

March 5, 2024

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. Primmer called the meeting 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>. *Summarized Resolutions will be available in the Auditor's office and at: [www.bentoncountyiowa.gov](http://www.bentoncountyiowa.gov)*

Chairman Primmer reported that he would have to leave early to attend a funeral this morning and if items 11 on could be tabled from the agenda and another meeting be held Thursday morning.

**Seeman moved/Bierschenk seconded:** To approve the Agenda as such, and table items 11 through 17 until Thursday at 9:00 a.m. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

**Seeman moved/Bierschenk seconded:** To approve the minutes of Tuesday, February 27, 2024. Voting aye were Primmer and Seeman. Motion carried.

Wayne Siela reported that on the last two bidding cycles of this farm ground, that the Board have evidence that the fertilizer was put back into the ground. Primmer asked Auditor Rippel to make a note in the file for with this least that it could be noted as such for next time.

**Bierschenk moved/Seeman seconded:** To authorize the Chairman's signature on the farm lease between Benton County, Iowa and April Harding, d/b/a Green Acres Ranch effective April 1, 2024 through March 15, 2027. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

Rippel explained the need to amend the FY 25 Tax Asking Hearing. This has to be a total separate agenda posting and can't have any other action items in that specific meeting.

**Seeman Moved/Bierschenk seconded:** To amend the FY 25 Tax Asking Public hearing from 9:30 a.m. until 10:00 a.m. and the FY 25 Budget Adoption Hearing set for Tuesday, April 16, 2024 at 9:30 a.m. Voting aye thereon were Primmer, Seeman and Bierschenk. Motion carried.

**Seeman moved/Bierschenk seconded:** To approve handwritten claim for Master's Touch LLC in the amount of \$9,010.00 to get the HF718 mailing done.

**Seeman moved/Bierschenk seconded:** To accept the resignation of Courtney Long in the Auditor's Office, Baylie Grubic and Tricia Lagrange from the Sheriff's Office. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

**Bierschenk moved/Seeman seconded:** To approve Resolution #24-21, Approving Hiring Part-time Dispatcher in the Sheriff's office effective March 7, 2024. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

#### RESOLUTION #24-21

#### APPROVING HIRING 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

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that Erica Novak be hired for part-time dispatcher for the Sheriff's department, effective March 7, 2024, at an hourly rate of \$21.08.

Dated this 5th day of March, 2024.

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Rick Primmer, Chairman

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Gary Bierschenk

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Tracy Seeman

ATTEST:

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Hayley Rippel, Benton County Auditor

Sue Wilber, HR Director wanted to revisit the snow day in January that the Board closed. Myron Parizek reported all the roads and Deb Cummings worked that day. The rest of the crew worked 12-13 hours. Sue referred to the handbook section 2.11. She hadn't got a direct count from the Sheriff's office yet on what employees this affected. Wilber asked if they could be allowed a comp day, Seeman was leaning on 4 hours for those that worked. Bierschenk said that was fine with him. Primmer said if everyone else got 8 hours, he is a firm believer in keeping everyone as equal as possible.

**Primmer moved/Bierschenk seconded:** To award 8 hours of comp time for that day Secondary Roads and Sheriff Employees worked. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Rippel explained why there was a need to amend the FY 25 Tax Asking Hearing. This hearing has to be a total separate meeting along with its specific agenda posting and can't have any other action items at it. This had been previously set for Tuesday, March 26, 2024 at 9:30 a.m. and she would need that changed to state 10:00 a.m. so that she could prepare a separate agenda for it.

**Seeman Moved/Bierschenk seconded:** To amend the FY 25 Tax Asking Public hearing from 9:30 a.m. until 10:00 a.m. and the FY 25 Budget Adoption Hearing set for Tuesday, April 16, 2024 at 9:30 a.m.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Zeb and Tamara Reardon in part of the SW ¼ NW ¼ of Section 7-85-10. Reardon's were present along with numerous adjacent land owners. They own 3.22 acres and would like to change approximately two acres of land to allow for a single-family (ADA) compliant dwelling. Matt Even presented some of the technical information. This parcel is not in production. The applicants will need to install a new driveway to allow access. They plan to install that off 22<sup>nd</sup> Avenue Drive on the south end of their adjoining parcel. This proposal was reviewed by Randy Sherwood, Secondary Roads and found this to be compliant. Private sewage system and well will need installed. Surrounding by single-family dwellings to the west, south and east. Timberland to the north. Nine notices were sent out and this was published in the official newspapers. The Land Use department received several calls from concerned neighbors who opposed this request and they were encouraged to attend today's meeting. This proposal is in an area with a lower CSR and shouldn't have any negative impacts on the surrounding farm operations.

Jeff Winsor, asked about the driveway coming off the north along with septic concerns. Winsor has had septic issues and his well was located on the north. There has been run off in the past, back at that time the ground was so saturated he'd been told that a home could never be put back there. This year is exceptionally dry and hard to compare. This led to discussion regarding what the setback amounts of 100 feet or 50 feet were along with if a tank is confined or not.

Bob Rundlett, brought up his previous sewer system failure a couple years ago. That cost was over \$21,000 for a new system. Although years ago a 700 gallon tank was legal, his had to be increased to 1250 gallon tank with the new system installed.

Wayne Siela asked where Reardon's would get the dirt for the driveway. Zeb Reardon explained they were in the preliminary stages, and seeing about getting land use approved. Tammy Reardon stated they didn't know about the water issues from the past. This is only the start of this process. Wayne Siela owns ag property nearby and absolutely doesn't want any part of the county digging up his road ditches for their driveway. With said issues in the past, Siela asked how they would manage the water concern. Zeb Reardon explained how they were relying on professionals to do this, if something can't be done, then it can't be done. He was not planning to take out of the ditches.

Lynn Church explained they are the last property owner to the north where they could put an easement on. Water is a constant concern, trees get damaged and garage floors always wet. This has never been addressed, but the property lines are so close regarding the easement between Reardon's and Church's property. Tamara Reardon was appreciate hearing all the concerns and being made aware of this. They will figure something out if this wouldn't work.

Sue Keller curious on what makes property agricultural vs residential. Matt Even explained the differences and said that all new non-agricultural uses need approved by the county.

Primmer touched on an ADA compliant house, would probably not have a basement, He wasn't sure they could be restricted on the septic system. Setbacks are an issue and we have to follow the rules no matter how we feel personally. Seeman wanted to wait and let the neighbors work some of these issues and concerns out including the driveway and fencing that was discussed.

**Bierschenk moved/Seeman seconded:** To table the land use hearing for Zeb and Tamara Reardon in part of the SW ¼ NW ¼ of Section 7-85-10. until mentioned concerns can be worked out amongst the neighbors and then we can re-visit. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.

Rippel mentioned the maintenance employees reported they were also working that snow day and asked that they amend the motion to include them.

**Seeman moved/Bierschenk seconded:** To amend the motion earlier for the 8 hours of comp time allowed to include the maintenance department employees also. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Steve and Lexa Speidel in part of the SW ¼ NW ¼ of Section 7-85-10. This was tabled from the meeting on February 13, 2024. Speidel's wanted to re-visit where the driveway could be placed since an issue came up with the driveway requirements not being able to be met from the IDOT. Speidel has asked to now come off of 62<sup>nd</sup> street and improve that current portion of the county's dirt road. He would pay to bring it up to specs before they driveway would be installed. Speidel shared his proposed sketch for the board to look at. This parcel is high quality farm ground but has been used for pasture. The total size of the field is less than an acre, so nothing that farm equipment could successfully access. Matt Even reminded them about the letter opposing this change that had been received from Jennifer White. Primmer asked Speidel who would take care of this portion of the county road. Speidel assured him they have equipment to handle it and that it wouldn't be the county's responsibility.

**Seeman moved/Bierschenk seconded:** To approve the land use change of the 1.25 acres for Steve and Lexa Speidel in part of the NE ¼ NE ¼ of Section 5-84-10. Voting aye were: Primmer, Seeman and Bierschenk. Motion carried.

Supervisor Primmer excused himself from the meeting.

Greg Walston and Wayne Shannon met with the board regarding their lease agreement and providing an Old School Produce update. Walston explained how they realized their lease was not up to date, so the county attorney drafted a new lease. One change that was requested to not ready paying all utilities, we only pay for water. This lease will be renewable on a yearly basis unless there are objections. Also asking permission to build another temporary structure on the property. Wayne Shannon reported that 8 tons of produce was delivered around the area last year. They are looking to expand the produce production to go into the wintertime. This hoop building would have raised beds to allow for the expanded produce. Supplemental electric heat may be needed, but not a permanent furnace.

**Seeman moved/Bierschenk seconded:** To recess until 11:00 a.m. Voting aye thereon were Seeman and Bierschenk. Motion carried.

**Seeman moved/Bierschenk seconded:** To come out of recess. Voting aye were Seeman and Bierschenk. Motion carried.

Cara Martin, VA Director apologized for the confusion earlier, they hadn't heard the part about items being tabled due to technical difficulties. She wouldn't be available for Thursday and had a commissioner enroute.

**Seeman moved/Bierschenk seconded:** To accept Courtney Long's resignation as Veterans Affairs Commissioner. Voting aye were Seeman and Bierschenk. Motion carried.

Cara Martin explained how gender balance is still enforced and they will need to try and find a female to fill the vacancy on this Board moving forward. Seeman asked the other two commissioners if they would be able to find someone.

**Seeman moved/Bierschenk seconded:** To appoint Courtney Long as the new VA/GA Director salary will be set at \$60,000 effective March 11, 2024 and after she receives her accreditation certification, her salary will increase to \$62,500. Voting aye were Bierschenk and Seeman. Motion carried.

Sue Wilber wanted to circle back to a discussion at the end of the first part of the meeting before we recessed. Wilber asked about resignations and things why the Auditor needs originals not copies. Rippel explained that when the board initials things she needs to keep documentation pertaining to their actions pursuant to Iowa code 331.303, the Auditor is the keeper of the records and that is how it should be done.

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

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Richard Primmer, Chairman

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

Hayley Rippel, Benton County Auditor