconded: To appoint Lori Mott, Tai Burkhart, Jean Ohlen, Karl Holmes and Jessica Fairbanks to the Board of Health. These are 3 year-staggered terms. Voting aye were Primmer, Seeman and Bierschenk. All members voting aye, thereon. Motion carried.

Committee reports were heard from Supervisor Bierschenk from his Mental Health Regional Meeting and Supervisor Seeman's reported that they are putting on the dishes and antennas on the towers. He also attended an ECICOG and East Central Iowa Housing Trust Fund meeting.

Sue Wilber, Human Resource Director gave an apology for something that was discussed at last week's meeting in regard to the background checks being done through a vendor vs sheriff employees. Wilber said that something she said was misconstrued or she didn't communicate it clearly. She asked that it be on record, that when referring to the lack of confidentiality and liability issues, some members of the public took that as those things were being breached by our investigators and that was not her intention nor does she know of any of this taking place. Sheriff Tippett thanked Wilber for that clarification and pointed out that two of his investigators were in attendance and stressed how confidentiality is super huge part of the jobs they do.

Seeman moved/Bierschenk seconded: To approve Resolution #24-11, Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-11

APPROVING HIRE PART TIME DISPATCHER

IT IS HEREBY RESOLVED that the Sheriff's Office has a vacancy for the position of part-time dispatcher, and;

WHEREAS: Applications were accepted for the position, and

WHEREAS: These applications have been reviewed and evaluated, and

WHEREAS Robert Johannesen has been selected to fill this vacancy;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Robert Johannesen be hired for part-time dispatcher for the Sheriff's department, effective February 5, 2024, at an hourly rate of \$21.08

Date this 30th day of January, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Sue Wilber presented her FY 25 Budget to the Board. Wilber increased the need for additional help maybe starting out with a part time person 20 hours a week to help her workload or a possible intern position. Increased spending authority for employee recognitions and awards, additional training, background checks and outside legal counsel. Primmer asked the Auditor if maybe putting the plaques and employee recognition items can be paid out of the supervisor's budgets. Wilber brought up an outside training vendor, Terry Whitson, that the Auditor had also reached out too. She will help coordinate teamwork, bring new ideas, discuss goals and struggles amongst the departments. Scott Hansen asked for clarification for his curiosity as to why there was a need for additional help when she hasn't even finished a whole year cycle to know what is needed. As an employee who did his own budget for 25 years, and an employee working under a commission agency and citizen, he stressed the importance of saving money.

Sue explained this was discussed in her employee evaluation with the Board earlier in the fall. With a lot of work to be done and trying to offset that and/or provide experience to an internship or for times when she is absent.

Jill Marlow, former County Auditor agreed with Hansen and brought up her tax statements from FY 17 to current year and how they have gone up 51%. Looking at this budget, from FY 23 to FY 25 there is a 72% increase. When are you going to start looking at the taxpayers and take every measure possible to keep it lower. Look at the end result, watch the pennies, and the dollars will take care of themselves."

Wilber went on to bring up the next item on the agenda for Automated time and attendance system that was approved by the Board back in September of 2023. That cost was \$47,920 for implementation for the system. Since that time, Wilber had researched other systems and had some concerns.

Wilber stated, they tried to collaborate with the Auditor's office, and they weren't willing to meet for discussion. Auditor Rippel disclosed she was not willing to meet after they were going behind her back paying outside legal counsel to research her duties under Iowa Code 331.506. They clearly were told that Payroll is an Auditor's duties. If HR needs additional help, the Auditor's office can assist in the duties and will continue to keep payroll duties with them at this time.

Jill Marlow asked if there is an automated payroll system, who is going to be in charge on the county side of it? Also, would Hayley be in contact with the company since her office does the payroll? Will they be able to just do the Time and Attendance and not the automated payroll?

Deputy Auditor Alisha Burmeister explained how the county is currently utilizing everything through Tyler Technologies and their Time and Attendance would work easier with the budgets as it would be one financial software that was compatible.

Wilber stated the concern with payroll was that there were significant errors. Auditor Rippel stated she was not aware of these errors and would like to be informed about them.

Sheriff Tippett spoke up about contracts and his concern with pricing increasing since he has seen that in his office.

Both parties agreed to meet to discuss this software.

Valerie Close wanted clarification of what HR department does. She was hearing some concerns from county employees and questioned the need for part time help. Close stated "It feels like you are not staying in your lane over there". Wilber stated the part time help has already been discussed and as far as staying in my lane, part of my job description is compliance.

There was no action taken on the HR/PR/Applicant tracking and automated time system.

Primmer suggested that a meeting take place and get this all hammered out before its back on as an agenda item. Marlow wanted to point out in Iowa Code 331.907(2) County hearing held on the county budget in regard to the county compensation. County Attorney Lough's position was that it could be included into the final budget hearing. The Engineer presented the Secondary Roads FY 25 Budget along with discussing other business including asking about consideration for secondary roads workers who had to work on January 12, 2024, during the snowstorm. While other county employees were advised to stay home, Secondary Roads still worked. This also affected some of the sheriff's department employees; along with the County Maintenance department. Parizek asked that all departments should be treated equally. Supervisor Primmer stated this was a safety issue and we would have the snow plow operators out, as per the handbook. It may be looked at, if another day off will be given to those that worked.

Bierschenk moved/Seeman seconded: To accept the bids from IDOT January letting for Bridge Replacement Project on 63rd Street (FM-CO06(121)—55-06. All members voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To award Bridge Replacement Project to lowest responsible bidder for Boulder Contracting, LLC \$482,882.40. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

Seeman moved/Bierschenk seconded: To accept bids from IDOT January letting for Bridge Replacement Project on 21st Ave. Dr. (BROS-CO06(122)—8J-06 as follows: Motion carried.

Taylor Construction, Inc. - \$615,355.40

K Construction Inc. - \$631,969.07

Jim Schroeder Construction, Inc. - \$656,976.89

Peterson Contractors Inc. - \$662,914.82

Iowa Bridge & Culvert, L.C. - \$780,558.10

Cunningham-Reis, LLC. -\$781,429.32

Seeman moved/Bierschenk seconded: To award the lowest bid to Taylor Construction, Inc. In the amount of \$615,355.40. Voting aye was Primmer, Seeman and Bierschenk. Motion carried.

Seeman moved/Bierschenk seconded: To approve Resolution #24-12, Authorize Engineer as Contract Designee. Voting aye were: Primmer, Seeman and Bierschenk. Motion varied.

RESOLUTION #24-12

WHEREAS, the Benton County Board of Supervisors, hereafter referred to as "the Board", believes the FM-C006(121)--55-06, hereafter referred to as "the project" is in the best interest of Benton County, Iowa, and the residents thereof. The project is defined as Bridge Replacement-CCS on 63rd St., over Mud Creek; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Benton County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Boulder Contracting, LLC. in the amount of \$482,882.40 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Benton County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Myron L Parizek, the County Engineer for Benton County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Signed this 30th day of January, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Bierschenk moved/Seeman seconded: To accept Bids from the IDOT letting as follows, for the Bridge Replacement Project on 63rd St (FM-CO06(121)—55-06): Motion carried.

Boulder Contracting, L.C. -\$482,882.40

Peterson Contractors Inc. -\$510,276.15

Taylor Construction, Inc. -\$522,531.00
Jim Schroeder Construction, Inc. -\$530,777.50
K Construction Inc. -\$539,870.00
Cunninham-Reis, LLC -\$564,951.00
Iowa Bridge & Culvert, L.C. -\$620,498.00

Seeman moved/Bierschenk seconded: To award bridge replacement project to Boulder Contracting, L.C. with the lowest bid of \$482,882.40. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

Seeman moved/Bierschenk seconded: To approve Resolution #24-13, Designate County Engineer to execute contract for Project FM-CO06(122)—8J-06. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-13

WHEREAS, the Benton County Board of Supervisors, hereafter referred to as “the Board”, believes the BROS-C006(122)--8J-06, hereafter referred to as “the project” is in the best interest of Benton County, Iowa, and the residents thereof. The project is defined as Bridge Replacement-CCS on 21st Ave. Dr., over Mud Creek; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Benton County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Taylor Construction, Inc. in the amount of \$615,355.40 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Benton County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Myron L Parizek, the County Engineer for Benton County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Benton County, Iowa, this 30th day of January, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Seeman moved/Bierschenk seconded: To approve Resolution #24-14, Approve and enter into a 28E Project Agreement along Benton-Linn Rd. (S of Walford) with Linn County to split the cost of a bridge. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

RESOLUTION #24-14

WHEREAS, Benton County and Linn County have agreed to combining their efforts under a 28E Agreement for a bridge along the Benton-Linn Rd. (South of Walford);

NOW, THEREFORE, BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

To authorize signatures and to enter into a 28E Agreement with Linn County and allow Benton County and Linn County to provide cooperative action on the proposed bridge construction project.

PASSED AND ADOPTED THIS 30th DAY OF JANUARY, 2024.

Rick Primmer, Chair

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

**COUNTY AND COUNTY
PROJECT AGREEMENT**

This agreement entered into this 30th day of January by and between Linn County, Iowa, hereinafter referred to as Linn County, and Benton County, Iowa hereinafter referred to as Benton County.

WHEREAS, both Linn County and Benton County are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is proposed, that Linn County plan, design, and let for bidding a construction project to repair and rehabilitate Bridge 1701 on Linn-Benton Road, and

WHEREAS, the Linn County Board of Supervisors and the Benton County Board of Supervisors have informed themselves as to the proposed improvement.

IT IS NOW AGREED that Benton County and Linn County enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed bridge construction project and, said cooperative actions include the following:

- 1) SCOPE OF WORK - Design, let, and construct improvements to Bridge 1701 on Linn-Benton Road per plans and specifications produced by the Linn County Engineer. Work is to include deck patching, deck overlay, substructure repair, guardrail installation, bridge approach paving, channel stabilization, staking, inspection, and other items to complete the project.
- 2) DURATION - This Agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project and settlement of the financial conditions of this agreement.
- 3) PURPOSE - The purpose of this Agreement is to accomplish the proposed project as described herein in accordance with the aforesaid scope of work and in agreement with the conditions specified in this agreement.
- 4) ADMINISTRATION – Linn County shall be responsible for the administration of this project.
- 5) Linn County and Benton County agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against Linn County or Benton County or which in any way result from carelessness or neglect of either party or its agents, employees, or workmen in any respect whatsoever.
- 6) Linn County and Benton County agree to indemnify and hold each other, their employees and agents, wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by Linn County or Benton County, its agents, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.
- 7) FINANCING – Linn County shall initially finance the cost of the project. Benton County shall reimburse Linn County for the actual cost of construction plus 7.5% administration fees (design, inspection, plan preparation, etc.) based on proposed plans and attached project estimate for the portion of the project within their corporate limits as they exist at the time the project is complete. Payment shall be made within 30 days of receipt of detailed invoice.
- 8) TERMINATION: -
 - a) This Agreement shall be considered binding upon Linn County and Benton County and shall not be terminated until provisions of paragraph 8b are met after actual work has begun on the project.
 - b) This agreement will be terminated upon final acceptance of the work by Benton County and final settlement of the financial conditions set forth in paragraph 7 thereof.
 - c)

Executed in triplicate, each of which shall constitute as original, by Linn County on the _____ day of _____

_____, _____, and by Benton County on the 30th day of January, 2024.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

ATTEST:

LINN COUNTY AUDITOR

BOARD OF SUPERVISORS
BENTON COUNTY, IOWA

ATTEST:

BENTON COUNTY AUDITOR

Seeman moved/Bierschenk seconded: To approve and sign purchase agreement for permanent and temporary easement for a bridge project on 17th in the total amount of \$3912,33. All members voting aye thereon. Motion carried.

Grace Schmidt, Benton County Public Health Director presented the FY 25 Public Health Budget. Schmidt summarized her budget changes overall and provided a handout summarizing updates and activities she has been involved with. She has audited daycare centers and schools for immunizations and reported how the Safe Sitter program has been going very well at the Vinton Library and she is looking to expand this to other libraries. Grace also brought up space concerns and confidentiality about her current office space. Schmidt added that now having the Board of Health re-instated, this will help her department improve dramatically and is looking forward to hiring a nurse would be a top priority. Part of the Public Health's expenses are offset by grants. Grace is also now a CPR certified instructor so she can teach 9 different variations and now this will be available in Benton County to provide this at a low cost and not have to travel far.

The Benton County Attorney Ray Lough presented his budget along with the collections department. The Collections department works with Dubuque, Bremer and Tama counties as well now and is doing very well. Lough would like some additional spending authority once they meet their full collections threshold and put that into an incentive fund to reward his employees and increase them above the recommended 3 percent. Lough justified this as a reasonable request and stated there is \$36,724.75 in their fund from collections.

Discussion continued on wages and compensation board's recommendations.

Seeman was leaning towards the 3 percent but wants to have more time to look at other ones asking for more, or the union contracts. The compensation Board requested a 3 percent increase for the elected officials, the Board can't go above that but can lower it. Primmer said he didn't personally have a problem with this, and the 3% percent increase is what others have seemed to use as their guidelines.

Seeman moved/Bierschenk seconded: To table action on Salaries. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

The Board asked for a list of those individual employees who's department heads have singled out.

Primmer reported on his Central Iowa Juvenile Detention meeting and Heartland Insurance.

Under Public Comments: Valerie Close asked about a recent Facebook post of one of the Supervisors regarding cold weather and how they shouldn't put this stuff out there after all the recent concerns. Primmer assured her they have learned their lesson.

Bierschenk moved/Seeman Seconded: To Adjourn. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

Richard Primmer, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor

