

April 16, 2024

The Benton County Board of Supervisors met in regular session with Supervisors Bierschenk and Seeman present. Primmer participated by phone and Supervisor Bierschenk 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

Primmer moved/Seeman seconded: To approve the agenda. Voting aye were Primmer, Seeman and Bierschenk. Motion carried.
Seeman moved/Primmer seconded: To approve the minutes from April 9, 2024 with revision to Primmer calling in and Bierschenk called meeting to order. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.
Seeman moved/Bierschenk seconded: To approve General Relief Quarterly Report ending March 31, 2024. Seeman, Bierschenk and Primmer voting aye thereon. Motion carried.
Seeman moved/Bierschenk seconded: To approve Veterans Affairs Quarterly Report ending March 31, 2024. Seeman, Primmer and Bierschenk voting aye thereon. Motion carried.
Primmer moved/Seeman seconded: To set land use hearing date of Tuesday, May 14, 2024 at 9:15 a.m. for Jake and Brittney Maltzen in part of the SE ¼ SW ¼ of Section 19-85-9. Primmer, Bierschenk and Seeman voting aye thereon. Motion carried.
Primmer moved/Seeman seconded: To set land use hearing date of Tuesday, May 14, 2024 at 9:30 a.m. for Carrie Petersen and Duane Wilson in part of the NW ¼ NW ¼ of Section 1-85-9. Voting aye thereon were: Primmer, Bierschenk and Seeman. Motion carried.

Primmer moved/Seeman seconded: To appoint Wayne Siela, Jeff Schadle and Zach Parmeter to the Integrated Vegetation Roadside Management (IRVM) Committee for a three-year term ending 12/31/2026. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Sue Wilber, Human Resources discussed re-introducing the voluntary retirement incentive, or pre-retirement county paid leave that was made available in 2021 for a certain allowed time. This would need to be done with a resolution so the Auditor asked that it be done later in the meeting so she could prepare it in sequence to other action items today.

Primmer moved/Seeman seconded: To acknowledge the resignation of Tim Dille, Assistant County Attorney effective May 17, 2024. All members voting aye thereon. Motion carried.

Wilber provided an update on a training conference she attended called the National Public Employer Labor Relations Association conference held in Savannah, Georgia. She learned about job advertisements, job descriptions, interviews and how to deal with concerns or complaints. Wilber also learned about artificial intelligence and other handbook and employee benefits topics. Discussion regarding insurance coverage for the landfill employees was had. The landfill currently pays their direct premiums of the health insurance directly to ISAC with no cost to the county. The Landfill is a separate entity that has a 28E agreement in place with Benton County. Eric Werner, landfill director had reached out inquiring if their employees could be a part of the county's other benefit package with Auxiant and allow for lower deductibles. Wilber reported she talked with Brad Holten at ISAC who had discussed with Assured Partners how this could be handled with two options. The first being all the costs from claims incurred along with the \$10.50 a month/employee fees could all be billed back to those employees so there would be no financial burden to the county, or second, having the county take a financial risk to handle all the claims. Supervisor Seeman asked about the need for revising/updating the 28E agreement to reflect these changes. Werner said he would run all this by his landfill commission at their upcoming meeting and would report back and Wilber would talk with the County Attorney's office about adding language in regards also so that the landfill employees could be treated equal as county employees. Eric Werner, Landfill director also present and provided a quick update. Werner talked about the new cell that was started last fall and the fluff layer that is almost finished. This cell should last them about 4 ½ years. They will also start building a new lagoon that will take place in July for the leachate. Werner also touched on along soil project with Linn County, stating that soil is not hazardous, and there would be one more load and that should be finished.

Attorney Brent Hinders, representing the Board of Supervisors regarding IPIB complaints, presented the information on adopting an informal resolution stemming from complaints about the Benton County Supervisors last year. The terms are to be enforced by IPIB itself, rather than any other entity. On behalf of the board, Hinders also read part of the resolution aloud, stating, "The Board acknowledges that under Iowa Code 21.6(3) continued violations of Iowa's Open Meetings Law can result in fines assessed to individual members of the Board, in addition to removal from office."

Seeman moved/Primmer seconded: To approve Resolution #24-31, Adopting the IPIB informal resolution. Primmer, Seeman and Bierschenk all voting aye thereon Motion carried.

RESOLUTION #24-31

A RESOLUTION ADOPTING THE IOWA PUBLIC INFORMATION BOARD INFORMAL RESOLUTION

April 16, 2024

WHEREAS, Between, October 22 and November 20, 2023, Braxton Morrison, Maggie Mangold, Dana Sanders, Kurt Karr, Valerie Close, Kaitlin Emrich, Lu Karr, Molly Rach, and Alex Carros filed formal complaints, alleging that Benton County Board of Supervisors (collectively as "the Parties") violated Iowa Code chapters 21 and 22.

WHEREAS, On February 15, 2024, the IPIB accepted formal complaints 23FC:0107, 23FC:0109, 23FC:0112, 23FC:0113 and 23FC:0121 ("the Complaints") against the Benton County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors Agree to enter into an Informal Resolution to resolve the Complaints which states in part as follows:

Pursuant to Iowa Code § 23.9, the parties have agreed upon the following terms for an informal resolution of this matter:

1. The Board acknowledges sufficient evidence exists regarding the closed sessions and failure to follow specific procedures for closed sessions presented in these complaints that a violation of chapter 21 could potentially be found in a contested case proceeding.
2. The Board will provide a transparent timeline of events and actions that occurred during or as a result of the closed sessions at issue. This timeline will include full transparency of any non-confidential facts or matters and will be provided to all parties and retain status as a public document.
3. The Board will work with counsel to develop a checklist for all procedural requirements in holding a closed session and the limitations of deliberation within a closed session to avoid any deficiencies in the future.
4. The Board acknowledges that under Iowa Code § 21.6(3) continued violations of Iowa's Open Meetings Law can result in fines assessed to individual members of the Board, in addition to removal from office.
5. The Board and other county officials and staff will participate in training on Iowa Code chapters 21 and 22 in an open meeting. The IPIB will conduct the training and all elected officials from Benton County will attend. The heads of boards and commissions within the county will be invited.
6. The Council will approve this resolution during an open meeting and include the full text in the minutes of the meeting. A copy of the minutes will be provided to the IPIB.

All terms of this Informal Resolution shall be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2024

**BY THE BOARD OF SUPERVISORS
OF BENTON COUNTY, IOWA**

Board Action	Yeas	Nays	Pass	Absent
Rick Primmer	_X_	___	___	___
Gary Bierschenk	_X_	___	___	___
Tracy Seeman	_X_	___	___	___

Gary Bierschenk, Co-Chairman

ATTEST:

Hayley Rippel
Benton County Auditor

Seeman moved/Bierschenk seconded: To approve Resolution #24-32, Temporary Road Closure along 21st Ave. Dr. All members voting aye thereon, motion carried.

Resolution #24-32

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 22, 2024, through the completion of the project.

From near the SE corner of the SW ¼ of the SW ¼ of Section 13-T84N-R11W thence north 1.5 miles to the NE corner of the NW ¼ of the SW ¼ of Section 12-T84N-R11W along 21st Avenue Drive in Big Grove Township.

Dated this 16th day of April, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

Hayley Rippel, Benton County Auditor

Ron Tippett, shared an update and recommendations with the Board from a recent security committee meeting. The security camera in the conference room was talked about and how it will be handled with a policy for closed sessions. There will be a switch, that only the auditor or the auditor designee can request it be turned on or off. There was also talk about more exterior cameras.

Committee Reports:

Supervisor Primmer had a recent Public Health Board meeting. Sheriff Tippett reported that the flooring at the Emergency Management area has been fixed and we should be getting the invoices. Auditor Rippel reported on the recent Opioid Task Force meeting and utilizing the Public Health department to do some needs assessment.

The Board circled back to the early retirement discussion.

Seeman moved/Primmer seconded: To approve Resolution #24-33, Amending Resolution #21-25, Adopting and amending the Voluntary Pre-Retirement County Paid Leave and Release of Claims Policy. Voting aye were: Primmer, Bierschenk and Seeman. Motion carried.

**Resolution #24-33
Amending RESOLUTION #21-25**

ADOPTION OF VOLUNTARY PRE-RETIREMENT COUNTY PAID LEAVE AND RELEASE OF CLAIMS POLICY

WHEREAS, the Benton County Board of Supervisors has previously adopted an early retirement policy on June 8, 2021; and

WHEREAS, the Benton County Board of Supervisors desires to adopt another policy with different requirements; and

IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policy is hereby adopted effective April 16, 2024 through June 30, 2024.

REQUEST FOR VOLUNTARY PRE-RETIREMENT COUNTY PAID LEAVE AND RELEASE OF CLAIMS

I, _____, hereby select three months of County Paid Leave prior to my retirement from Benton County employment, effective

_____ (Date pre-retirement paid leave begins), subject to the following:

1. I am eligible for a bona fide IPERS retirement and have/will file paperwork to begin IPERS retiree payments;
2. I have/will submitted my retirement letter with the last day of employment with Benton County to be _____ (End of pre-retirement paid leave);
3. County insurance benefits will continue through _____ at which time I will be eligible to continue said insurance under COBRA at my own expense;
4. I received a copy of this Agreement on _____ (Insert date) and was given up to twenty-one (21) days to consider this Agreement;
5. I understand that following the date of the signing of this Request and Release, I shall have seven (7) days to revoke the Request and Release, and this Request and Release shall not be effective until this seven (7) day period has expired; and
6. I understand that by signing this agreement I am waiving my right to all other County retirement incentives.
7. In consideration for the paid leave and insurance coverage to be provided by the County in this agreement, I hereby release, acquit, and forever discharge Benton County from any and all liability whatsoever. This release includes all past, present, and future claims, demands, obligations, actions, causes of action, or rights of every nature affecting me, which I may have or ever claim to have, rising out of or relating in any way to the employment of me by the County and severance of that employment, including but not limited to the manner in which the notice of the Voluntary Pre-Retirement Paid Leave Opportunity was provided to me. As further consideration, I shall not file or cause to be filed any complaints, claims, charges, lawsuits, or other actions of any kind against the County, its agents, successors, parents, subsidiaries, divisions, officers, directors, or employees, including, but not limited to, actions alleging breach of contract or any tort and legal actions under Title VII of the Civil Rights Act of 1964 as amended; the Age Discrimination in Employment Act of 1967 (29 U.S.C. Sec. 621, et seq.); the Older Workers Benefit Protection Act; the Americans with Disabilities Act; any other state, federal, or local law concerning any form of discrimination; and any other law or regulation. This agreement does not release or waive any rights or claims that are based upon obligations of the County to perform promises and make payments provided for under the Voluntary Pre-Retirement Paid Leave Opportunity encompassed by this agreement.

Submitted on _____ (Date)

Printed Employee Name

Signature

Accepted on _____ (Date)

Sue Wilber, HR Director

Dated this 16th day of April, 2024

BENTON COUNTY BOARD OF SUPERVISORS

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST: _____

Hayley Rippel, Benton County Auditor

Seeman moved/Primmer seconded: To Adjourn at 9:52 a.m. Voting aye were Primmer, Bierschenk and Seeman. Motion carried.

Richard Primmer, Chairman

ATTEST: _____

Hayley Rippel, Benton County Auditor