

September 24, 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.bentoncountyiowa.gov*

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

Seeman moved/Bierschenk seconded: To approve the minutes from September 17, 2024, fixing the word Jeep and making a note to correct the September 10, 2024 minutes to include the following left off in error: To approve Payroll checks numbered 143386 through 143393, ACH Deposits 58344 through 58505, claims numbered 251094 through 251242 and vendor checks 251243 through 251248. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve Payroll checks numbered 143394 through 143400, ACH Deposits 58506 through 58669, claims numbered 251249 through 251404 and vendor checks 251405 through 251411. Also need to delete a duplicate claim to Menards for \$81.32. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve using ARPA Funds to pay the following claims: Bolton & Menk for \$1,369.59 and Bolton & Menk for \$14,100 both for Conservation's Wildcat Bluff Improvements. Primmer and Bierschenk voting aye, Seeman abstained. Motion carried.

Bierschenk moved/Seeman seconded: To set a land use hearing date for Morgan and Matthew Ollinger, a part of Parcel A in the NW NW of 9-84-11 for Tuesday, October 22, 2024 at 9:15 a.m. All members voting aye. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for David Kearney in part of the SW ¼ SW ¼ of Section 8-85-10. David Kearney was present along with nearby resident Shawn Usher. Kearney, with Mitch's Auto Body would like to change approximately .43 acres of land to allow for a used car sales in addition to the auto repair shop located on this site. The parcel is owned by Jeremy and Stacy Koopman located north of Vinton along HWY 218. Matt Even presented some of the technical information. This area has a CSR of 60 and has not been in production. There is an existing driveway that this facility will utilize along with the private sewage that was installed in 2019 and a private water well. Six 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 Use shared a copy of a letter they received in opposition of the change from Gary and Loretta Simnacher, nearby neighbors. No other comments were heard, so the land use hearing was closed.

Seeman moved/Bierschenk seconded: To approve the land use change application for David Kearney in part of the SW ¼ SW ¼ of Section 8-85-10 Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve Class C Retail Alcohol License for The Topsy Travelers for October 4 through October 8, 2024 pending dramshop review. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Bierschenk moved/Seeman seconded: To approve Resolution #24-88, Abatement of Taxes. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

RESOLUTION #24-88

WHEREAS, Benton County 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 2023 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:
270-06815	\$38.00
250-01850	\$170.00
870-33150	\$60.00

Dated 24th day of September, 2024

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Benton County Auditor Clerk

Seeman moved/Bierschenk seconded: To approve Resolution #24-89, Abatement of Taxes. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

RESOLUTION #24-89

WHEREAS, Iowa Department of Transportation 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 2023 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:
240-68810	\$8.00
581-17551	\$4.00
581-17601	\$2.00
240-28910	\$2.00

Dated 24th day of September, 2024

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Benton County Auditor Clerk

Seeman moved/Bierschenk seconded: To table approving the use of courthouse lawn for Vinton Unlimited for November 14, 2024, due to missing information on the application. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Seeman moved/Bierschenk seconded: To approve Resolution #24-90, Gifting of the Local Option Sales and Services Tax (LOSST). Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

RESOLUTION #24-90

WHEREAS, the Benton County Board of Supervisors has established a program for gifting funds to emergency service providers who provide services within the unincorporated area of Benton County; and

WHEREAS, the Luzerne Department has requested a gift of funds; and

WHEREAS, the Luzerne Fire Department provides emergency services to areas in Iowa Township, Leroy Township, City of Luzerne and mutual aid to other surrounding townships;

WHEREAS, the Luzerne Fire Department has provided invoices totaling \$10,000 for the purchase of an emergency response truck;

WHEREAS, the Luzerne Fire Department agrees that the vehicle obtained with the proceeds of this gift shall be used when necessary for rural fire protection and/or life support operations, consistent with the intended use of the money from the Local Option Sales and Services Fund,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Gift to the Luzerne Fire Department in the amount of \$1,000.00 which represents ten percent of the total purchase price for equipment.

Adopted this 24th day of September, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Benton County Auditor Clerk

Seeman moved/Bierschenk seconded: To approve Resolution #24-91, Employment status change for Michelle Sutton. All members voting aye. Motion carried.

RESOLUTION # 24-91

WHEREAS, the Benton County Rural Access Center, a part of the East Central Iowa Mental Health Region, currently has a full-time county employee and the current job description's workweek is 40 hours; and

WHEREAS, Michelle Sutton who has been employed by Benton County since July 1, 2022, and has been filling the position full-time;

WHEREAS, Mona Onken, has recommended that Michelle Sutton have her employment status be changed from full-time to part-time, working a maximum of 20 hours per week but more as deemed necessary to meet the needs of the county;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Michelle Sutton's position as Rural Access Center Manger be changed from full-time to part-time county employee and work a minimum of 16 hours per week, paid at an hourly rate of \$27.69, effective October 14, 2024.

Passed this 24th day of September, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Clerk, Benton County Auditor

Seeman moved/Bierschenk seconded: To approve Resolution #24-92, Removing bridge embargo. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

RESOLUTION #24-92

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:

BG-1057 0.3 mile north of the SW corner of section 32-84N-11W (Big Grove Township) on 17th Avenue between 68th Street and 66th Street Drive

Signed this 24th day of September 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Clerk, Benton County Auditor

The public hearing was opened for authorizing a quit claim deed on county parcel #440-00150. There was no public present regarding this, and there was no opposition to the matter after publishing the notice.

Seeman moved/Bierschenk seconded: To close the public hearing and approve Resolution #24-93, Conveyance of County's property interest. Primmer, Seeman and Bierschenk all voting aye. Motion carried.

RESOLUTION #24-93

WHEREAS, by the authority of the Board of Supervisors and the Benton County Conservation , published notice for property pursuant to Iowa Code Section 331.305; and

WHEREAS, a public hearing was conducted on September 24, 2024, on conveyance of said property and no objections were heard; and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that it is in the best interest of the County to convey interest in the following described real estate back to the original owner:

One (1) Square acre out of the Northwest Corner of the Northwest Quarter (NW1/4) of Section (20) Township Eighty-four (84) North, Range Ten (10) West of the 5th P.M.

BE IT FURTHER RESOLVED that the Chair is authorized and directed to execute a Quit Claim deed for the real property set forth above. The grantees of such deed will be Heitshusen Farm, LLC.

Passed this 24th day of September, 2024.

Rick Primmer, Chairman

Gary Bierschenk

Tracy Seeman

ATTEST:

John Martin, Clerk, Benton County Auditor

The courthouse clock was mentioned and that they anticipate in mid-December to reinstall the clock. The Board continued discussion on the lighting on HWY 30 intersections. Myron Parizek, Engineer reported that the Department of Transportation feels the paved intersections with county roads are not warranted for any increased light other than destination lighting. They might be receptive to destination lights at the Van Horne and Blairstown corners. Bierschenk moved/Seeman seconded: To Adjourn. Primmer, Seeman and Bierschenk voting aye. Motion carried.

Rick Primmer, Chairman

ATTEST: _____

John Martin, Clerk, Benton County Auditor