

July 30, 2024

The Benton County Board of Supervisors met in regular session with Supervisors Primmer, Bierschenk and Seeman present. Supervisor 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.bentoncountya.gov*

Seeman moved/Bierschenk seconded: To approve the agenda. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve both sets of the minutes from July 23, 2024. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve 71 hours of vacation carryover for Rick Wood to be used by the end of November, 2024. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Kyle Helland presented a sub division variance on behalf of his clients, Lucas Burrington, Ben Twedt and Zach Twedt. They would like to build new homes and keep their growing families close to each other. The ordinance calls for paving from the nearest paved road to the subdivision, it was estimated that that would cost \$900,000 to \$1 million. So the biggest hurdles is the road and the preliminary plat is what Helland is requesting to waive. Barb Greenlee stressed that two or more divisions of a property requires a sub-division. Helland explained there would be no public improvements and the topography is not changing. The Supervisors discussed how changing an ordinance isn't a simple quick fix and stated that this was our ordinance and we need to follow it noting that the road portions have been granted variances in past sub-divisions.

Seeman moved/Bierschenk seconded: To approve Resolution #24-72, Granting Variance to the sub division Ordinance #72. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

RESOLUTION #24-72

Variance to the Benton County Subdivision Ordinance

WHEREAS, Helland Engineering and Surveying, LTD has requested a variance to the Benton County Subdivision Ordinance #72 on behalf of Lucas Burrington, Ben Twedt and Zach Twedt; 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 SE ¼ NE 1/4, Section 30-T85N-R9W.

Article IV, Sections 5.06,

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 July, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Jeff and Ashley Massa in part of the NW ¼ NW ¼ of Section 3-84-9. Massa's would like to change approximately 1.5 acres of land to allow for a single-family dwelling. The site is located approximately 2 miles northwest of Shellsburg. Matt Even presented some of the technical information. This area has a CSR of 58 and is currently in hay production. There is an existing driveway that conforms to county policy with Secondary Roads. A private sewage disposal and water well will need to be installed. Seven notices were sent out to adjacent property owners and the legal notices were also published in the official newspapers as required by the Ordinance. Benton County land has not received any comments prior to this hearing. This proposal should not have any negative impacts on surrounding farm operations. No other comments were heard, so the land use hearing was closed.

Seeman moved/Bierschenk seconded: To approve land use hearing for Jeff and Ashley Massa in part of the NW ¼ NW ¼ of Section 3-84-9. Primmer, Seeman and Bierschenk voting aye. Motion carried.

The time of 9:30 a.m. is what was set per Danny Schmuecker who requested a public hearing to appeal the county's vicious animal ordinance. Jaylen Schmuecker also present, says they are currently in the process of getting an exemption, but he felt there was a stipulation in the ordinance for game breeders being able to keep fur-bearing animals. It could be a few weeks before they get that. Jaylen said there was an animal activist group that came in and let their animals out, which led to the sheriff serving them notice to their farm in rural Luzerne. Benton County Attorney Ray Lough said that Schmuecker has been operating an illegal fox breeding farm for quite some time. The DNR came to us and asked why are you letting this happen. Lough said the supervisors can table this

until they can get an exception from the Department of Agriculture. Cary Baetsle spoke to the board about current Iowa Code and how the wording has changed over the years for breeder's license.

Seeman moved/Bierschenk seconded: To table the variance to the vicious animal ordinance hearing to allow time for Danny Schmuecker to hear back from the state if they grant them the exception to the game breeder license for him to continue running his fox breeding farm. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Seeman moved/Bierschenk seconded: To approve Class C Retail Alcohol License for Topsy Traveler's LLC effective August 2 through August 7, 2024. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Seeman moved/Bierschenk seconded: To approve and authorize signature on the Nyhart Service Agreement for a 2 year actuarial GASB 75 update for FY 24 and FY 25. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Sue Wilber presented the revisions to the county handbook's leave section that would affect sick leave, parental leave, donated leave, personal leave and funeral leave. This also involved how many weeks of vacation employees receive based on their experience. Wilber explained the intent was for this to be positive and that the handbook committee and department heads have been trying to make it more attractive to incoming employees and reward the current ones. There was further debate as to when to implement the changes.

Primmer moved/Seeman seconded: To approve Resolution #24-73, Handbook Revisions to Section 4.2 through 4.5 of The Benton County Handbook to go into effect January 1, 2025. Primmer and Seeman voting aye. Bierschenk voted Naye. Motion carried.

**RESOLUTION #24-73
HANDBOOK REVISION TO 4.2-4.5 LEAVE SECTION**

WHEREAS, the Benton County Employee Handbook sections 4.2-4.5 covering Vacation, Sick, Donated, and Bereavement Leave are amended and attached hereto as Exhibit A.

NOW, THEREFORE, Be it Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. The Handbook section attached hereto as Exhibit A is hereby adopted and shall be dated as of the date hereof.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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 July, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

- EXHIBIT A Attached

A regular full-time employee is eligible to receive vacation as follows:

Anniversary Date:	Total Amount of vacation time available:
Upon Hire	5 days
Starting at 6 months of employment	10 days
Starting 1 st year of employment	10 days
Starting 2 nd year of employment	10 days
Starting 3 rd year of employment	10 days
Starting 4 th year of employment	10 days
Starting 5 th year of employment	15 days
Starting 6 th year of employment	16 days
Starting 7 th year of employment	17 days
Starting 8 th year of employment	18 days
Starting 9 th year of employment	19 days
Starting 10 th year of employment	20 days
Starting 11 th year of employment	21 days
Starting 12 th year of employment	22 days
Starting 13 th year of employment	23 days
Starting 14 th year of employment	24 days
Starting 15 th year of employment	25 days – maximum vacation

New employees may be granted additional paid vacation days upon hiring (not to exceed 25 days), at the discretion of the department head and with the approval of the Board of Supervisors.

All vacation is based on continuous employment.

The scheduling of vacation time must be approved in advance by the department head. Vacation time earned shall be based on the employee's anniversary date.

All vacations must be taken during the twelve-month period following the anniversary date of qualifying employment unless approved in writing by the official in charge with a written copy to the Auditor's Office with a copy provided to HR prior to the employee's anniversary date. Vacation time carried over must be taken within the time period specified by the department head. No more than ten days may be carried over in this fashion. An employee who has not used his or her vacation time and has not been granted an extension as set out above will lose that time.

Temporary, seasonal or part-time employees are not eligible for paid vacation leave.

Vacation time may only be "cashed in" upon separation from employment or upon written approval of the department head and the Board of Supervisors.

Regular full-time employees will accrue sick leave at the rate of 5.5 hours per 75/80-hour pay period. The maximum number of hours that an employee will be able to accrue is 750 hours for those employees whose normal workday is 7½ hours and 800 hours for those employees whose normal workday is 8 hours. Should an employee go below 750/800 hours, they will again accrue at the rate of 5.5 hours per pay period. If in any pay period an employee used more than 37½ or 40 hours of sick leave depending on the employee's normal work week, no sick leave will be earned for that pay period.

Accumulated sick leave may be used for any of the following:

- Illness, injury, medical or dental appointments of employee, partner, parent or child. In such cases, sick leave shall be charged in half-hour increments with a minimum of ½ hour. Absence of more than ½ hour shall be charged at the next highest half-hour.

It is the intent of Benton County to comply with the Federal Family Medical Leave Act and its amendments. Employees should refer to Benton County's policy "Family Medical Leave".

The department head may, at their discretion, request verification by a healthcare professional that an illness or injury has occurred.

PARENTAL LEAVE

It is the policy of Benton County to grant parental leave upon the request of the employee for the birth of a child, or placement of a child with the employee for adoption. Employees will be granted three weeks of paid leave time. Anything beyond this would be unpaid unless employee has other leave banks with time available.

SICK LEAVE CONVERSION

At the request of an employee who has reached the maximum accumulation of sick leave (100 days) at the beginning of a month and does not use any sick leave during that month, the hours of sick leave the employee would have accrued during that same month may be converted as follows:

- a. into vacation time at the rate of five sick hours to one vacation hour (5:1), OR
- b. to pay at the rate of five hours of sick leave to one hour of pay (5:1).

Employee requests for conversion must be filed with the Auditor's Office at a minimum of two times a year. Requests for conversion on hours earned prior to June 1st must be filed by June 1st of that year and requests for conversion on hours earned between June 1st and December 1st of each must be filed by December 1st of that year. Employees not requesting conversion in accordance with the stated dates will not be eligible to convert the sick leave hours earned in accordance with this section. This does not prohibit employees from requesting conversion on a more frequent basis.

Sick leave conversion to vacation time will be subject to all of the provisions of this handbook pertaining to vacation time.

Sick leave shall expire on the date of separation from the County and no employee shall be reimbursed for sick leave outstanding at the time of such separation. Exception: At retirement (retirement for this purpose is defined as eligible to draw IPERS), that employee may convert the accrued sick hours into a Retirement Health Savings Account (RHS Plan) to be used for post-retiree health care expenses and/or premiums. There shall be no payout of any sick leave balance for employees who involuntarily terminate or resign in lieu of termination, or if you fail to provide 30 days-notice of your retirement.

DONATED LEAVE

4.4

Benton County offers employees the ability to receive and donate leave due to a personal or immediate family member's catastrophic illness or injury.

Definitions

"Employee" means a full-time or regular part-time employee as defined in the County Employee Handbook.

"Recipient" means an employee who is receiving donated leave, "Donor" means an employee who is donating leave to a recipient.

"Immediate family member" means the employee's child, parent, or spouse, as defined by the Family and Medical Leave Act section of the County Employee Handbook.

"Catastrophic illness" means a physical or mental illness or injury, as certified by a licensed physician, or an employee or an immediate family member that will result in the inability of the employee to report to work on their normal schedule for more than 30 work days due to the need to attend to themselves or the immediate family member on a consecutive or intermittent basis.

"Donated leave" means a donor's personal day, vacation or sick leave donated to a recipient.

Program Eligibility

In order to receive donated leave, a recipient must:

1. Have a catastrophic illness or have an immediate family member with a catastrophic illness, and whom the employee is providing care, which may include transportation or other necessary services.
2. Have exhausted, or will exhaust within 2 weeks, all paid leave for which they are eligible.
3. Not be receiving Federal or State disability benefits for the catastrophic event that you are requesting the donated leave for.
4. Be approved for and using or have exhausted Family and Medical Leave Act (FMLA) leave.
5. Submit a completed Donated Leave Request form to their Department Head. All employees, exempt or non-exempt, are eligible to request donated leave.

Program Requirements

- A. Vacation hours, personal day hours and sick hours will be donated on an hour for hour basis.
- B. Recipients will not be eligible to receive paid holidays, accrue vacation, accrue sick leave, or accrue longevity based on donated leave hours.
- C. A donor may donate as much of their accrued vacation, sick, and personal time as they wish.
- D. A recipient may receive up to 120 days calculated using the recipient's normal work day hours of donated leave. A recipient may receive more than 120 days if department head agrees. The recipient may work intermittently to extend their period of donated leave if approved by their department head.
- E. Donated leave shall not be returned to the donor once donated. All unused leave is forfeited.

Procedure

Donated Leave Request from Human Resources. Upon the submission of a completed Donated Leave Request, the Human Resources Office will distribute a notice to all departments indicating that an employee is eligible to receive donated leave. Donors may then submit Donated Leave Contribution forms to their department head for signature. Once signed, department heads will forward to Human Resources for signature. The Human Resources office will then send completed forms to Auditor's Office so the time can be added to the recipient's leave bank.

Confidentiality of donors and recipients will be maintained to the extent possible.

The recipient shall only use the donated leave for the specific leave requested on the Donated Leave Request form.

Union employees may donate leave to non-union employees under the provisions of their negotiated contract. Non-union employees may donate leave under the provisions of this Employee Handbook.

FUNERAL/BEREAVEMENT LEAVE

4.5

Employees may be granted up to (5) days of paid time off in the event of the death of a family member subject to department approval. A family member is defined as, and limited; to the employee's spouse or domestic partner, children, grandchildren, step children, legal wards, parents, grandparents, stepparents, brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse or domestic partner, and other

persons who are members of the employee's household. This also includes loss of pregnancy.

The department head may, at their discretion, request verification of the loss of life.

One day shall be granted to those who officially participate, (eg. pall bearer or color guard) in the services of a non-family member.

Approved 7.30.24

Tracy Seeman reported on his ECICOG and EMA's meetings. Supervisor Bierschenk attended the East Central Iowa Juvenile Detention meeting for Supervisor Primmer.

Sue Wilber reported on the employee changes in the Assessor's office. Rachel Webster has a different position and Kelly Kelly will be starting on August 12, 2024 to fill the vacancy.

Bierschenk moved/Seeman seconded: To Adjourn at 11:02 a.m. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Richard Primmer, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor