

October 14, 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 12:30 p.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.bentoncountyiowa.gov*

The time of 12:30 p.m. and this being the time and date set for a public hearing for pursuant to Iowa Code 331.361(2), Chairman Seeman opened the meeting up for public comments.

Mike and John Elwick, trustees for Janet Elwick Estate and who farms the property next to the property for sale known as the old dog pound. Elwick's have stated that this is the 3rd time they have showed interest in the property. They are happy to see it is not suitable for conservation and glad its turned over to the Supervisors as there was no intent at all to honor any previous owners wishes for the property to be a wildlife refuge area. It was originally a school in Taylor Township. Mike Elwick more recently shared a letter that was distributed to the Board back in September and has visited with the Conservation Board, and the County Attorney's office in regards to their proposal, stemming back from 2015 when they offered an easement swap of the same amount of land, where no money would be exchanged. There is a waterline that goes across their field with no easement on record and that it needs to be addressed.

October 7, says there was a waterline easement that should have been recorded back in 2007.

Willing to talk more, but wants to the county to keep the funds and not to go to the Conservation Board.

Derek Marsh, Assistant County Attorney responded that you can't swap easements for land rights.

Easements are use rights per Iowa Code. Marsh said this has not been used for wildlife refuge probably since 1952. The county had took quiet title action to the property and Marsh provided copies of the judge's paperwork and other documents to the Board. Marsh also mentioned the Marketable Record Title Act (MRTA) a piece of legislation adopted by states in the US to simplify and facilitate real property transactions. It was designed to eliminate older recorded real property interests that may interfere with future development or create potential liability for title insurance. Certain laws were enacted for property owners to protect their covenants and/or restrictions on a recurring basis through a recording requirement. When those requirements are not met, then the covenant and/or restriction could be non-binding on the land. Marsh also presented a certified copy of the land survey of the property along with a resolution from the City of Vinton regarding the Easement. This ultimately says the rights would continue to go from person to person. Furthermore if its all about the water, the City has Ordinances and this property is located within the city limits and Conservation has been paying utility bills. Continued discussion on the timelines in regards to the ownership and different uses of this property was had. The Board declared this public hearing closed at 1:24 p.m.

Volz moved/Tippet seconded: To approve Resolution #25-83, Approval to sell county property known as the old Animal Shelter. Tippet, Seeman and Volz voting aye. Motion carried.

RESOLUTION #25-83

APPROVAL TO SELL COUNTY PROPERTY

RE: ANIMAL SHELTER PROERTY

WHEREAS, pursuant to Iowa Code Section 331.361(2), on or about October 14, 2025, a public hearing was held discussing the proposed sale of county property; and

WHEREAS, the county property at issue is commonly known as the Animal Shelter Property located within Benton County, Iowa, with the following legal description,

One acre in the Southeast corner of the Southwest Quarter (SW¹/₄) of the Southeast Quarter (SE¹/₄), all in the West Half (W¹/₂) of the Southeast Quarter (SE¹/₄) of Section Twenty-Two (22), Township Eighty-Five (85) North, Range Ten (10) West of the 5th P.M.,

and WHEREAS, at conclusion of the public hearing the Animal Shelter Property shall be sold by accepting sealed bids for the property.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors hereby approve the sale of the Animal Shelter Property and will accept sealed bids in accordance with the Iowa Code.

Signed this 14th day of October, 2025

Tracy Seeman, Chairman

Ronald J. Tippet

Bruce Volz

ATTEST:

Hayley Rippel, Benton County Auditor

Chairman Seeman opened up the second public hearing pursuant to Iowa Code 331.361(2), Chairman Seeman opened the meeting up for public comments.

Gary Kaiser, representing Tara Hills Country Club was present. This strip of ground is adjacent to the golf course and currently is used as trails and very weedy. Kaiser said that Tara Hills Country Club would like to purchase it and get it cleaned up and back on the tax rolls.

Tippet moved/Volz seconded: To approve Resolution #25-84, Approval to sell county property known as the Cherveney Wildlife Area. Tippet, Seeman and Volz voting aye. Motion carried.

RESOLUTION #25-84

APPROVAL TO SELL COUNTY PROPERTY

RE: CHERVENY WILDLIFE AREA

WHEREAS, pursuant to Iowa Code Section 331.361(2), on or about October 14, 2025, a public hearing was held discussing the proposed sale of county property; and

WHEREAS, the county property at issue is commonly known as the Cherveney Wildlife Area located within Benton County, Iowa, with the following legal description,

All of Chicago Milwaukee Corporation's (the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company) 100 foot wide and extra width right of way located in the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) and the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) lying westerly of the West line of County Road Highway V56 of Section Sixteen (16), Township Eighty-three (83) North, Range Eleven (11) West, containing 7.15 acres, more or less,

and WHEREAS, at conclusion of the public hearing the Cherveney Wildlife Area shall be sold by accepting sealed bids or conduct a public auction for the property.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors hereby approve the sale of the Cherveney Wildlife Area and will accept sealed bids or conduct a public auction in accordance with Iowa Law.

Signed this 14th day of October, 2025.

Tracy Seeman, Chairman

Ronald J. Tippet

Bruce Volz

ATTEST:

Hayley Rippel, Benton County Auditor

Seeman moved/Tippet seconded: To adjourn meeting at 1:35 p.m. Volz, Seeman and Tippet voting aye. Motion carried.

Tracy Seeman, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor