

October 15, 2024

The Benton County Board of Supervisors met in regular session with Supervisors Bierschenk and Seeman present, Supervisor Primmer met via telephone. 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.bentoncountyia.gov](http://www.bentoncountyia.gov)

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

**Primmer moved/Seeman seconded:** To approve the minutes from October 8, 2024, removing Seeman abstained for the ARPA claims. Primmer, Seeman and Bierschenk voting aye. Motion carried.

**Primmer moved/Seeman seconded:** To approve Special Class C Retail Alcohol License for Kacena Family Tree Farm, Inc. for October 18, 2024 through October 31, 2024. All members voting aye thereon. Motion carried.

**Primmer moved/Seeman seconded:** To set land use hearing date of Tuesday, November 12, 2024 at 9:15 a.m. for Ben Twedt in part a part of the SE ¼ of the NE ¼, of Sect. 30, T85 N, R9W. Primmer, Seeman and Bierschenk voting aye. Motion carried.

**Seeman moved/Primmer seconded:** To approve Class C Retail Alcohol License for Traveling Tapster, L.L. C. for November 8, 2024 through November 12, 2024. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

**Seeman moved/Primmer seconded:** To approve and authorize Vice-Chairman's signature on the Iowa Department of Transportation (IDOT) Preconstruction Agreement for Primary Road Project-IA HWY 18 (V37 to US HWY 218). Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

**Seeman moved/Primmer seconded:** To approve and authorize vice chairman to sign the plan set for BROS-CO06(129)—8J-06 (RCB Culvert Replacement-Twin Box on 52<sup>nd</sup> Street in Polk Township. Seeman, Primmer and Bierschenk voting aye. Motion carried.

**Seeman moved/Primmer seconded:** To approve and authorize vice-chairman's signatures on IDOT Federal-Aid Agreement(s) for Bridge Replacement on 16<sup>th</sup> Avenue in Cedar Township and one on 52<sup>nd</sup> street in Polk Township. Seeman, Primmer and Bierschenk voting aye. Motion carried.

Eric Schares provided a quick update on the weed department and shared the annual report.

**Seeman moved/Primmer seconded:** To approve and authorize vice chairman's signature on the Benton County Weed commissioner's Annual Report. Seeman, Bierschenk and Primmer voting aye. Motion carried.

Shelby Williams, Conservation Director reported on the 7 bids received for the Tree Canopy Grant work for the Atkins Roundhouse area. ECICOG has also looked them over and gave their recommendation and that was approved by the Conservation Board. The bids were received as follows:

DKW Tree Service-\$225,000 -didn't provide bid bond

Bill Miller & Sons Logging-\$234,973.45

Shift Companies-\$243,200

Rathje Construction Co. -\$247,500

Wiezorek Timber Co.-\$272,930-no bid bond provided

S2 Construction LLC.-\$280,000

Hunter Quality Contracting, LLC. -\$343,980

**Seeman moved/Primmer seconded:** To award the bid to Bill Miller & Sons Logging in the amount of \$234,973.45 pending their intent to comply with section 3 on their forms. Seeman, Primmer and Bierschenk voting aye. Motion carried.

Discussion continued on the tabled ARPA projects from last week. The funds need to be committed before FY25 ends, but doesn't have to all be spent by then. Auditor Rippel would like to leave some cushion in case things come in over the quotes, granted some may come in lower too. Or if need be, there is spending authority under the capital projects fund too for some of the improvements or repairs to the facilities.

**Seeman moved/Primmer seconded:** To approve the following American Rescue Plan Act (ARPA) projects or needs and their estimated costs:

Conservation Patrol Truck-\$64,000

Courthouse basement steam pipe insulation-\$1,200

Security panic buttons-\$37,500

EMA-Sheriff-E911, Rescue boat-\$35,000

Battery Back-up for Sheriff/Dispatch-\$86,050

Transportation-cement work-\$23,000

Seeman, Primmer and Bierschenk voting aye. Motion carried.

The time of 9:30 a.m. having arrived and publicized for the FY 25 Budget Amendment Hearing. Vice-Chairman Bierschenk opened it up for public comments. Auditor Rippel explained the various needs in the amendment and how some are pass throughs for grants to offset the new expenses, while others are just allowing more spending authority for the remainder of the ARPA funds and the new Opioid fund. We needed proper spending authority to loan Fremont Township temporary funds. The public health department needed some adjustments in service areas along with the Land Use Department for well testing grants. The weed department had insurance money to replace the skid loader, and other needs were juvenile detention and outside legal fees for the supervisors and attorney's budget. There was no public comments heard before or during the hearing.

**Seeman moved/Primmer seconded:** To close the public hearing at 9:38 a.m. on the FY 25 Budget Amendment. All members voting aye. Motion carried.

**Seeman moved/Primmer seconded:** To approve Resolution #24-98, Amending FY 25 Budget. Seeman, Primmer and Bierschenk voting aye. Motion carried.

RESOLUTION #24-98

**BE IT REMEMBERED** on this, the 15th day of October, 2024, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on April 23, 2024. There was a

quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ 925,000
Physical Health & Social Services	\$ 198,009
Mental Health	\$ 0
County Environment & Education	\$ 350,000
Roads & Transportation	\$ 54,000
Government Services to Residents	\$ 0
Administration	\$ 725,000
Non-Program	\$ 750,000
Debt Service	\$ 0
Capital Projects	\$ 0
Operating Transfers Out	\$ 0

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$ 850,000
Licenses & Permits	\$ 0
Charges for Services	\$ 0
Use of Money & Property	\$ 350,000
Miscellaneous	\$ 104,000
General Long-Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0

Dated this 15th day of October, 2024.

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Rick Primmer, Chairman

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Gary Bierschenk

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Tracy Seeman

ATTEST:

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Hayley Rippel, Benton County Auditor

Mona Onken introduced Sam Berglin, Quality Assurance Coordinator for the East Central Region. Berglin wanted to discuss Benton County’s compliance with the Memorandum of Understanding Exhibit B regarding the patient-advocate work being done. Currently Benton County is non-compliant and the data needs to be submitted in the CSN for HHS by December 1, 2024. They are hoping for a plan of action. The CSN site is only accessible by certain people due to confidentiality and contain documents from patient advocates. Seeman suggested getting together with the sheriff by November to resolve this.

**Seeman moved/Primmer seconded:** To approve Veteran’s Affairs Quarterly Report ending September 30, 2024. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

**Seeman moved/Primmer seconded:** To approve General Assistance Quarterly Report ending September 30, 2024. Primmer, Seeman and Bierschenk voting aye thereon. Motion carried.

Primmer moved/Seeman seconded:

**Seeman moved/Primmer seconded:** To adopt Resolution #24-99, Entering into a loan agreement between Benton County and Fremont Township . Primmer, Seeman and Bierschenk all voting aye. Motion carried.

**RESOLUTION #24-99**

WHEREAS, the Board of Supervisors of Benton County, Iowa was asked to enter into a Loan Agreement (the “Loan Agreement”) and to loan money thereunder in a principal amount not to exceed \$350,000 for Fremont Township to repair their facility under FEMA standards;

WHEREAS, a certain Loan Agreement has been prepared to set forth the terms of the Loan Agreement and the understanding between the County and Fremont Township Officials; and

WHEREAS, it is now necessary to make final provision for the approval of the Loan and authorize the issuance of the funds as appropriate;

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

**LOAN AGREEMENT BETWEEN**

**BENTON COUNTY AND FREMONT TOWNSHIP**

This agreement entered into on this date, is between Benton County and the Benton County Fremont Township, a legal entity. The specified purpose of this agreement is to provide a loan to the Township so that they can make necessary repairs to their township hall, which was severely damaged in a recent derecho. The parties further understand and agree to the following:

1. The Fremont township hall suffered extensive damage from the derecho with an estimated repair cost of \$450,000.00.
2. The Township, through its clerk and trustees, has applied for Federal Emergency Management (FEMA) funding to repair the building.
3. The FEMA has approved funding to make the necessary repairs and improvements. They have obligated \$450,000.00 that is evidenced by documentation provided to Benton County, which is attached to this agreement.
4. The terms of the obligated funding require that the repairs be made prior to the disbursement of the funds.
5. The Township has received initial funding of almost \$100,000.00 and has a remaining shortfall of \$350,000.00.
6. Based on these facts, Benton County agrees to lend to the Fremont township the sum of \$350,000.00 for a period of one year. It is anticipated that the repairs will be completed by March 31, 2025 with funding from FEMA to follow.
7. In the event the FEMA, for some unforeseen reason, fails to provide funding as agreed, Benton County shall have the option to demand the Township repay Benton County the sum in its entirety over a period of ten years. If Benton County exercises said option, the Township shall levy pursuant to Iowa Code Section 360.8 and make yearly installments on the 1<sup>st</sup> day of October each and every year for ten years until the balance is paid.
8. Accordingly, the parties do hereby agree that Benton County will loan to the Fremont Township the sum of \$350,000.00 to be paid back with FEMA funding by October 1, 2025. All payments shall be paid to the Benton County Auditor.
9. This Agreement shall become effective upon all parties hereto signing, and shall be effective through October 1, 2025.
10. If any terms or provisions of this Agreement shall be held to be invalid or unenforceable for any reason, then the remaining terms and provisions shall continue to remain in full force and effect. If a court finds that any term or provision of this Agreement is invalid or unenforceable, but that such term or provision could be limited and thereby be considered valid and enforceable, then such term or provision shall be deemed to be written, construed, and enforced in accordance with said limitation.
11. This Agreement is the complete agreement between the parties. Any amendment to this Agreement must be made in writing and must be approved by the Benton County Board of Supervisors and the Fremont Township through its clerk and trustees.

Dated this 15th day of October, 2024.

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Rick Primmer, Chairman

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Gary Bierschenk

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Tracy Seeman

ATTEST:

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Hayley Rippel, Benton County Auditor

**Primmer moved/Seeman seconded:** To amend the Vinton Unlimited' s application for use of the courthouse grounds to be November 21, 2024 instead of November 14, 2024 for the holiday parade and Santa. All members voting aye. Motion carried. Supervisor Seeman reported on the recent conservation board meeting he attended.

**Seeman moved/Primmer seconded:** To Adjourn at 10:04 a.m. Primmer, Seeman and Bierschenk voting aye. Motion carried.

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Gary Bierschenk, Vice-Chairman

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

Hayley Rippel, Benton County Auditor