

May 20, 2025

The Benton County Board of Supervisors met in regular session with Supervisors Seeman, Tippet and Volz present. Chairman Seeman 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>. *Full Resolutions will be available in the Auditor's office and at: [www.bentoncountya.gov](http://www.bentoncountya.gov)*

**Tippet moved/Volz seconded:** To approve the agenda and adding an additional parcel #010-32850 to the tax abatement for agenda item #12. All members voting aye. Motion carried.

**Volz moved/Tippet seconded:** To approve the minutes of May 13, 2025. Tippet, Seeman and Volz voting aye. Motion carried.

**Tippet moved/Volz seconded:** To appoint Erik Nelson and Michael Root as members to the EMS Advisory Council. Tippet, Seeman and Volz voting aye. Motion carried.

**Volz moved/Tippet seconded:** To approve cigarette permit for Kimm's Mini Mart effective July 1, 2025 through June 30, 2026. Tippet, Seeman and Volz voting aye thereon. Motion carried.

**Tippet moved/Volz seconded:** To approve Special Class C Retail Alcohol License for M & M Taphouse LLC. effective July 18-22, 2025. Tippet, Seeman and Volz voting aye. Motion carried.

Derek Marsh, Assistant County Attorney shared about an internship program that the Attorney's office would like to participate in and would only cost the county \$5,000. This position would start in June through August.

**Volz moved/Tippet seconded:** To authorize the County Attorney's office to move forward with hiring Priyal Patel as the summer intern, more details will be approved next week in a resolution. Tippet, Seeman and Volz voting aye. Motion carried.

**Volz moved/Tippet seconded:** To approve and authorize signatures on the 28Es with the following cities: Atkins, annual amount of \$60,840, not to exceed 936 hours per year. Garrison, annual amount of \$10,140, not to exceed 156 hours per year. Luzerne, \$1,690 a year, not to exceed 26 hours per year. Shellsburg, annual amount of \$67,600 and not to exceed 1040 hours per year. Urbana, \$40,560 annual amount, not to exceed 624 hours per year. Tippet, Seeman and Volz voting aye. Motion carried. The time of 9:15 a.m. having arrived, and this being the time and date set for a land use hearing for Garrett Kotouc in part of the SE ¼ of the NE ¼ Section 27-85-12. Garrett Kotouc was present along with other family members. Matt Even presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Even stated the applicants would like to change the use of approximately one acre to allow for a single-family dwelling and garage to be relocated to the property. This site has a CSR of 90 and was recently removed from production to set up the building site area. This site was part of the original farmstead where previously had a dwelling and garage. There is an existing driveway but this site will need a new one to meet the requirements. There is a private water well, and this will need a private sewage disposal system installed. This site is surrounded by crops on all sides. Five notices were sent out to adjacent property owners and legal notices were published. No comments were heard regarding this request prior to today's hearing. This proposal should not have any negative impacts on surrounding farm operations. Hearing no other further comments, the public hearing was closed.

**Tippet moved/Volz seconded:** To approve the land use change for Garrett Kotouc in part of the SE ¼ of the NE ¼ Section 27-85-12. Tippet, Seeman and Volz voting aye. Motion carried.

**Tippet moved/Volz seconded:** To approve Resolution #25-36, Bridge Embargo Removal. Tippet, Seeman and Volz voting aye. Motion carried.

#### **RESOLUTION #25-36**

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on this structure be removed. The structure is located as follows:

TA-4509

0.1 mile north of the SW corner of the SE ¼ of section 2-85N-10W (Taylor Township) on 26<sup>th</sup> Avenue Drive

Signed this 20<sup>th</sup> day of May 2025.

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Tracy Seeman, Chairman

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Ronald J. Tippet

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Bruce Volz

ATTEST:

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Hayley Rippel, Benton County Auditor

**Volz moved/Tippet seconded:** To approve Resolution #25-37, Enter into a 28E with Linn County for project agreement along Benton-Linn Road. Tippet, Seeman and Volz voting aye. Motion carried.

**RESOLUTION #25-37**

WHEREAS, Benton County and Linn County have agreed to combining their efforts under a 28E Agreement for bid letting and an asphalt(HMA) project on shared portions of the Linn-Benton Rd;

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 construction project.

PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF MAY, 2025.

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Tracy Seeman, Chair

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Ronald J. Tippet

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Bruce Volz

ATTEST:

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Hayley Rippel, Benton County Auditor

**COUNTY AND COUNTY**

**PROJECT AGREEMENT**

This agreement ("Agreement") entered into this \_\_\_\_\_ day of \_\_\_\_\_, 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 overlay with asphalt (HMA) the existing road on shared portions of 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 Linn County and Benton County enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project and, said cooperative actions include the following:

- 1) SCOPE OF WORK - Design, let and construct improvements to Linn-Benton Road per plans and specifications produced by the Linn County Engineer. Work is to include asphalt overlay, a seal coat wearing surface, 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 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 Linn County and final settlement of the financial conditions set forth in paragraph 7 thereof.

Executed in triplicate, each of which shall constitute as original, by Linn County on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and by Benton County on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF SUPERVISORS

LINN COUNTY, IOWA

BOARD OF SUPERVISORS

BENTON COUNTY, IOWA

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ATTEST:

\_\_\_\_\_  
LINN COUNTY AUDITOR

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ATTEST:

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BENTON COUNTY AUDITOR

**Tippett moved/Volz seconded:** To approve and authorize Chairman's signature on purchase agreement(s) with PCW Farm Land for \$575.00, Kevin Miller for \$2,505.00 and Larry Root Revocable Trust for \$1,295.00 for permanent and temporary easements for bridge replacement project on 69<sup>th</sup> St. in Fremont Township. Tippett, Seeman and Volz voting aye. Motion carried.

**Tippett moved/Volz seconded:** To approve and authorize Chairman's signature on a purchase agreement with Vivian Cerney in the amount of \$1,990 for permanent and temporary easement for a bridge replacement project on 16<sup>th</sup> Avenue in Cedar Township. Tippett, Seeman and Volz all voting aye. Motion carried.

**Volz moved/Tippett seconded:** To approve Resolution #25-38, Qualifications for Non-Employed Employees to be allowed the Benton County Wellness Day. Tippett, Seeman and Volz voting aye. Motion carried.

#### RESOLUTION #25-38

#### BENTON COUNTY WELLSNESS DAY QUALIFICATION REQUIREMENTS FOR NON-EMPLOYED EMPLOYEES

WHEREAS, Benton County has established a Benton County Wellness program;

WHEREAS, Benton County has approved that employees who are not covered by insurance, to also have options to qualify for the Wellness day off;

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that in order to qualify for the Wellness Incentive Day :

1. The employee shall be a full-time employee of Benton County.
2. The employee shall show proof of their annual physical with lab work by submitting a doctor's note to the Auditor's Office stating so.
3. The employee shall submit this by December 1<sup>st</sup> to obtain the Wellness day.

IT IS THEREFORE RESOLVED that this wellness day incentive qualifications resolution is adopted as set out above.

Dated this 20th day of May 2025.

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Tracy Seeman, Chairman

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Ronald J. Tippett  
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Bruce Volz

ATTEST:

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Hayley Rippel, Benton County Auditor

**Volz moved/Tippett seconded:** To approve Resolution #25-39, Abatement of Taxes. Tippett, Seeman and Volz voting aye. Motion carried.

**RESOLUTION #25-39**

WHEREAS, City of Atkins has acquired property for public purposes and were given the appropriate notice of the taxes due; and

WHEREAS, said entity failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2024 tax assessed against parcels listed below as follows are hereby abated in the amounts listed pursuant to Iowa Code 445.63: the treasurer is directed to strike the amount listed due from the county system.

Parcel #	Taxes plus interest and costs Due:
010-32630	\$404.00
010-32850	\$34.00

Dated 20th day of May, 2025

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Tracy Seeman, Chairman

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Ronald J. Tippett

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Bruce Volz

ATTEST:

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Hayley Rippel, Benton County Auditor

**Tippett moved/Volz seconded:** To approve Resolution #25-40, Entering into 28 E Agreements for law enforcement services. Tippett, Seeman and Volz voting aye. Motion carried.

**RESOLUTION #25-40**

**AGREEMENT FOR LAW ENFORCEMENT SERVICES**

WHEREAS, Benton County and the Cities of Atkins, Blainstown, Garrison, Keystone, Luzerne, Mt. Auburn, Newhall, Norway, Shellsburg, Urbana and Van Horne and are all public agency's 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 Benton County Sheriff's Office is willing to provide law enforcement services under the terms set forth within the individual 28E agreements with each city;

IT IS NOW AGREED that Benton County will enter into an agreement with each of the cities listed above pursuant to Chapter 28E of the Code of Iowa.

Approved on this 20<sup>th</sup> day of May, 2025.

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Tracy Seeman, Chairman

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Ronald Tippet

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Bruce Volz

ATTEST:

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Hayley Rippel, Benton County Auditor

**\*\* SEE INDIVIDUAL 28E AGREEMENTS WITH EACH CITY**

Bruce Volz reported on his recent wellness meeting. The committee is hoping to get better participation, possible one person per department. There needs to be more encouragement to get more participation this year to help the county qualify for a bigger health insurance premium discount. Volz will have a historic preservation commission meeting this week also. Chairman Seeman reported on his ECICOG's policy meeting. Supervisor Tippet reported he has a busy week with meetings. Under new business, the discussion on the legislature's session ending and what it did or didn't affect so far. A current concern is the E-911 bill that affects funding at the local levels. The Board also discussed the courthouse waterproofing project.

**Tippet moved/Volz seconded:** To adjourn at 10:06 a.m. Tippet, Seeman and Volz voting aye. Motion carried.

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Tracy Seeman, Chairman

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

Hayley Rippel, Benton County Auditor















