

2003 MINUTES

January 2, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to appoint Ron Buch as the board chairman for 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Dave Vermedahl as the vice-chairman for 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 31, 2002. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to designate the official newspapers for Benton County for 2003 as The Cedar Valley Times, South Benton Star Press, Belle Plaine Union. Sanders abstained due to spouse being editor of The Cedar Valley Times. Buch and Vermedahl voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Dr. Brian Meeker as Benton County Medical Examiner, Sonny Buck & Associates, Dr. Johnson & Associates, and Dr. Craig Svoboda as Deputy County Medical Examiners, and to appoint Eric Dickerson, Marty Parbs, Mary Phillips, David Bordewyk PA-C, Harold Van Scoy, PC-C, Suzanne Sachs, PA-C, and Michelle Burnes, PA-C as Medical Investigators for two-year terms. The fee is to continue at the current \$150.00 per report, plus actual expenses. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Auditor's and Veterans Affairs Quarterly Reports for the period ending December 31, 2002. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint the following persons to the Benton County Eminent Domain for 2003, with additional member(s) to the Owners-Operators of Agricultural Property to be culture still to be appointed. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Arlen Gerhold
Danny Kaestner
Judy Carter
Lee Bendull
Brian Larkin
Wayne Siela
Burt Day
Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum
Mike McNamara
Leon Werner
Dave Coulter
Eldon Zumbach
Jeff Akers
Duane Johnson

Owner-Operator Agricultural Property

Derold Happel
Wayne Newton
David Rhinehart
Richard Grieder
Craig Mahood
Wayne Riley
Florence Lyman

Owners of City or Town Property

Darold Sindt
Harold Knaack, Jr.
Earlene Clausen
Dave Coots
Larry Weeda
Gloria Feuerbach 442-3297 (Keystone – John)
John Elwick

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-1. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-1

WHEREAS: Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of warrants; and
WHEREAS: Iowa Code §331.506 allows the auditor to issue warrants under the authority of the Board of Supervisors without prior approval,

NOW BE IT RESOLVED that the Board of Supervisors hereby authorizes the auditor to issue warrants in accordance with Iowa Code Section 331.506.

Signed this 2nd day of January 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to re-appoint Bob Mahood, to the Benton County Conservation Board, for a five-year term. All members voting aye thereon. Motion carried. Vermedahl stated that the record should note that all applicants were extremely well qualified for the position.

Moved by Sanders, seconded by Vermedahl, to appoint Kelly Henkle and Jean Ohlen to the Benton County Health Board for three-year terms. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following members to the respective boards for 2003. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl
Regional HACAP –Supervisor Sanders

Burrows Family Resource Center (Southern Benton County HACAP) – Supervisor Buch

Federal Emergency Management Agency (FEMA) – Mary Williams

Emergency Management Commission - Supervisor Sanders

Supervisor Vermedahl, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

North Benton Ambulance - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Sanders

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

Moved by Vermedahl, seconded by Sanders, to appoint Jim Magdefrau, Mary O'Brien, and Bill Strong to the Judicial Magistrate Appointing Commission for six-year terms. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-2. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-2

BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa that Myron L. Parizek, the County Engineer of Benton County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm-to-Market and federal or state aid construction projects in this county.

Dated at Vinton, Iowa, this 2nd day of January 2003.

Board of Supervisors

Benton, Iowa

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Myron Parizek as Benton County's ADA Coordinator.

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Deb Drahos, Steve Thompson, and Kevin Robinson to the Benton County Zoning Commission for a 3-year term each. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 27 hours of vacation carry-over for Dan Higdon, said carry-over to be used by June 30, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Gene Mealhow, Rodney Kubicek, Marty Junge, Eldon Zumbach, and Supervisor Buch to the Benton Development Group Board of Directors. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Jill Marlow as trustee to the Heartland Insurance Group and Ron Buch as alternate. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Mary Williams to the Mental Health Citizen's Advisory Board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint the following members to East Central Iowa Council of Governments' Boards. All members voting aye thereon. Motion carried.

EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Jason Sanders, Alternate

REGION 10 TEA-21 TRANSPORTATION POLICY COMMITTEE

Don Martin

Jason Sanders, Alternate

REGION 10 TEA-21 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Myron Parizek

Scott Hansen, Alternate

Moved by Vermedahl, seconded by Sanders, to appoint Scott Pottorff and Roger Witt as Safety Coordinators. All members voting "aye: thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Nancy Farmer to the Benton County Decategorization Board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Hank Wehrman and Ron Buch to the Iowa Valley Resource Conservation & Development Board. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint to the Benton County Land Use Adjustment Board for a 5-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to the Benefited Fire Districts for three-year terms. All members voting aye thereon. Motion carried.

Van Home Benefited #1 – Dean Werner

Keystone Benefited #2 – Jeff Kromminga

Newhall Benefited #4 – Glen Werning

Ben-Linn Benefited #3-#5 – Alan Schanbacher

Moved by Vermedahl, seconded by Sanders, to approve a change in status for Martin Halstead from part-time to full-time correctional officer, effective January 1, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to continue with one nightly board meeting per month in areas throughout the county. Notice of said meetings are to be made in accordance with Chapter 21 of the Iowa Code. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the family farm credit applications for 2003.

Moved by Sanders, seconded by Vermedahl, to approve the appointment of the following deputies for the respective offices:

Sharon Stueck – Recorder

Michele Sauer – Treasurer

Kim Staab – Treasurer

Melinda Schoettmer – Treasurer

Tony Janney – Assistant County Attorney.

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 7, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 2, 2003. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to provide an update on HIPAA activities. Williams advised that the Iowa State Association of Counties would be providing additional documents for the county to modify and implement. Williams advised that the county needed to become more active in their efforts to comply with an April 1st deadline. Williams reviewed the steps taken by her in an effort to comply with HIPAA. Supervisor Sanders advised that he would become involved in HIPAA compliance efforts.

Moved by Sanders, seconded by Vermedahl, to approve warrants numbered 49789 through 50074 for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-3. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-3

BE IT RESOLVED by the Benton County Board of Supervisors that \$2,081.88 be transferred from the Co-Insurance Fund to the Flexible Benefits fund. The Flexible Benefits fund is being created as a separate fund and the money being transferred is money forfeited to the county through the flexible benefit program.
Dated this 7th day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy
Benton County Auditor

John Brewer met with the board to request access across property owned by Benton County in Harrison Township. Brewer currently is in the logging business and can only access an adjacent property by going through county-owned property. Brewer also inquired as to logging the county property. Moved by Vermedahl, seconded by Sanders, to approve temporary access across the county's property. Following further discussion, Vermedahl withdrew his motion. Vermedahl, seconded by Sanders, then moved it to allow Brewer access across county-owned property in 30-86-10 (Harrison Township) until May 1, 2003 for the purpose of logging adjacent private property. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the sheriff's quarterly report for the period ending December 31, 2002. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to table action on setting the wage of Sara Olson until January 10, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Dean Schminke to the Land Use Adjustment Board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Paul Schellhase and Ross Wiley to the Eminent Domain. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account was \$4,708.93 on December 31, 2002.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

January 10, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 7, 2003. All members voting aye thereon. Motion carried.

Sheriff Popenhagen met with the Board to discuss the purchase of a "command center" vehicle, which would also serve as a rescue vehicle. Preliminary cost estimates are \$140,000.00. Popenhagen advised that the vehicle would be used to interview witnesses at the scene, be used as a command center during some investigations, and carry rescue equipment. Popenhagen estimated that the vehicle would be used approximately two times a month. Quotes were received on the chassis as follows: 2003 International 4400 - \$47,083.70 and Freightliner - \$42,608.00. Popenhagen advised he would seek additional quotes for the box. Moved by Vermedahl, seconded by Sanders, to table any action until January 24, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the wage of Sara Olson at \$10.30 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-4. Buch, Vermedahl, and Sanders voting aye. Nays none. Motion carried.

RESOLUTION #03-4.

BE IT RESOLVED by the Benton County Board of Supervisors that \$4,100.00 be transferred from the General Fund to the CDBG Fund.

Dated this 10th day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy
Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve 30-1/2 hours of vacation carry-over for Myron Parizek. Said carry-over is to be used by July 1, 2003. All members voting aye thereon. Motion carried.

The engineer presented a report summarizing activities in the secondary roads department in 2002. Brian Halstead met with the Board to discuss the status of the recycling efforts in the rural area of Benton County. Halstead advised that he was prepared to submit a bid for placing a dumpster in each township and providing pick-up services. The Board advised that they were not ready to make a decision regarding recycling in the rural area.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign a letter of application for the Sustainable Electronics Collection Program on behalf of the Benton County Landfill. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

January 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 10, 2003. All members voting aye thereon. Motion carried.

Mary Williams provided an update on HIPAA. Williams advised that she has talked to EideBailly and Erb's regarding consultant services. Both companies advised that they have some services available and will provide additional information to Williams.

The weed commissioner presented two quotes for chemicals for the 2003 season. Quotes were received as follows: Fischer Feed - \$44,350.00 and 4-County Cooperative - \$43,856.25. Moved by Vermedahl, seconded by Sanders to purchase the chemicals from 4-County Cooperative for the 2003 season. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Poweshiek Water to place utility lines in the county's right-of-way in Watkins. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-5. Buch, Vermedahl, and Sanders voting aye thereon. Nays none. Motion carried.

RESOLUTION #03-5

WHEREAS, the structures at these locations have 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 restrictions previously imposed on these structures be removed. The structures are located as follows:

<u>BG-0820</u>	0.2 miles west of the NE corner of section 18-84-11 (Big Grove Township) on 64 th Street.
<u>BG-2018</u>	0.2 miles north of the SW corner of section 18-84-11 (Big Grove Township) on 18 th Avenue.
<u>BR-2001</u>	0.1 miles south of the NW corner of section 4-86-12 (Bruce Township) on 12 th Avenue.
<u>FR-0940</u>	0.1 miles west of the NE corner of section 30-83-9 (Fremont Township) on 72 nd Street.
<u>HO-4034</u>	0.4 miles south of the NW corner of section 23-84-12 (Homer Township) on 14 th Avenue.
<u>JA-3830</u>	0.2 miles west of the NE corner of section 22-85-11 (Jackson Township) on 59 th Street.
<u>STC-4043</u>	0.3 miles south of the NW corner of section 26-82-10 (St. Clair Township) on 26 th Avenue.
<u>UN-0130</u>	0.1 miles west of the NW corner of section 19-83-11 (Union Township) on 71 st Street.

Dated this 10th day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-6. Buch, Vermedahl, and Sanders voting aye thereon. Nays none. Motion carried.

RESOLUTION #03-6

WHEREAS, the structures at these locations due to age and design have reached the point in time where a restricted weight limit should be imposed,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the following weight restrictions be imposed and restricted as follows:

<u>BR-3052</u>	20 ton 0.2 miles south of the NW corner of section 34-86-12 (Bruce Township) on 13 th Avenue.
<u>CA-3220</u>	20 ton

KA-3011

0.2 miles west of the NW corner of section 15-84-9 (Canton Township) on 64th Street.
20 ton

KA-4016 **20 ton**

0.1 miles south of the NW corner of section 10-83-12 (Kane Township) on 13th Avenue.

0.4 miles north of the SW corner of section 11-83-12 (Kane Township) on 14th Avenue.

Dated this 10th day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

The Board continued discussion on recycling efforts in the rural areas of Benton County. The Board has directed the county engineer to present a plan for providing dumpsters in various locations throughout the county for use by rural residents. The dumpsters would be for recyclable materials only. The Board indicated that they still strongly encourage voluntary curbside recycling in the rural area but mandating countywide implementation would be difficult at best.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

January 17, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was attending the Northeast Iowa Juvenile Detention board meeting. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 14, 2003. Both members voting aye thereon. Motion carried.

Sanders updated the Board on the Public Health board meeting that he attended. Sanders advised that the Public Health board is working on the sanitarian's budget. Sanders also asked if anyone had information on the bio-terrorism grant.

The county engineer recommended having eight drop-off sites for recyclable materials. The sites would be located in Vinton, Belle Plaine, the landfill, Van Home/Keystone area, Newhall/Atkins area, Norway/Walford area, Shellsburg/Urbana area, and a site somewhere northwest of Vinton. The engineer also discussed whether Watkins would need a drop-off site.

The engineer spoke to the Board regarding the hire of an outside firm to perform bridge inspections at an approximate cost of \$30,000.00. The engineer advised that he and his assistant did not have time to perform the inspections. No action was taken.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

David H. Vermedahl, Vice-Chairman

ATTEST: _____

Delane Kalina, Deputy County Auditor

January 24, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 20, 2003. All members voting aye thereon. Motion carried.

Scott Hansen requested permission to hang an erasable calendar board on the wall by the conference room. Hansen stated that people needing to reserve the conference room could easily see what dates were available by checking the board. Moved by Vermedahl, seconded by Sanders, to allow placement of a calendar board on the wall near the basement conference room. All members voting aye thereon. Motion carried.

Sheriff Ken Popenhagen met with the Board to review the quote from Truck Country for a Freightliner chassis. Truck Country submitted the low bid on January 17, 2003. Discussion included the type of engine and miscellaneous accessories. Popenhagen advised that he had approximately \$95,750.00 in a Rescue 6 vehicle fund, approximately \$10,000.00 in drug forfeiture money, and \$22,000.00 in his current budget for a vehicle that he does not need. Scott Hansen, Emergency Management Director, advised that he would have money available also from a federal terrorism grant to go towards radio equipment. Moved by Vermedahl, seconded by Sanders, to approve the purchase of 2004 Freightliner cab and chassis from Truck Country with accessories, for a total cost of \$43,998.84. The chassis is for a Rescue-6/command center vehicle. The cost does not include the body, which will be purchased in the next fiscal year. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Timothy L. Petersen and Russell E. Denison as full-time correctional officers, effective February 1, 2003, with orientation on January 28th and 30th. The starting training wage is set at \$8.67 per hour. All members voting aye thereon. Motion carried.

Mary Williams, Director of Social Services, met with the board to discuss general relief services. Williams advised that a client has requested medical and residential services who does not qualify under the MH-DD County Management Plan, but would qualify under services to the poor. Williams advised that there is a legal opinion from the Iowa State Association of Counties that certain services are mandated. Williams requested direction from the board as to whether Benton County should provide certain services through the general assistance budget or deny services all together. Moved by Vermedahl, seconded by Sanders, to approve the requested services under general assistance as required. All members voting aye thereon. Motion carried.

Gary Fordice updated the board on conservation activities. Fordice advised that Wendling Quarries plan to donate land to Benton County Conservation to be used for a new road into Wildcat Park. Fordice also stated that Wendling Quarries would lease land to Benton County Conservation for a ranger residence. The estimated cost of the new road is between \$65,000.00 and \$100,000.00.

Gene Davis the Pioneer Cemetery Commission Chair, Gary Fordice, Conservation Executive Director, and Myron Parizek, County Engineer, met with the Board to discuss a county-owned pioneer cemetery located in 17-84-10 (Eden Township). Fordice advised that many large walnut trees were located on the property, as well as a lot of underbrush. It was suggested that a sign be erected depicting the names of the persons buried in the cemetery and that the underbrush be cleaned up, but leave the walnut trees. After discussing the matter, the group decided to leave the cemetery as it is in its current state, but that a sign would be erected.

Moved by Vermedahl, seconded by Sanders, to appoint Denise Wiley to the Benton County Zoning Commission. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the FY04 landfill per capita rate at \$18.00, with a \$3.50 rebate for communities that implement a recycling program. The rebate is to be made on a quarterly basis. All members voting aye thereon. Motion carried.

Supervisor Vermedahl discussed problems with inadequate heating in the offices located on the north end of the DHS building. Vermedahl will look into the matter further and advise what corrective actions will need to be done.

Supervisor Vermedahl left at 12:10 p.m.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 12:35 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy County Auditor

January 28, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to set February 21, 2003, at 9:30 a.m. as the time and date for a public hearing on a land use change requested by Craig Perry. All members voting aye thereon. Motion carried.

Bruce Petrezelka met with the Board to request a variance to the subdivision ordinance so that he could purchase an additional 65' x 290' m/l area of land that lies adjacent to his pre-existing non-farm residence. Moved by Vermedahl, seconded by Buch, to grant a variance to the subdivision ordinance to Bruce Petrezelka for a parcel of land located in section 29-82-9 due to a hardship that exists as provided in the subdivision ordinance. The Board viewed strict adherence to the ordinance as a hardship as the transfer involved adding an approximately 1/3 acre to the Petrezelka property that is currently being maintained by Petrezelka, is land not currently in production, and the parcel would not involve any building development. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a one-year agreement with Wellmark for the administration of the county's partial self-funding health insurance program. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set insurance coverages on the courthouse, central maintenance building, recycling building, Van Horne maintenance shed, Hannen Park residence, law enforcement center, Sherman building, weed department building, and transportation shed at the values established by Marshall & Swift. All members voting aye thereon. Motion carried.

Supervisor Vermedahl advised that he researched the heating problem at the DHS building. The cost to put electric wall heaters would be approximately \$150.00 per room, however Elwick Electric believed that changing the airflow by adjusting existing dampers would alleviate the problem. Vermedahl advised that they adjusted the dampers and would wait to see if the heating problem still exists.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy County Auditor

January 31, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 24, 2003 and January 28, 2003. Both members voting aye thereon. Motion carried.

Becky Stainbrook of Vinton Unlimited and Jon Clingman requested permission to place a mural on the north side of the Governor Sherman Building. The mural is being painted by Nancy Bennett a artist from Centerville, and will honor Iowa firefighters. The Board advised that they will inspect the building and determine if existing brick could support a mural without causing damage. The matter was placed on the February 7, 2003 agenda for a decision.

No action was taken on accepting the final plat for Cedar River Access 3rd Addition as the applicant did not have the paperwork necessary. The matter was placed on the February 7, 2003 agenda.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-7. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-7

WHEREAS, the Board of Supervisors adopted Resolution #03-3 on January 7, 2003, transferring funds from General Basic to Employees Benefit Fund, and

WHEREAS, the Board desires to rescind said Resolution,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #03-3, adopted on January 7, 2003, is HEREBY RESCINDED in full.

DATED this 31st day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____

Delane Kalina, Deputy
Benton County Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-8. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-8

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 4

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 40420	Fund 0010 Function 43640	\$ 13000.00
Fund 0010 Function 41320	Fund 0010 Function 43650	\$ 17000.00
Fund 0010 Function 41420	Fund 0010 Function 41500	\$ 500.00
Fund 0010 Function 42740	Fund 0010 Function 41500	\$ 100.00
Fund 0010 Function 43320	Fund 0010 Function 43220	\$ 200.00

Signed this 31st day of January, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____

Delane Kalina, Deputy
Benton County Auditor

Moved by Vermedahl, seconded by Buch, to send a notice to the department heads regarding employees who have not given the required release for obtaining driving records for insurance purposes. The notice is to direct the department heads to obtain the releases or notify the board of the employee's refusal. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the agreement between Benton County and the Iowa Department of Transportation for Project No. BRS-C006(55)—60-06, Iowa Department of Transportation Agreement No. 6-03-HBRR-04, for a bridge project on V66 in Big Grove Township. Both members voting aye thereon. Motion carried.

The county engineer discussed a request from the City of Blairstown to waive landfill fees for demolition material from the old city hall. The engineer is to analyze the impact of the request and similar requests in the future.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Delane Kalina, Deputy County Auditor

February 3, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl and Sanders present. Chairman Buch called the meeting to order at 1:00 p.m.

The Board worked on FY04 budgets.
Supervisor Sanders left the meeting at approximately 3:30 p.m.
Moved by Vermedahl, seconded by Buch, to adjourn. Both members voting aye thereon. Motion carried at 4:25 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 4, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 31, 2003, and February 3, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to suspend taxes on parcel #240-75325 in accordance with Iowa Code 427.9. All members voting aye thereon. Motion carried.

Scott Hansen reviewed the Benton County Recovery Plan with the Board. Hansen advised that the plan is required under current regulations. The Plan sets forth the protocol for recovery from an emergency.

Moved by Vermedahl, seconded by Sanders, to appoint Dale Seeck as the Homer Township Clerk, effective immediately. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Doug Silhanek as a Homer Township Trustee, effective immediately. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the recorder's quarterly report for the period ending December 31, 2002. All members voting aye thereon. Motion carried.

Jennifer Ryan with East Central Iowa Council of Governments spoke to the board about recycling programs in other counties the size of Benton, and how enforcement might be achieved. Ryan presented several ordinances for the supervisors to utilize when drafting an ordinance for Benton County.

The county engineer reported that the balance in the landfill account in Blairstown was \$7,230.63 as of December 31, 2003.

The Board worked on various FY04 departmental budgets.

Moved by Sanders, seconded by Vermedahl, to recess until 1:00 p.m. All members voting aye thereon. Motion carried.

The Chairman reconvened the Board at 1:00 p.m.

The Board continued work on various FY04 budgets.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 4:25 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 6, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 1:30 p.m.

The Board worked on various FY04 budgets.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 4:25 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 7, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 4, 2003 and February 6, 2003. All members voting aye thereon. Motion carried.

Jon Clingman and Becky Stainbrook returned to the Board to obtain approval to place a painted mural on the Governor Sherman Building similar to other mural placed in various locations in Vinton. The mural will honor Iowa firefighters. Moved by Vermedahl, seconded by Buch, to approve the request to place a mural on the north side of the Governor Sherman Building. All members voting aye thereon. Motion carried.

Marc Baty with the Department of Human Services met with the Board to discuss service areas. Baty asked if the Board would allow DHS clients living south of Highway 30 to utilize the DHS office in Marengo instead of Vinton. Baty advised that by shifting those clients to Marengo, it would allow the Iowa County office to remain open full time. The Board directed Baty to research the issue further.

Charles Patten met with the Board to request approval of the Final Plat of Patten Cedar River Access Third Addition to Benton County. Patten had been granted a variance on February 23, 2001, which allowed additional time for approval of the Final Plat of Patten Cedar River Access Third Addition. Patten submitted copies of the Final Plat and

Restrictive Covenants. The proposed subdivision contains 99 lots to be used for recreational structures and camping units. The land use administrator advised that the land use change and preliminary plat had been approved 1997 and therefore all requirements for the subdivision were subject to regulations in effect at that time.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-9. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION APPROVING PLAT #03-9

WHEREAS, a Plat of Patten Cedar River Access Third Addition to Benton County, Iowa, containing One Hundred Three lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Part of Governmental Lot 9 and part of Government Lot 10, located in Section 30 and Parcel B, located in Government Lot 10 of Section 30 and also located in Government Lot 1, Section 31, all located in Township 86 North, Range 10 West of the 5th Principal Meridian, Benton County, Iowa described as follows:

Beginning at the Southwest Corner, Parcel B, located in Government Lot 1, Section 31, Township 86 North, Range 10 West of the 5th Principal Meridian: thence N23°32'35"E along the westerly line of said Parcel B, 2190.12 feet to the Northwest Corner of said Parcel B; thence N89°39'15"W, along the north line of the south 16.76 chains of said Government Lot 10, 575.81 feet to the Southeasterly Corner of Patten Cedar River Access First Addition to Benton County, Iowa; thence N45°02'40"W along the easterly line of said Patten Cedar River Access First Addition, 72.91 feet; thence N15°13'35"E along said easterly line, 336.78 feet; thence N1°35'05"W along said easterly line, 62.52 feet; thence S44 20'35"E, along said easterly line, 108.57 feet; thence N45°22'45"E, along said easterly line, 102.91 feet; thence N32 50'25"E along said easterly line to the westerly bank of the Cedar River; thence southerly along said westerly bank to the south line, 102.91 feet; thence N32°50'25" along said easterly line to the westerly bank of the Cedar River; thence southerly along said westerly bank to the south line of said Parcel B; thence N89°56'25"W along the south line of said Parcel B, to the point of beginning.

Said parcel contains 34.21 acres, subject to easements and restrictions of record.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors have granted the owners a change in land use agricultural use for the above described real estate; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of Patten Cedar River Access Third Addition to Benton County, Iowa, will be the same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 7th day of February, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Auditor

Renee Tharp with Benton Development Group met with the Board to discuss grant applications for county-funded economic development grants. Tharp advised that the BDG board received three applications by the January 1st deadline. The BDG board approved funding a \$2,000.00 request from the Vinton and Garrison Fire Departments for the Iowa Fireman's Convention to be held September 5 – 8, 2003 in Vinton, stating that the event would create tourism and economic benefit to Benton County. Moved by Vermedahl, seconded by Sanders, to release an additional \$2,000.00 funds to Benton Development Group. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Jason Schott, as a part-time communications officer with the sheriff's department, effective February 7, 2003, at a wage of \$10.67 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for South Slope Telephone to place utility lines in the county's right-of-way in section 35 and 36 of St Clair Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the price for televisions being taken to the landfill at \$15.00 each, and computer monitors at \$10.00 each upon implementation of an electronic collection program. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set February 28, 2003, at 9:30 a.m. as the time and date for a public hearing on a land use change requested by William Grovert. All members voting aye thereon. Motion carried.

The Board reviewed the recorder's FY04 budget request.

Supervisor Sanders left the meeting at 12:00 p.m.

Moved by Vermedahl, seconded by Buch, to recess until 1:00 p.m. Both members voting aye thereon. Motion carried at 12:20 p.m.

The Board reconvened at 1:00 p.m. and continued working on FY04 budget requests.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon.

Motion carried at 4:20 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 11, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 7, 2003. All members voting aye thereon. Motion carried.

Dennis Von Ahsen met with the Board to request a variance to the subdivision ordinance so that he could purchase an additional three acres m/l of land that lies adjacent to his pre-existing non-farm residence. Moved by Vermedahl, seconded by Sanders, to grant a variance to the subdivision ordinance to Von Ahsen for a parcel of land located in the NW114 of section 27-83-10 due to a hardship. The Board viewed strict adherence to the ordinance as a hardship as the transfer involved adding approximately 3 acres to the Von Ahsen property that is land not currently in production, and the parcel would not involve any building development. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve claims, including payroll, numbered 50458 through 51118, for payment. All members voting aye thereon. Motion carried.

Mary Williams updated the Board on the county's progress with HIPAA compliance. The Board continued with FY04 budget work.

Moved by Vermedahl, seconded by Sanders, to recess until 6:00 p.m. All members voting aye thereon. Motion carried at 12:00 p.m.

The reconvened at 6:00 p.m. at the courthouse to receive additional budget information prior to meeting with Farm Bureau. The Board then recessed and moved the meeting to the Farm Bureau office.

The chair reconvened the Board at the Farm Bureau office at 6:45 p.m. Discussion with Farm Bureau representatives centered on the FY04 budget, and legislation on property taxes and road use tax. The Board was asked about their position on the Master Matrix relative to confinement feeding operations and manure management plans. The Board advised that the matter was on a future agenda, but they fully supported county participation in the Master Matrix. The Board also discussed land use along Highway 30 and the need to reconvene the zoning commission. It was suggested that the county provide a full disclosure to those persons wanting to locate in the rural area advising them about life in an agricultural area.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 8:30 p.m.

Ronald R. Buch,

Chairman

ATTEST:
Jill Marlow, Benton County Auditor

February 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 11, 2003. All members voting aye thereon. Motion carried.

Representatives of the Pioneer Cemetery Commission met with the Board to request additional budget spending authority. It was explained that the Commission has received donations for the preservation of the pioneer cemeteries, but do not have the budget authority to spend it. The Commission expressed concern that donations had been received and that the commission would not be able to spend the donations due to the budget limitations. The Board agreed that the budget could be amended to allow additional spending authority. The matter was placed on the February 21, 2003 agenda at the request of the county attorney.

Moved by Vermedahl, seconded by Sanders to adopt Resolution #03-10. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION # 03-10
CONSTRUCTION EVALUATION RESOLUTION**

WHEREAS, Iowa Code section 455B.200E, passed by the Iowa Legislature in 2002, sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between March 1, 2003 and January 31, 2004 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in section 455B.200F, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 455B.200E. Dated this 14th day of February 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-11. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-11

CONVERTING THE FY03 BUDGET TO GOVERNMENTAL ACCOUNTING STANDARD 34

WHEREAS, the State of Iowa is requiring that counties convert to accounting practices in compliance with Government Accounting Standard Board #34 (GASB34); and

WHEREAS, Benton County has converted their accounting methods to comply with GASB; and

WHEREAS, it is necessary to re-adopt the current year budget under the new standards,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the FY03 budget be adopted under the new accounting standards as required by GASB34. Said budget does not increase or decrease any revenues or expenditures of the original budget adopted on March 15, 20002.

Dated this 14th day of February 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The county engineer spoke with the Board regarding the rebate to cities for recycling implementation. The engineer requested clarification as to if the county plans to rebate or credit the cities. The Board advised that for the early years of implementation, a rebate should be done versus an upfront credit.

The Board discussed a study bill introduced regarding road use tax with the county engineer and its impact on the taxpayers and secondary road system.

Kathy Jordan with the Department of Human Services Case Management, requested a renewal of the current lease agreement with the Benton County for office space at the Governor Sherman Building. Moved by Sanders, seconded by Vermedahl, to propose a five-year lease agreement, at a rate of \$8.70 per square foot of office space for the first three years and an increase to \$9.00 per square foot for the remaining two years. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 18, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Tim Kearns with R.J. Lee & Associates met with the Board to discuss health benefits consulting. Kearns explained the types of services his company offers relative to health insurance and self-funding plans. The Board requested that Kearns submit a proposal for consulting services for consideration.

Roger Witt discussed a computerized imaging program for the courthouse. Witt advised that there is a program available through Computer Management Services (CMS) but that he would have to do additional research before presenting a proposal to the Board. The Board requested that Witt return on Friday with additional information.

The county engineer discussed the status of the recycling program.

Craig Perry advised the Board that he would like to build cabins on land that was subject to a land use hearing on Friday, February 21, 2003. The Board did not comment stating that discussion was to be held at the hearing.

Randy Forsyth, Chairman of the E911 Board, discussed the status of constructing a county communications tower. Forsyth advised that direction was needed so that he could complete a budget proposal for E911. The Board advised that the tower was still a possibility and that E911 should budget accordingly.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 21, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 14th, 2003, and February 18th, 2003. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss the county's status with HIPAA compliance and her activities towards achieving compliance. Williams advised that she had sent letters out to providers regarding HIPAA. Williams discussed services available from the HIPAA Academy and Software Engineering Services. Williams also advised that ISAC has a meeting scheduled on March 5, 2003 for further training.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Craig Perry, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change approximately five acres to allow for an exotic wildlife habitat with rental cabins. Cloyce Hutton, representing the City of Urbana, questioned the safety and security of the animals, affect on city wells, and the aesthetics of the general area. Hearing all comment and fully discussing the same, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on a parcel approximately 5 acres in size, and generally described as being a Part of the NW1/4 of the SE1/4 of 26-86-9 (Polk Township) for a commercial purpose. All members voting aye thereon. Motion carried.

Representatives of the Pioneer Cemetery Commission returned to discuss their FY03 budget and their spending authority. The concern centered on donations being received by the commission and the inability to spend it due to their budget limitation. It was a recommendation of the state auditor that the cemetery commission have a sub fund of the county's general fund. The county auditor advised that the funds of the cemetery commission are currently passed through the county general fund with records of donations being maintained. The county auditor also explained that the issue could be resolved through appropriations versus budgetary control. The county attorney advised that he was unable to obtain statutory authority allowing the handling of the revenues and expenditures any differently than what is currently be done, but that the state auditor's office was willing to research the matter further.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-12. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-12
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 6

Amended To
Fund 0001 Function 64100

Amended From
Fund 0001 Function 63100

Amount
\$ 500.00

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The Board advised that the cemetery commission's budget for FY04 would be increased to \$10,000, but would only have an appropriation of \$5,000.00 initially, with additional appropriations to cover donations.

Roger Witt returned to the Board with cost estimates on an imaging program for the county. Witt advised that imaging program for the county recorder and county treasurer would cost approximately \$55,000.00 - \$63,000 depending on the cost of hardware. Witt explained that the auditor's current software would have to be upgraded in order for imaging to be utilized in that office. The Board indicated that an imaging program should be implemented in the recorder's office and possibly the treasurer's office during FY04, with other departments being added on at a later date.

Moved by, seconded by, to adopt Resolution #03-13. Voting aye were Buch and Sanders. Nays none. Vermedahl abstained due to a conflict of interest. Motion carried.

RESOLUTION #03-13

BE IT RESOLVED by the Benton County Board of Supervisors that all interest and penalty accrued through this date on parcel #870-38850 be abated in full.

Dated this 21st day of February 2003.

Benton County Board of Supervisors

Ronald Buch

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The county engineer discussed proposed legislation concerning the road use tax. The engineer explained that the legislation included roads being transferred to the county, road use tax allocations, and changes to the requirements of classification of a Class C road.

The county engineer also discussed possible language in a recycling ordinance banning recyclables in the landfill.

The Board continued with final work on the FY04 budget. Moved by Sanders, seconded by Buch, to set the date for a public hearing on the county's FY04 budget for March 14, 2003, at 10:00 a.m. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 25, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 21, 2003. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to provide an update on efforts to comply with HIPAA. Williams also discussed the county's mental health plan. Moved by Vermedahl, seconded by Sanders, to set March 25, 2003, at 9:00 a.m., as the time and date for a public hearing on the Benton County MH-DD Management Plan. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into a one-year labor agreement between Benton County Secondary Roads and the Public Professional & Maintenance Employees International Union of Painters and Allied Trades Local 2003 for FY04. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve claims and payroll numbered 51120 through 51468 for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into an agreement with Wellmark to administer the county's partial self-funding health insurance plan. Said agreement ends December 21, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to amend the minutes of January 28, 2003, to reflect that the agreement entered into with Wellmark was for administration of the county's Section 125 flexible benefit plan. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Michael Beumer as the weed commissioner, and Bruce Anderson as the assistant weed commissioner, for the period beginning March 1, 2003 through February 28, 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to amend the last paragraph of the original agreement relative to wages and benefits of part-time employees in the sheriff's department, to read as follows:

"A part-time person must work a minimum of one year and 1000 hours before being eligible for a step raise. That raise will not be automatic but will be based on job performance, attendance, and willingness to work requested hours. Any part-time person who fails to actively work within any consecutive six-month period shall lose their accumulated hours towards reaching the 1000-hour requirement set forth above."

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 28, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 25, 2003. All members voting aye thereon. Motion carried.

The client did not appear for the appeal hearing on the denial of general assistance.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by William Grovert, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a commercial use on a parcel located in section 31 of Fremont Township. The land use administrator entered numerous letters into the record that he had received prior to the hearing. The county auditor presented a petition signed by persons opposing the proposed change that had been filed in her office. The Board heard comments both for and against the proposed land use change, including but not limited to drainage, preservation of agricultural use, traffic congestion, crime levels, economic growth, and the integrity of the rural area. The Board advised that this hearing would be continued at the site on March 4, 2003, at 2:00 p.m., allowing the Board the opportunity to conduct a visual inspection of the area before taking any action on the request.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-14. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-14
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 3

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0002 Function 35100	Fund 0002 Function 35000	\$2000.00

SERVICE AREA 4

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 40420		\$6000.00
Fund 0010 Function 40440		\$600.00
Fund 0010 Function 41320		\$3000.00
	Fund 0010 Function 41650	\$9600.00

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Gary Fordice met with the Board to discuss activities in the county conservation department. Fordice also discussed expectations of recycling in the county parks with campers. The Board advised that recycling efforts should be made by the conservation department in the parks. The Board also discussed having the DNR's educational trailer for recycling at the county fair.

Randy Forsyth met with the Board to discuss clarification of the current agreement regarding wages and benefits for part-time employees in the sheriff's department. The Board requested that Forsyth present a draft for consideration at the next board meeting.

Moved by Sanders, seconded by Vermedahl, to approve and direct the chair to sign the 5-year lease agreement between Benton County and the Iowa Department of Human Services, Case Management for office space. All members voting aye thereon. Motion carried.

The Board discussed the matter of some employees failing to provide a release so the insurance company can obtain a copy of their driving record. The matter had been discussed at the end of January and it was the Board's desire at that time to allow the employee's additional time. Supervisor Vermedahl requested that an additional two weeks be provided to employees.

Moved by Vermedahl, seconded by Sanders, to direct the chair and the auditor to sign a subordination agreement relative to property located on 61st St. Trail, Shellsburg. All members voting aye thereon. Motion carried.

SUBORDINATION AGREEMENT

WHEREAS, Christine Schwartz and Gene Schwartz, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 7th day of April, 2002, which Forgivable Loan was recorded on the 25th day of October, 2002, in Benton County, Iowa, Book 297, Page 4 of the Benton County Recorder's Office;

AND WHEREAS, Christine Schwartz and Gene Schwartz now wish to enter into a loan/mortgage transaction with Banklowa;

AND WHEREAS, Banklowa will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as above identified, to Bank Iowa;

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded as Book 297, Page 4 of the records of Benton County, Iowa, to the mortgage given by Christine Schwartz and Gene Schwartz to Banklowa, dated _____, and recorded on the ____ day of _____ in 2003, in Book _____, Page _____ of the records of Benton County, Iowa. Benton County further agrees that its Forgivable Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Benton County

By: _____
Ronald R. Buch, Chair
Benton County Board of Supervisors

Attest: _____
Jill Marlow, Benton County Auditor

The Board reviewed the schedule of property values for insurance purposes. Changes were noted and the auditor was directed to contact the insurance company regarding corrections.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 4, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent. Vice-chairman Vermedahl called the meeting to order at 9:00 a.m. Supervisor Buch arrived at 9:10 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 28, 2003. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to provide an update on HIPAA.

Mary Lou Erlacher with The Workplace Learning Connection met again with the Board to request funding. Erlacher earlier requested \$1000.00 from Benton County, but has since received \$200.00 from Benton Development Group (BDG), and therefore is still requesting \$800.00 from the county. Erlacher advised that she is also requesting a commitment for future funding from Benton County. Supervisor Sanders commented that these types of services were handled through the high schools several years ago and questioned if this was a duplication of services. Erlacher stated that their services reduce the workload required of the school personnel and provides services to the businesses by coordinating students and their schedules. Supervisor Sanders asked that Erlacher return at a later date to allow him time to discuss this issue with the school counselors. Vermedahl commented he would prefer to see these types of activities funneled through BDG and that any funds provided would have to come from BDG's appropriation. Vermedahl suggested that the \$200.00 being provided through BDG should be the extent of funding this year until the Board could measure the impact of the program.

Marlene Tumilty requested an exemption to the land use ordinance. Tumilty currently owns sixty acres that is currently being rented out for row crops and livestock pasture. Tumilty's request is to allow for construction of a residence. Moved by Vermedahl, seconded by Sanders, to approve a farm exemption to the county's land use preservation ordinance on a parcel located in a part of the NE1/4 of the NW1/4 of 12-84-9. All members voting aye thereon. Motion carried.

John Sarazin requested a farm exemption to the land use ordinance. Sarazin plans to purchase approximately 117 acres located in the NW1/4 of 25-86-9. Sarazin is requesting a farm exemption to allow for construction of a residence. Sarazin would lease the remaining property for agricultural use. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption to the county's land use preservation ordinance on a parcel located in the NW1/4 of 25-86-9. All members voting aye thereon. Motion carried.

Tracey Mulcahey with East Central Iowa Council of Governments met with the Board to request a change in the Down payment Housing Assistance program. The county had received a grant from the Iowa Department of Economic Development and was to assist with ten units, however organizations that had committed to the local match have failed to carry through with the commitment. Mulcahey requested that Benton County change the grant project and to amend the administration portion of the budget to provide funding for administrative costs. Moved by Vermedahl, seconded by

Sanders, to request a change in the scope of the Down payment Housing Assistance grant from ten units to eight units, and to reallocate \$25,000.00 to administration fees. Further, to request an extension to the grant until March 31, 2004. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to continue discussions on clarification of the benefits for part-time employees in the sheriff's department. The Board directed Forsyth to return after consulting with the county attorney regarding the matter.

Scott Hansen spoke to the Board regarding appointment of a Homeland Security Coordinator. Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-15. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-15

WHEREAS, the terrorist attacks of September 11, 2001 have heightened the need for communities to increase their capabilities to respond to Weapons of Mass Destruction, Bioterrorism, and other man-made disasters; and WHEREAS, the initial response to an emergency is the responsibility of local government until all of its local resources are exhausted; and

WHEREAS, numerous additional requirements are being placed on communities to develop plans to deal with the effects of terrorism incidents, to train and equip community responders, and to develop local programs to educate citizens on actions necessary to protect themselves and their community in the event of disaster; and

WHEREAS, the Benton County Emergency Management Coordinator is charged with providing a coordinated program of preparedness, mitigation, response and recovery activities to deal with the hazards faced in the community; and

WHEREAS, the State of Iowa Emergency Management Division has recommended that county Emergency Management Coordinators be identified as the county's Homeland Security Coordinator due to their primary role in coordination of community emergency response programs;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa, that the Benton County Emergency Management Coordinator is hereby identified as the Homeland Security Coordinator for Benton County. Passed and Approved this 4th day of March, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The county engineer reported that balance in the landfill bank account as of \$9,008.03 on February 28, 2003.

Moved by Vermedahl, seconded by Sanders, to approve a warrant in the amount of \$1,679.57 payable from the General Basic fund to the Employees Benefit Fund. The warrant is to cover expenses of the Employees Benefit Fund and is to be reimbursed to the General Basic fund at such time that sufficient funds have been collected through payroll deductions. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to recess until 2:00 p.m. at the land use site on Highway 30 requested to be changed by Grovert, Inc. All members voting aye thereon. Motion carried at 12:10 p.m.

The Board reconvened at 2:00 p.m. on Highway 30 with all members present. There were approximately 11 interested members of the public present. The Board reviewed the site and received additional comments. Moved by Vermedahl, seconded by Sanders, to continue the land use hearing at 9:30 a.m. on March 11, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried at 2:30 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 7, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 8:45 a.m.

Moved by Vermedahl, seconded by Sanders, to set the following dates for hearings on land use changes: Dennis Sackett – 9:15 a.m. on March 28, 3002, and Gene Womochil – 9:30 a.m. on March 28, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a Liquor License and Sunday Sales Permit for Tara Hills Country Club. All members voting aye thereon. Motion carried.

The Grand Jury met with the Board to discuss various issues concerning the county courthouse. Concerns were heard about fire protection, safety devices such as emergency ladders, the appearance of the chimney and possibility of enclosing it in masonry. It was questioned why the county didn't put more money into the facility, as new residential growth generates an increase revenue. The Board updated the members on the current status of various recommendations made in the 2002 Grand Jury Report. It was advised that air conditioning units in the attic needed to be replaced before repair work could be done to plaster on the third floor, as the units are approximately 30 years old and condensation continues to leak through the ceiling.

Moved by Vermedahl, seconded by Sanders, to approve the schedule of property values for insurance coverage. All members voting aye thereon. Motion carried.

The treasurer met with the Board to discuss a future vacancy occurring in her office and different options that she had been considering to fill the position. The treasurer advised that she may attempt to fill the position with two part-time employees instead of one full-time employee. The Board advised that when the treasurer determines the manner of filling the position, the Board would take the necessary action on changing the number of employees in the treasurer's office, if needed.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 4, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set April 1, 2003, at 10:30 a.m. as the time and date for a bid letting on box culverts. All members voting aye thereon. Motion carried.

The Board discussed the progress of recycling efforts in the county. Discussion was also held on the need to begin drafting ordinances.

The Board discussed the county's land use ordinance and comprehensive plan with Marc Greenlee.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 11, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:05 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 7, 2003. All members voting aye thereon. Motion carried.

The County Attorney Dave Thompson, Social Services Director Mary Williams, and Chief Deputy Randy Forsyth, met with the Board to discuss HIPAA compliance. Thompson discussed different options for implementation. Thompson explained that Benton County could establish a privacy board or an individual privacy officer. Williams explained that the county could contract with other counties for a privacy and security officer. No action taken by the Board.

The time of 9:30 a.m. having arrived, and this being the time and date for continuing the land use hearing requested by Grovert, Inc. Marc Greenlee advised that he did not have additional information. Bill Grovert presented a summation of his request for the land use change. J. C. Fraker presented written comments on behalf of his client. Fraker advised that he respectfully disagrees that the request meets the guidelines set forth in the Benton County Agricultural Land Use Preservation Ordinance. Fraker further stated that the ordinance is ironclad in what will be allowed in the agricultural area and the ordinance will not allow a car dealership in the midst of agricultural areas. Supervisor Vermedahl questioned if Fraker read the comprehensive plan which goes "hand-in-hand" with the ordinance. Vermedahl spoke to several areas of the comprehensive plan that addressed development. Fraker advised that the ordinance is still very clear that the use is not permitted in the agricultural area. Supervisor Vermedahl stated that the proposed use does not seriously interfere with farm operations, as the land is not currently farmed and has not been for years, and it would not interfere with other farming operations. Vermedahl stated that the proposed use does not materially alter the overall use of the area due to other commercial uses approximately 2-1/2 miles to the east. Vermedahl added that it would be our hope that Benton County not have consistent commercial uses on Highway 30, but maintain the rural environment, however it is a main thoroughfare. Vermedahl advised that the proposed use is consistent with the comprehensive plan, adding that the plan sets out directed growth towards the towns and not the country as agricultural land is the primary resource in the county. Vermedahl continued that the corn suitability ratio should not be only factor considered, and that the plan allowed commercial development in the rural area if the development could be maintained and supported. Vermedahl stated that in his opinion the development location on Highway 30 would sustain the project due to traffic pattern and flow. Fraker commented that the burden proof set forth in ordinance states that a variance could only be granted if a peculiar and practical hardship exists, but the county attorney clarified that specific language was located in section for the Board of Adjustment. Fraker added that the same burden of proof would apply here. Supervisor Buch stated that this matter was not for a variance but that a request for a change. Supervisor Vermedahl stated that the ordinance clearly states that the Board should consider the other 3 factors – Marc – historically Board has had to consider 3 factors when making decision at the Board of Supervisor level.

Hearing all comment and fully discussing the same, it was moved by Vermedahl, seconded by Sanders, to close public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a land use change on a parcel approximately 7.24 acres in size, and generally described as being located in the NW FRL1/4 of the NW FRL1/4 of 31-83-9 (Fremont Township) for a commercial purpose. All members voting aye thereon. Motion carried.

Cheri Frame with Wellmark, Inc. and Kevin Bunch with Group Services, met with the Board to discuss the county's health insurance option and third party administration. Frame spoke about the new insurance rates for Wellmark's health insurance for FY04. Frame also spoke about the elimination of plans in FY05. Wellmark also will no longer be a TPA for the county's self-funding as of December 31, 2003.

Moved by Sanders, seconded by Vermedahl, to approve warrants numbered 51469 through 51872 for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to suspend taxes on parcel #200-20500 in accordance 427.9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for South Slope Cooperative Telephone to place utility lines in the county's right-of-way in sections 18 & 19 of Florence Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in section 12 of Polk Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:05 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 11, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignations of Shirley Schwartz, Florence Rippel, Jon Behne, and Vince Snyder with the sheriff's department. All members voting aye thereon. Motion carried.

Jeff Carlson, Foreperson of the 2003 Grand Jury, met with the Board to discuss the recommendations of the Grand Jury. The report covered various recommendations on fire safety, security, and facility repair. Supervisor Vermedahl commented that he spoke with Chief Deputy Forsyth regarding an alarm system in the courthouse. Forsyth advised that he is in consultation with the fire marshal regarding the matter. A plan of wireless alarms was submitted to the fire marshal for consideration. The wireless plan would not require conduit installation, etc in the courthouse and would therefore preserve the historic significance of the courthouse. Carlson stated that comments have been made since 1996 in Grand Jury reports regarding security and fire alarms. Carlson added that it appears that the Board has done nothing towards those recommendations. Carlson also stated that the public has free access to the building during business hours and could cause substantial damage with the perpetrator going unnoticed. Carlson added there is no metal detectors, cameras, etc. Carlson believes that the county has been extremely lucky to date in that a catastrophe has not occurred. Carlson believes that the Board should immediately install a security system and not wait for a disaster to happen. Supervisor Sanders stated that he did want to see additional requirements imposed by the Grand Jury each year, stating that he felt that metal detectors were a "little extreme". Carlson stated that security cameras would be a big help towards achieving some security. Carlson said several employees expressed concern to the Grand Jury about their safety, stating that they (the employees) felt intimidated by the public at times. Carlson said that it is his duty to point these issues out and reiterated that many recommendations had been made by previous grand juries. Supervisor Vermedahl stated that he believed that follow-up with the system being proposed to the fire marshal should be done and that maintenance project for the next year will need to be prioritized and that it was his hope that a security and fire alarm system would be placed high on the list. Supervisor Sanders stated the treasurer had funds in her budget to install a security camera and possibly the installation of window to the hallway. The Board expressed their appreciation to Carlson for coming to the Board and expressing the concerns of the grand jury.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on the county's FY04 budget, the Board took up the matter for consideration. The compensation board's recommendations were presented for consideration. There were two members of Farm Bureau, one member of the media, and the county engineer present. Having fully discussed the proposed budget and the salary recommendations, and hearing no further comment, it was moved by Sanders, seconded by Vermedahl, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to reduce the recommendations of the county compensation board for FY04 elected officials' salaries from 4% to 3%. Supervisor Sanders commented that he believed the increases were too much. Supervisor Vermedahl commented that 3%, in his opinion, was not unreasonable and that union contracts were settled in the 3% range and that the same should be given to the other employees. Supervisor Buch commented that 3% every year gets a little high, but that he did not want to penalize the elected officials. Public comment was heard that health insurance increases should be considered when considering salary increases. Question: Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

Moved by Sanders, seconded by Buch, to approve a wage and/or salary increase of 3% for all non-union employees for FY04. Supervisor Vermedahl asked that the Social Services Director be considered separately. Supervisor Sanders commented that he was not aware that wages could be set individually and asked to withdraw his motion.

Moved by Sanders, seconded by Vermedahl, to approve a 3% salary/wage increase for all non-union employees, except deputies of elected officials, and an additional \$1500.00 to the Social Services Director for FY04. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Scott Pottorff with Secondary Roads, effective March 28, 2003. All members voting aye thereon. Motion carried.

The treasurer and county engineer spoke with the Board regarding authorization to proceed with the Local Government Financial Test relevant to the landfill's closure/post closure funding assurance. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-16. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-16

WHEREAS, Iowa Code requires that all owners of municipal solid waste landfills provide financial assurance for the closure and post closure of said landfills; and

WHEREAS, the Iowa Department of Natural Resources provides that a Local Government Dedicated Fund combined with the Local Government Financial Test may be used to satisfy the requirement of financial assurance; and WHEREAS, the county engineer has advised that the Local Government Dedicated Fund does not have adequate funds to meet the requirement at this time; and

WHEREAS, it is necessary to designate a Chief Financial Officer to certify the Local Government Financial Test and the county treasurer has requested that she be so designated,

NOW THEREFORE BE RESOLVED by the Benton County Board of Supervisors that Benton County utilize the combination of the Local Government Dedicated Fund (dedicated fund) and the Local Government Financial Test (LGFT) to comply with the requirements for financial assurance for closure/post closure costs of the municipal solid waste landfill. The combination of the dedicated fund and the LGFT is subject to annual review or until adequate funds are deposited into the dedicated fund to comply with the financial assurance requirements.

BE IT FURTHER RESOLVED by the Board of Supervisors that the county treasurer is authorized to sign as the Chief Financial Officer for purposes of certifying the Local Government Financial Test.

Dated this 14th day of March, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to recess.

The Board reconvened at 1:30 p.m.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-17. Voting aye were Buch, Vermedahl, and Sanders. All members voting aye thereon. Motion carried.

RESOLUTION #03-17

BE IT REMEMBERED that on this, the 14th day of March 2003, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of adopting the FY04 county budget. The notice and place of hearing had, according to law and as directed by the Board, been published in the Belle Plaine Union, South Benton Star Press, and Cedar Valley Times, official newspapers published in Benton County. There were two members of Farm Bureau, one member of the media, and the county engineer.

The budget was then taken up and considered. The recommendation of County Compensation Board for a 4% salary increases for elected officials for FY04 was reduced to 3% resulting in the following salaries for FY04:

Auditor	\$45,236.78
Recorder	\$45,236.78
Treasurer	\$45,236.78
Sheriff	\$57,950.60
County Attorney	\$69,620.50
Supervisors	\$31,097.10

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that final adoption of the FY04 budget is approved as presented. The following service area expenditures were reduced from the published budget due to adjustments in salary, wage, IPERS, FICA and Medicare:

- Service Area 1 – reduced from \$2,560,833 to \$2,558,408
- Service Area 3 – reduced from \$852,566 to \$849,950
- Service Area 4 – reduced from \$1,952,625 to \$1,950,553
- Service Area 6 - reduced from \$1,928,859 to \$1,927,862
- Service Area 7 – reduced from \$5,159,732 to \$5,157,463
- Service Area 8 – reduced from \$473,124 to \$469,557
- Service Area 9 – reduced from \$1,372,802 to \$1,369,215

BE IT FURTHER RESOLVED that an unreserved fund balance designation be established for the following purposes:

- General Basic - \$50,000.00 – Emergency Response
- General Supplemental - \$150,000.00 – Election equipment
- Other (Closure/Post Closure) - \$382,640.00

FURTHER the designation of unreserved fund balances indicates that the Benton County prefers to use available financial resources for the specific purposes set forth above, and although designated, the funds are to remain an integral part of the spendable or appropriable resources of Benton County.

The budget as adopted will approve the following property taxes for fiscal year 2003-04. The Debt Service levy is reduced from that published.

General Basic	\$3,247,200
General Supplemental	\$ 49,595
Mental Health Services	\$ 200,000

Rural Services Basic \$1,766,294
Debt Service \$ 71,340

Dated this 14th day of March 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 2:45 p.m.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

March 18, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve changing Jason Schott from part-time correctional officer to full-time correctional officer, effective March 29, 2003, at a wage of \$11.82. All members voting aye thereon. Motion carried.

Deputy Forsyth advised the Board that the cost of moving the utility pole in front of the transportation building. Moved by Vermedahl, seconded by Sanders, to authorize moving the utility pole at a cost not to exceed \$1,444.38. All members voting aye thereon. Motion carried.

The Board discussed the status of constructing a communications tower with Randy Forsyth, E911 Chairman. Forsyth and Supervisor Buch have looked at several possible locations for placement of the tower. No action was taken.

Moved by Sanders, seconded by Buch, to approve a warrant for \$422.10 from the General Fund to the Flexible Benefit Fund. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to contract with EideBailly, LLP for auditing and financial services for FY03, FY04, and FY05 at an annual cost of \$28,000.00, \$28,000.00 and \$28,850.00 respectively. The auditor is directed to speak with the firm regarding the county engineer's concern on duplicate requests for documents. All members voting aye thereon. Motion carried.

The Board discussed repairing the courthouse steps on the north side of the building. A quote was received from Janssen Waterproofing; however the Board asked the county engineer to prepare an estimate if the work were done by his department.

Moved by Vermedahl, seconded by Sanders, to approve closing 3rd Street between 1st Avenue and 2nd Avenue between the hours of 10:00 a.m. and 2:00 p.m. on September 4, 2003 and September 5, 2003, for the Iowa Firefighters Convention, and further to allow the organization to use the courthouse lawn September 4, 2003 through September 6, 2003, for convention related activities. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve utility permits for South Slope Telephone Cooperative to place utility lines in the county's right-of-way in Section 11, 14, 15 of Florence Township and Sections 15 and 16 of Florence Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 20-1/2 hours of vacation carry-over for Penny Applegarth, said carry-over is to be used by July 1, 2003. All members voting aye thereon. Motion carried.

The county engineer reported that he had received a notice from the Department of Transportation stating the grant for the Youngville Restoration Project had to be closed by June 1, 2003, or Benton County will no longer be able to do bid lettings through the state. The Board advised that they would send a letter to the Youngville Association stating that as of June 1, 2003, the project will be closed.

The Board discussed the county's dust control program.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

March 25, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of Friday, March 14, 2003 and Tuesday, March 18, 2003 with correction. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived and this being the time and date set for a public hearing on the County MH/DD Management Plan presented by Mary Williams. A member of the press was present. Moved by

Sanders, seconded by Vermedahl, to approve the MH/DD Management Plan as presented. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to approve warrants numbered 51873 thru 52242. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the resignation of Andy Rich in the Sheriff's Department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the re-hire of Vincent Snyder as reserve peace officer in Sheriff's Department. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the bid from C & D Lawn Care for the 2003 courthouse lawn care. The bid was for \$648.00 and was to include the grub application. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to defer till Friday, March 28, 2003 a decision to extend an agreement with ECICOG for Administrative services for CDBG. All members voting aye thereon. Motion carried.

Chris Anderson met with the board for a request to abate taxes on a mobile home, 4362476, located in the Timber Ridge Mobile Home Park. Moved by Vermedahl, seconded by Sanders, to table any decision till the Treasurer talks with the Co. Attorney on the legalities of the above request. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in sections 1 & 2 of N Polk Township. All members voting aye thereon. Motion carried.

The Board discussed the county's dust control program.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Benton County Auditor

March 28, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 25, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-18. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-18

BE IT RESOLVED by the Benton County Board of Supervisors that all penalty assessed against taxes on parcel #190-11090 be abated in full.

Dated this 28th day of March, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Arthur Dennis Sackett, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change approximately two acres for a single residential purpose. Hearing all comment and fully discussing the same, it was moved by Vermedahl, seconded by Buch, to approve a land use change on a parcel approximately 2 acres in size, and generally described as being a Part of the NW1/4 of the NW1/4 of 5-86-9 (Polk Township) for a residential purpose. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Gene Womochil, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change approximately one acre for a single residential purpose. Hearing all comment and fully discussing the same, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on a parcel approximately one acre in size, and generally described as being a Part of the SE1/4 of the NW1/4 of 5-86-11 (Cedar Township) for a residential purpose. All members voting aye thereon. Motion carried.

Scott Hansen met with the Board to discuss the purchase of an abandoned tower by the Emergency Management Commission. Hansen advised that the purchase of the tower and maintenance costs would be paid by Benton County Emergency Management and then reimbursed from Duane Arnold Energy Center. Ham radio operators would use the tower. Hansen stated that ham radio operators may be used during extreme emergencies. The county attorney advised that a contract should be entered into between Benton County Emergency Management and the Benton County Amateur Radio Club.

Randy Forsyth spoke to the Board about an alarm system for the courthouse. The county attorney advised that the board would not have to go out for public bid as the projected cost of the alarm system was less than \$50,000.00 and was limited to vendors that could install a system that could be integrated into existing controls at the sheriff's department.

The county attorney and Mary Williams spoke to the Board regarding the adoption of a HIPAA (Health Insurance Privacy and Accountability Act) compliant policy manual for Benton County. The Board placed the matter on the April 1st agenda for action.

Moved by Vermedahl, seconded by Sanders, to acknowledge the hire of Kevin Patterson and Larry Steffin as part-time seasonal conservation employees at a wage of \$8.50 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the hire of Kraig Myers as a full-time park ranger at Hannen Park, effective April 7, 2003. All members voting aye thereon. Motion carried.

Gary Fordice discussed the pioneer cemetery located in Eden Township. Fordice advised that someone had volunteered to remove various trees and shrubs from the cemetery in exchange for the wood. The board of supervisors adamantly stated that no trees were to be removed from the cemetery, that a sign was to be erected as previously agreed upon, and that no further maintenance was to take place.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-19. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #03-19

Whereas: More than 2,000 lowans in the Iowa National Guard, the Reserve and on active duty have been called to duty in Iraq and for Homeland Security;

Whereas: These lowans are disrupting their lives and families to serve their country;

Whereas: The "Service Members Support Agenda" is a collection of common sense suggestions developed in consultation with Iowa service members that the state of Iowa can do to help ease the stresses they and their families face. These are no-cost and low-cost steps that include delayed filing of taxes, tuition rebates for students forced to leave classes for the military, allowing service members to deduct military expenses, and the elimination of state taxes on death benefits;

Whereas: In a month the Iowa Legislature is scheduled to finish its session and none of these messages have passed the Legislature;

Be it therefore enacted: That Benton County urge the Iowa Legislature make supporting lowans called to duty a top priority and consider these measures on the floor of the Iowa House and Senate as soon as possible and take action before the end of the session.

Dated this 28th day of March, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

No action was taken on extending the agreement with East Central Iowa Council of Governments regarding administration services for the Community Development Block Grant.

Moved by Sanders, seconded by Vermedahl, to continue with the dust control program as administered in 2002. The cost of two 400-foot applications of MC-70 will be \$425.00 and each additional foot will be \$.80 per foot. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Delane Kalina, Deputy Benton County Auditor

April 1, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 28, 2003. All members voting aye thereon. Motion carried.

Diane Calkins, Lloyd Sheffler, and Ruth Sheffler met with the Board to discuss paving 17th Avenue north of V61. The group told the Board that the road was improved years ago so that it could be paved. The cost to pave a road is between \$200,000 and \$250,000 per mile and the cost to seal coat is between \$90,000 and \$100,000 per mile. The county engineer advised that he would re-evaluate the traffic use on that road, but commented it is cheaper for Benton County to maintain gravel roads versus blacktop roads.

Representatives of True North met with the Board to discuss health insurance options and services. The Board requested that the company provide a quote on consulting services for health insurance needs.

Moved by Vermedahl, seconded by Sanders, to extend the agreement with East Central Iowa Council of Governments for administrative services for the Community Development Block Grant, Contract #01-WS-006. All members voting aye thereon. Motion carried.

The Board did not take action on the proposal for consulting services for health insurance from R.J. Lee Group.

The time of 10:30 a.m. having arrived, and this being the time and date set for a bid letting on ten box culverts, the Board took up the matter for consideration. Bids were received as follows: K Construction - \$220,455.80, Iowa Culvert Builders, Inc. - \$169,398.68, Winfield Contractors, Inc. - \$249,536.00, and Iowa Bridge & Culvert - \$290,485.20. A

bid was received from McCulley Culvert, Inc. however it was filed stamped at 10:40 a.m. due to the representatives being tied up in traffic south of Belle Plaine. The county attorney advised that unless there was an objection from anyone submitting bids, that the bid could be considered. Winfield Contractors, Inc. advised that they did not object to the McCulley Culvert, Inc. bid being opened however he was not low bidder and may feel differently if he were. Iowa Bridge and Culvert, Inc. did not object. Efforts were made to confirm a traffic problem south of Belle Plaine however confirmation could not be obtained. McCulley Culvert, Inc. withdrew their bid due to the late filing. Moved by Vermedahl, seconded by Sanders, to award the bid for ten box culverts to Iowa Culvert Builders, Inc at a cost of \$169,398.68. All members voting aye thereon. Motion carried.

Representatives of the sheriff's department met with the Board to present quotes for emergency apparatus on the new Rescue-6 vehicle. The quotes are for a vehicle body to be placed on a chassis. Two quotes were received as follows: Central States Fire Apparatus-- \$90,450.00 and Amtech Emergency Products - \$81,175.00. It was explained that the two bids did not include identical equipment. It was also explained that a representative from Amtech Emergency Products had not met with the sheriff's department to discuss the equipment needed. Moved by Vermedahl, seconded by Sanders, to purchase the emergency apparatus from Central States Fire Apparatus at a cost of \$90,450.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Teri Higdon as a full-time cook/custodial employee with the sheriff's department, effective April 7, 2003, at a starting wage of \$12.15 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Jill Marlow as the Privacy and Security Officer for Benton County as required by the Health Insurance Portability and Accountability Act of 1996. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-20. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-20

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 requires Benton County to take action to adopt policies and procedures, and to make certain administrative designations, and WHEREAS, this Board has adopted an overall strategy to comply with HIPAA and has appointed a Privacy Officer, and WHEREAS, it is appropriate that HIPAA policies be implemented within Benton County, and WHEREAS, Benton County is a hybrid entity within the meaning of 42 C.F.R. §164.504(a) and (b). NOW THEREFORE, BE IT RESOLVED that this Board adopts the attached policies and procedures as if fully set forth here and designates the appropriate offices and departments as covered and non-covered entities within the County.

Dated this 1st day of April, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

INTRODUCTION

For the first time, Congress has enacted a comprehensive law regulating the use and dissemination of protected health information about health care consumers within the United States. The law comes in response to the increasing mass of information which can be stored and disseminated electronically.

While Congress is regulating the unintended release of protected health information and enforcing new Federal standards for the privacy of health care information, it is most concerned about the sale or resale of protected health information for commercial gain.

When State laws are more stringent and offer more protection to the consumer than the new Federal law, the State law will control. A team of health care professionals in Iowa has reviewed all of the laws in which State law appears to control Federal law.

In addition to the privacy standards, Federal law now requires that Benton County process claims electronically for any provider who seeks to bill on a new universal claim form in electronic format. There are also new standards for the security of electronically stored health information.

DEFINITIONS

Protected Health Information (PHI): Health information about an individual consumer containing a name associated with a diagnosis.

Consumer: A person who uses health care.

Provider: An entity who provides health care. Examples at Benton County include the jail.

Plan: An entity who pays for health care based on criteria. Examples at Benton County include Benton County Social Services and the Auditor for some general assistance and Veteran's Affairs claims.

Inmate: A person residing in a correctional institution such as a jail or a juvenile detention center.

Hybrid entity: An entity which is mixed because it contains both covered health care functions and non-covered functions.

Business Associate: A separate entity which performs work for the County, such as, the independent Auditor, out of county jails, health care professionals paid by the County to provide treatment to County residents, and the like. Within the County, there are business associate type units such as General Services and the County Attorney's Office.

Incidental disclosures: The situations in which a small amount of information which is health related is disclosed, but it is not substantial in amount. Examples would be that a taxi driver knows that the rider is going to the doctor, but does not need to know why.

POLICIES

Public policy. Benton County operates in a public (open records) environment in using and disclosing information which in some instances is protected from disclosure by State or Federal law. Benton County will apply State and Federal law to determine what information to disclose when a request is received. Federal and State law also control the use and disclosure in the absence of a request. A Notice of Privacy Practices will be available to describe the specific uses and disclosures Benton County makes of PHI. Inmates will not receive a Notice unless Federal law changed to require it. When required by State or Federal law, a written authorization will be obtained before PHI is disclosed.

Consumer Access. Benton County will permit consumers to have access to their own PHI records and will permit amendments to the records under appropriate circumstances. Offices and departments of Benton County will have appropriate procedures to permit access, amendment, restrictions and manner of communication with consumers.

Minimum Necessary. Only the minimum amount of information will be disclosed as appropriate in the context of the use or request. Electronically stored information will be safeguarded so that only appropriate personnel have access. When required by law or when circumstances warrant, the consumer will be given an opportunity to object to the release of PHI. There is no penalty for the incidental release of medical information.

Work station practices and physical storage. Care will be taken in the physical and electronic storage of PHI. Each office of Benton County will determine the level of appropriate care which should be taken in work station practices of officials and employees.

Business associate agreements. The Board will enter into appropriate business associate agreements on behalf of the County.

Training and discipline. Periodic training will be offered to employees regarding the implementation of HIPAA and appropriate use and disclosure of PHI. Appropriate disciplinary sanctions will be managed by the elected official in charge of each office or by the Board for employees reporting to the Board.

Complaints and monitoring. Dissatisfied or concerned persons may make an inquiry or complaint to the Privacy Officer. In addition, the Privacy Officer will periodically review with various offices and departments their compliance with the laws.

HYBRID ENTITY DESIGNATION

Pursuant to 42 C.F.R. §164.504(a) and (b), Benton County is required to designate which elements of the County are health care components as part of County operations. Benton County is a hybrid organization with the following health care components:

- Board of Supervisors
- Sheriff's Office
- Veteran's Affairs
- Benton County Social Services
- Auditor's Office
- County Attorney
- Benton County Engineer
- Benton County Medical Examiner

The following offices and departments are not subject to HIPAA privacy provisions:

- Recorder's Office
- Treasurer's Office
- Benton County Conservation Board and employees
- Assessor
- Data Processing
- Emergency Management
- Transportation
- Weed Commissioner
- Benton County Health and Land Use Department
- Maintenance

The Board recessed at 1:00 p.m.

The Board reconvened at 2:15 p.m. with Supervisors Buch and Vermedahl present. Sanders absent.

The county attorney met with the Board to discuss the request to abate taxes on a mobile home. The treasurer and the owner requested that the Board consider the abatement under Iowa Code 435.23 and/or 648.22A(6). The county attorney advised that neither code section authorized the abatement and further that he could not find any legal authority to do so in this particular situation. Moved by Vermedahl, seconded by Buch, to deny the request for abatement of tax on mobile home #4362476. Both members voting aye thereon. Motion carried.

Members of the communications commission met with the Board to discuss issues regarding construction of a centrally located radio tower. Russell and Ann Kreutner were present, as research over the past year has revealed that a potential tower placement could be on their property. Randy Forsyth discussed why the tower was needed and the site requirements. Forsyth advised that of the three preliminary locations found, the best suited was on the Kreutner property. Forsyth explained that in addition to the tower, there would be a building about the size of a two-stall garage, and guy wires. It is estimated that approximately 6.30 acres would be needed, but of that only about ¾ of an acre would need to

be taken out of production. Kreutner questioned if wet ground would affect the location at parts of the proposed area does stay wet at times. Kreutner also questioned how the electrical would be run to the facility. Forsyth advised underground would probably be installed. Kreutner questioned if an access road would be required, and was told that there would be. Forsyth requested permission to take soil samples on the area to see if it is conducive for a tower placement. Kreutner gave permission to continue with the necessary tests to see if the property met the requirements.

Moved by Vermedahl, seconded by Buch, to adjourn. Both members voting aye thereon. Motion carried at 3:30 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 4, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 1, 2003. All members voting aye thereon. Motion carried.

A representative of Midwest Alarms met with the Board to discuss a fire and security alarm system in the courthouse. The Board discussed a wireless system versus a wired system. The Board asked about motion detectors, but that type of security would have to be obtained through a company like Radio Communications. After touring the courthouse, Midwest Alarms advised that they would mail a quote for a security system that will connect to the sheriff's department.

Moved by Sanders, seconded by Vermedahl, to approve the Veteran's Affairs', Auditor's, and Sheriff's quarterly reports for the period ending March 31, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 7, 2003

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch, and Sanders present. Chairman Buch called the meeting to order at 7:15 p.m. at the Luzerne City Hall.

The Board met with representatives of the Luzerne City Council to discuss replacement of the bridge in Luzerne. The bridge was built in the early 1900's and has approximately two years of use left. The cost to replace the bridge is estimated at \$700,000 to \$750,000. The county engineer presented a sample Joint Public Service Agreement between Benton County and Luzerne for the bridge project. The county engineer discussed various funding possibilities, adding that perhaps some funds would be available from the Union Pacific Railroad. The engineer further advised that money is available from the Department of Transportation and that a package may be able to be put together with only 5% funding coming from the local level. Discussion also focused on the need for an engineering consultant with Luzerne City Council making a motion to obtain a quote from Calhoun, Burns, & Associates. No action was taken by the Board of Supervisors.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 7:45 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

April 8, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 4, 2003 and April 7, 2003. All members voting aye thereon. Motion carried.

Representatives of TrueNorth Companies met with the Board to present a quote for consulting services on the county's health insurance. The board said they will take it under advisement.

Moved by Vermedahl, seconded by Buch, to acknowledge the hire of Jacob Tuttle, as a part-time seasonal employee with Benton County Conservation, effective 5/05/03 at a wage of \$8.00 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve warrants numbered 52243 thru 52633, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Bob Byers and Don Merchant, as part-time seasonal employees with the weed department. Bob Byers will start 4/28/03 at a wage of \$8.50 per hour. Don Merchant will start 4/21/03 at a wage of \$8.25 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-21. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-21
DESTRUCTION OF NOXIOUS WEEDS**

Be It Resolved by the Board of Supervisors of Benton County, Iowa that pursuant to the provisions of Chapter 317, Code of Iowa, 2001, it is hereby ordered:

1. That each owner and each person in the possession or control of any lands in Benton County shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before the following dates and as often thereafter as is necessary to prevent seed production:

Group 1. May 19, 2003 to June 1, 2003, for Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loose Strife.

Group 2. By June 1, 2003 for Canadian Thistle, Russian Knapweed, Buckhorn, Wild Mustard and Buckthorn.

Group 3. By June 1, 2003, for Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horse Nettle, Perennial Sow Thistle, Quack Grass, Butterprint, Puncture Vine, Cocklebur, Bull Thistle, Musk Thistle, Wild Sunflower and Teasel.

2. That each owner and each person in the possession or control of any lands in Benton County infested with any of the following noxious weeds shall adopt a program of weed destruction described by the Weed Commissioner, which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.

(a) Primary Noxious Weeds: Quack Grass, Perennial Sow Thistle, Canada Thistle, Bull Thistle, European Morning Glory or Field Bindweed, Horse Nettle, Leafy spurge, Perennial Peppergrass, Russian Knapweed, Buckthorn, and Purple Loose Strife.

(b) Secondary Noxious Weeds: Butterprint, Cocklebur, Wild Mustard, Puncture Vine, Teasel, Wild Carrot, Buckhorn, Sheep Sorrel, Sour Dock, Smooth Dock, Poison Hemlock, Wild Sunflower, Multiflora Rose and Shattercane.

3. That if the owners or persons in possession or control of any land in Benton County fails to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, shall be assessed against the real estate.

4. That the County Auditor is hereby directed to cause notice of the making and entering of the foregoing order by one publication in each of the official newspapers of the County.

Dated this 8th day of April, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

Mike Beumer also updated the Board on the Weed Department activities.

Mike Schooley with Waddel & Reed presented a 457 defered comp program. The Board advised him to find interested employees of Benton County and they will take it into consideration

Randy Forsyth talked to the board about courthouse security and a communications tower. Will come back at a later date to present bids for consulting services for the tower.

Moved by Vermedahl, seconded by Buch, to approve a Beer Permit and Sunday Sales Permit for the Watkins Athletic Club. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Alliant Energy to place utility lines in the county's right-of-way in Section(s) 23, 24, & 25 of Fremont Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to approve the placement of water lines for Poweshiek Water Association, between section 32 of Kane Township, and section 5 of Iowa Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

April 11, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was absent. Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of April 8, 2003. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set a date for a land use hearing requested by BSNB Sales & Marketing (Brian and Susan Kucera) on May 2, 2003, at 9:15 a.m. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set a date for a land use hearing requested by Rhonda and Tarral Price for May 2, 2003, at 9:30 a.m. Both members voting aye thereon. Motion carried.

Marc Greenlee and Nancy Farmer met with the Board to discuss a chemical and biological disaster plan for Benton County. The Board was informed that government has a stockpile of pharmaceuticals that could be flown into the state and then distributed through various relief sites. The Vinton Skate Center, Belle Plaine High School, and the Newhall Legion were sites established in Benton County. The fairgrounds would also be available if needed. Benton County Transportation could provide transportation services also.

Moved by Sanders, seconded by Buch, to sign a letter of agreement to affiliate with the Abbe Center for Community Mental Health. Both members voting aye thereon. Motion carried.

Mary Williams discussed issues relative to the Health Insurance Portability and Accountability Act.

Moved by Sanders, seconded by Buch, to allow the Open Bible Church to use the courthouse lawn on May 1st for observance of National Day of Prayer. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account as of March 31, 2003, was \$12,985.85.

Moved by Sanders, seconded by Buch, to approve the Iowa Department of Transportation Secondary Road Construction Plan for FY04. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Iowa Department of Transportation Secondary Road Budget for FY04. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #03-22. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #03-22

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 14, 2003, through the completion of the project.

From the NW corner of Section 24-T82N-R10W thence east one (1) mile to the NE corner of Section 24-T82N-R10W along 77th Street in St. Clair Township.

Dated this 11th day of April, 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

The engineer discussed problems he was having with bad checks being presented at the landfill. He also discussed the failure of two cities to pay their quarterly landfill fees. The Board requested that research be done as to the assessment of late fees on the overdue accounts.

Moved by Sanders, seconded by Buch, to adjourn. Both members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

April 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Sanders, and Vermedahl present. Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of April 11, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to rescind the farm exemption for John Sarazin on a parcel located in the NW ¼ of 24-86-9 that was granted in March 4, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the 5-year waste pickup with Cox Recycling on behalf of the unincorporated town of Watkins. All members voting aye thereon. Motion carried. The contract will be signed at a later date.

The time of 9:30 am having arrived and this being the time and date for bids on the purchase of two sheriff patrol vehicles, the Board took up the matter for consideration. Bids were received as follows:

Grovert Motor Company	No bids	
Craig Griffith Ford	2003 Ford Crown Victoria	\$20,619
Junge Automotive Group	2003 Ford Crown Victoria	\$21,198
	2003 Chevrolet Impala	\$18,546
	2004 Dodge Intrepid SE	\$18,732
State Quotes	2003 Ford Crown Victoria	\$20,658 (Dewey Ford, Des Moines, IA)
	2003 Chevrolet Impala	\$17,938 (Pat Clemens, Boone, IA)
	2004 Dodge Intrepid	\$17,871 (Hartwig Motors, Iowa City, IA)

Moved by Vermedahl, seconded by Sanders to award the bid for one sheriff patrol vehicle to Craig Griffith Ford for a 2003 Ford Crown Victoria for a total of \$20,619.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to award the other sheriff patrol vehicle bid to Hartwig Motors for a 2004 Dodge Intrepid for a total of \$17,871.00. All members voting aye thereon. Motion carried.

Forsyth advised that the vehicle from Hartwig Motors would not be available until after July 1st and requested that the Board amend the FY04 budget to include the cost for the vehicle as it will not be spent in the current year.

Supervisor Buch advised that the sheriff's FY04 budget had enough funds currently to cover the cost without amending the budget.

Randy Forsyth presented a proposal for an archaeological survey and an architectural historical survey for the communications tower sight. Moved by Sanders, seconded by Vermedahl to approve the Archaeological Phase I Intensive Survey by John F. Doershuk for \$750 and approve the Architectural Historical Survey by Patricia Eckhardt for \$1000. All members voting aye thereon. Motion carried.

Randy Forsyth presented the bids for communication tower consulting fees as follows:

Racom	No Bid
Radio Communications	\$125.00 per hour not to exceed \$4,000.00
GeoComm Corporation	\$13,000.00

Moved by Sanders, seconded by Vermedahl to award the bid to Radio Communications for communication tower consulting for \$125.00 per hour not to exceed \$4,000.00. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek is looking into the soil sampling that needs to be done for the communication tower project.

The time of 10:30 am having arrived, and this being the time and date for a bid letting on the purchase of a motor grader for secondary roads, the Board took up the matter for consideration. Bids were received as follows:

Altorfer	Caterpillar 140H	\$188,280
	Caterpillar 143H	\$207,812
Martin Equipment of IA IL	John Deere 770CHII	\$168,500
	John Deere 772CHII	\$188,500
Road Machinery & Supplies	Komatsu GD655-3	\$176,497
Spreitzer	Volvo G720B	\$156,965
	Volvo G726B	\$176,480

All companies included a \$5000 bid bond. The county engineer is to review the bids. Moved by Vermedahl, seconded by Sanders to have the county engineer return at 10:30 am on April 22nd with a recommendation. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn at 11:30 am. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

April 18, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Sanders, and Vermedahl present. Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 14, 2003. All members voting aye thereon. Motion carried.

The Board discussed the Belle Plaine Historical Society's request for financial support for the Vision Iowa Grant. The Board had directed the Society to Benton Development Group to apply for funds available from the county through BDG. BDG recommended to the Board of Supervisors in October of 2002, that \$6,000 be awarded to the Belle Plaine Historical Society over a three-year period. The Supervisors then released \$2,000 to BDG for the project, stating that future funding would be contingent upon the county's budgets. The Historical Society was directed to BDG again for any further funding.

Moved by Vermedahl, seconded by Sanders, to acknowledge the hire of Ryan Rotter as a part-time seasonal employee with the conservation department, effective April 21, 2003, at a wage of \$8.50 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to notify the Iowa State Association of Counties that Benton County may be interested in entering into a 28E Agreement for clearinghouse services as may be required under the Health Insurance Portability and Accountability Act (HIPAA). However, Benton County is not making a final commitment to the 28E Agreement at this time. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair and the auditor to sign the Solid Waste Collection and Disposal and Recycling Agreement by and between the Unincorporated Town of Watkins and Cox Sanitation and Recycling, Inc., for a five-year period beginning July 1, 2003. All members voting aye thereon. Motion carried. The agreement was discussed and approved on April 14, 2003 by the board of supervisors.

Moved by Sanders, seconded by Vermedahl, to adjourn at 11:30 am. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 22, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 22, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set a land use hearing requested by Richard and Frances Sears-Cook for May 16, 2003, at 9:15 a.m. All members voting aye thereon. Motion carried.

A request for a farm exemption was brought before the board for consideration. Marc Greenlee, Land Use Administrator, presented the request on behalf of the applicant, Gerald Thoman. Greenlee reported that the applicant currently owns approximately 153 acres, and qualifies for the exemption. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption requested by Gerald Thoman in the SE1/4 of 34-82-9 (Florence) as authorized by the Benton County Land Use Preservation Ordinance.

Another request for a farm exemption was brought before the board for consideration. Marc Greenlee, Land Use Administrator, presented the request on behalf of the applicants, James and Kristy Bruce. Greenlee reported that the applicants are intending to purchase forty acres and lease the crop ground and develop a cow-calf operation. This same property had previously been granted a farm exemption, but was later rescinded. Moved by Vermedahl, seconded by Buch, to approve a farm exemption requested by James and Kristy Bruce in the NE1/4 of the NW1/4 of 25-86-9 (Polk Township) as authorized by the Benton County Land Use Preservation Ordinance. The exemption is subject to the applicants purchasing the required acreage and being involved in a farm use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the purchase of a bulletin board to be placed outside the clerk of court's office. The estimated cost is \$377.00. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss Lutheran Family Services' discontinuance of residential services. Lutheran Family Services has officially notified Benton County of their intent, and the current contract allows for either party to terminate with appropriate notice. The contract termination was to be May 15, 2003, however it may be extended to June 1, 2003, to allow Benton County adequate time to obtain a new provider. Williams advised that she has checked on the services provided by Genesis Development and has received excellent recommendations. It is also the recommendation of Lutheran Family Services that the current clients be served by Genesis Development. Williams advised that Genesis' rates are a little higher than Lutheran Family Services but her FY04 budget should be able to absorb the additional costs.

Williams spoke to the Board about Adults Inc.'s interest developing drop-in services in Benton County. The drop-in service would allow for clients to be served on a daily basis. Williams explained the services that would be available to adults served through her department.

Williams spoke to the Board about business associate agreements required under HIPAA (Health Insurance Portability and Accountability Act). Williams questioned who was authorized to sign the agreements. The Board advised that they will consider the matter and make a determination at a later date.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 52634 through 52990, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Sadja Sondag as a part-time cook/custodian at the sheriff's department, effective April 28, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Jennifer Parr, a clerk in the treasurer's office, effective May 2, 2003. All members voting aye thereon. Motion carried.

The county engineer discussed Belle Plaine's request for a reduced demolition fee at the landfill. Belle Plaine will be demolishing two buildings. Randy Bennett, representing the City of Belle Plaine, explained what the project entails. The engineer advised that the Department of Natural Resources (DNR) has designated the waste as asbestos contaminated and that it must be disposed of in accordance with DNR rules. The estimated tonnage is 400 to 500 tons for the building material, which is due in part to the need to wet the material down due to possible asbestos. When questioned what amount should be charged, the engineer questioned that due to the asbestos, is the county going to refuse the material because of possible special handling, or does the county assist a community? Supervisor Vermedahl questioned if the DNR would waive counting the material towards the annual tonnage report to the DNR on the amount going into the landfill. The engineer advised that he contact the DNR but it was unlikely. Supervisor Vermedahl commented that he would like to see the county develop a policy to assist towns with clean-up and development matters like this, however when the county is being assessed by the DNR for the amount of material going into the landfill and the county is implementing mandatory recycling, the whole idea is somewhat self-defeating. The engineer advised that in previous incidents the DNR would not allow removal of amounts from the total annual tonnage. Vermedahl stated that a policy should be developed for all political subdivisions of the county if a reduced rate is to be offered. Moved by Vermedahl, seconded by Sanders, to direct the engineer to draft a policy offering a reduced rate to political subdivisions of the county for demolition projects, and to present it to the Board for review and possible adoption. All members voting aye thereon. Motion carried. The engineer is to return on May 16th with said draft.

The time of 10:30 a.m. having arrived, and the Board having announced that this would be the date and time for action on the purchase of a motor grader, the Board took up the matter for final action. The engineer discussed his review of the bids presented on April 15, 2003. The engineer commented that previous experience with Caterpillar motor graders has been good, primarily due to a larger engine; however the operator has expressed a preference for the John Deere machine and some counties have had good success with the John Deere motor graders. The engineer also spoke about other counties' experience with Komatsu and Volvo equipment. The engineer recommended that the Board accept the bid for the John Deere 772 CH-II, due to in part to a 5-year bumper-to-bumper warranty. Moved by Vermedahl, seconded by Sanders, to go along with the engineer's recommendation and to award the bid to Martin Equipment of Iowa-Illinois, Inc. for a John Deere 772 CH-II motor grader at a net cost of \$168,500.00. All members voting aye thereon. Motion carried.

The board discussed the need to draft an ordinance regulating recycling and setting fees for fines, etc. Numerous questions were posed to the landfill committee at their meeting held on April 15, 2003, such as fines for recycling material in the garbage, the percentage of tolerance for recyclables in the garbage, etc. The engineer advised that he had reviewed sample ordinances, and was currently working on adapting the Ida County ordinance to present to the Board for consideration.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-23. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-23

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 16, 2003, through the completion of the project.

From the NW corner of Section 8-T82N-R10W thence east one (1) mile to the NE corner of Section 8-T82N-R10W along 76th Street in St. Clair Township.

Signed this 22nd day of April, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-24. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-24

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 21, 2003, through the completion of the project.

From the NW corner of Section 1-T82N-R10W thence east one (1) mile to the NE corner of Section 1-T82N-R10W along 74th Street in St. Clair Township.

Signed this 22nd day of April, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #03-25. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-25

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 24, 2003, through the completion of the project.

From the NW corner of Section 1-T82N-R12W thence east one (1) mile to the NE corner of Section 1-T82N-R12W along 74th Street in Iowa Township.

Signed this 22nd day of April, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

April 25, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 22, 2003. All members voting aye thereon. Motion carried.

Kyle Hummel, Steve Hite, and Carl Evans met with the Board to discuss recycling. The group wanted to verify that glass could be placed in with garbage and not with the recyclables. Supervisor Buch confirmed that glass can be placed in with the garbage and land filled. It was also questioned as to the reason for the recycling. Supervisor Buch responded that the Department of Natural Resources is requiring the county to reduce the amount of material going into the landfill, and that failure to meet the reduction requirements could result in the county losing the financial incentive provided by the Department of Natural Resources. Buch stated that the DNR has the authority to close the landfill, but was not certain if they would take that type of action if the county failed to reduce the material being land filled. Discussion was also held regarding the inclusion of language in the ordinance stating that the responsibility for compliance lies with the tenant or user and not the property owner. Supervisor Vermedahl advised that the county could only pass an ordinance affecting the rural areas and the landfill, and that it would be the city's responsibility to address those concerns in the city ordinances.

Betty Wright requested that the Board amend her FY03 budget in the amount of \$5,270.00. The Board requested that Wright return on May 2, 2003.

Moved by Sanders, seconded by Vermedahl, to acknowledge the hire of Chad Arp as a part-time seasonal employee with the Benton County Conservation Department, effective April 28, 2003, at a wage of \$10.00 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign a letter of support for the Belle Plaine CAT grant. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Kenny Erickson as a seasonal part-time driver for secondary roads, effective April 28, 2003, at a wage of \$8.50 per hour. All members voting aye thereon. Motion carried.

The county engineer discussed engineering staff in his department. The engineer presented job descriptions for Assistant to Engineer and Engineering Technician. The engineer advised that he would like to advertise for both positions. Supervisor Vermedahl stated that he could not support another position in the engineer's office due to the proposed cuts being legislated at the state. Vermedahl commented that the state is currently considering passage of legislation which would reduce approximately \$200,000 in funding to the county in FY04. Moved by Vermedahl, seconded by Sanders, to authorize the engineer to advertise to fill the position of Assistant to Engineer, however that advertising for an Engineering Technician be deferred until May 16, 2003, until a determination can be made as to the impact of the state cuts to the county. All members voting aye thereon. Motion carried.

The county engineer presented a contract between Benton County and the Department of Natural Resources for the Electronic Waste Grant. The \$10,000.00 grant requires up to a 50% cash or in-kind match from Benton County. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Department of Natural Resources Electronic Waste Grant. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #03-26. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-26

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 4

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 40420	Fund 0010 Function 41500	\$ 6000.00
Fund 0010 Function 40440	Fund 0010 Function 41500	\$ 610.00
Fund 0010 Function 41320	Fund 0010 Function 41500	\$ 8000.00
Fund 0010 Function 41410	Fund 0010 Function 41500	\$ 100.00
Fund 0010 Function 42720	Fund 0010 Function 41500	\$ 800.00

Fund 0010 Function 43310

Fund 0010 Function 41500

\$ 700.00

Signed this 25th day of April 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Mary Halstead, Transportation Director, met with the Board to discuss the hire of a part-time driver. This matter was not on the agenda. Halstead advised that she has hired Eloise Harvey from Belle Plaine and that she has placed the matter on the Board's April 29th agenda for consideration. She requested that the Board approve the hire at that time. Supervisor Vermedahl questioned Halstead about the condition of her FY03 budget. Halstead advised that she did not believe that a budget amendment would be needed in her department.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 29, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 25, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to add to the agenda the following item: Adoption of Resolution Urging Governor to Veto SF453. This item is being added under emergency action due to the 3-day time limit to notify the governor and the county was just notified on Monday afternoon. All members voting aye thereon. Motion carried.

Renee Tharp and Dave Coulter met with the Board to discuss the activities of Benton Development Group over the past year. Tharp reviewed BDG's strategic plan which was developed last year and where the Group was at in reaching the goals. Supervisor Vermedahl questioned the feeling of the Group as to their effectiveness under the new structure. Coulter stated that BDG currently had the most cohesive board during his tenure as chairman. He believed that the cities were more involved since they did not have to worry about funding their membership. Vermedahl questioned the current move to regionalize economic development groups and BDG's direction towards that plan. Tharp advised that she has contacted several counties regarding the matter and has a meeting scheduled to discuss their plans. Vermedahl suggested that the Group consider joining with Linn County or Black hawk County. Tharp advised that Linn County has partnered with Johnson County and is not interested in joining with any other counties.

Moved by Vermedahl, seconded by Sanders, to approve a loan from the general basic fund to the employees benefit fund in the amount of \$105.12. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, approve the hire of Eloise Harvey as a part-time driver in the transportation department, effective May 5, 2003, at a wage of \$9.00 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 4 hours of vacation carry-over requested by Tony Janney. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-27. Voting aye were Buch, Vermedahl, and Sanders. "Nays" none. Motion carried.

RESOLUTION # 03-27

WHEREAS, the Iowa Legislature has passed Senate File 453 and presented it to Governor Vilsack, so that unless the Governor vetoes the bill it will become law; and

WHEREAS, the \$70 million in funding cuts proposed by this misnamed "Reinventing Government" bill would have a disastrous effect on the services provided by local governments across Iowa; and

WHEREAS, Senate File 453 breaks promises that the state made to local governments, and would result in cuts to locally provided services such as parks, libraries, law enforcement and fire protection; and

WHEREAS, the Gronstal Amendment and the Miller/Brunkhorst amendment were workable, realistic amendments to Senate File 453 that would have balanced the budget but used state resources to spare some of the cuts to local governments:

THEREFORE, BE IT RESOLVED BY THE BOARD SUPERVISORS OF BENTON COUNTY that the board urges Governor Vilsack to veto Senate File 453.

Dated this 29th day of April 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to approve utility permits for Farmer's Mutual Telephone to place utility lines in the county's right-of-way in Section 23 of Polk Township, Section 13 of Polk Township, and Sections 25 and 26 of Polk Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the contractor's bond and authorize the chair to sign the contract with Iowa Culvert Builders Inc. for Reinforced Box Culverts. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolutions #03-28, #03-29, #03-30. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-28

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 30, 2003, through the completion of the project.

From 23rd Avenue near the NW corner of Section 8-T83N-R10W thence east one (1) mile to 24th Avenue near the NE corner of Section 8-T83N-R10W along 69th Street in Eldorado Township.

Signed this 29th day of April 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

RESOLUTION #03-29

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 5, 2003, through the completion of the project.

From 30th Avenue Drive near the N ¼ corner of Section 33-T84N-R9W thence east approximately 1.75 miles to 32nd Avenue near the NE corner of the NW ¼ of the NW ¼ of Section 35-T84N-R9W along 67th Street in Canton Township.

Signed this 29th day of April 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

RESOLUTION #03-30

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 7, 2003, through the completion of the project.

From 31st Avenue near the NW corner of Section 22-T84N-R9W thence east 1.25 miles to 32nd Avenue near the NE corner of the NW ¼ of the NW ¼ of Section 23-T84N-R9W along 65th Street in Canton Township.

Signed this 29th day of April 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The county engineer advised that the Department of Transportation held a bid letting for an asphalt resurfacing project in Benton County and Manatt's Inc. was low bidder, and he recommended that the Board award the project to Manatt's, Inc. Moved by Sanders, seconded by Vermedahl, to award the contract to Manatt's Inc. for the asphalt resurfacing project north of Luzerne and west of Keystone at a cost of \$815,020.50. All members voting aye thereon. Motion carried.

The county engineer advised that the Department of Transportation held a bid letting for a bridge project in Big Grove Township, and Iowa Bridge & Culvert L.C. was low bidder, and he recommended that the Board award the project to Iowa Bridge & Culvert L.C. Moved by Sanders, seconded by Vermedahl, to award the contract to Iowa Bridge & Culvert L.C. for the bridge project in Big Grove Township. All members voting aye thereon. Motion carried.

The engineer spoke with the Board about seal coating 22nd Ave Dr. near Rodgers Park. The engineer advised that the residents along that road would like to participate financially in a seal coating project; however they would like the county to finance the project with the residents making payments to the county over a period of time as they did not believe they could afford the costs at one time. Supervisor Vermedahl stated that he believed that the only method available to the county would be through special assessment and he did not believe that the county should go that route. The Board indicated that they were not interested in financing the resident's portion of the project.

The engineer requested authority to have a handwritten check be issued to Iowa Culvert Builders in the amount of \$45,422.45. Moved by Vermedahl, seconded by Sanders, to approve the payment to Iowa Culvert Builders through a handwritten check. All members voting aye thereon. Motion carried.

The county engineer discussed the recycling/city rebate program. It had been asked of the engineer if the city rebates would be done on a monthly basis or a quarterly basis. The engineer advised that the cash flow in the sanitary disposal fund was usually pretty tight during October through December. The Board advised that if cash flow in that fund could accommodate a rebate on the same basis that a city pays, then the engineer should rebate on that same basis.

Randy Forsyth reviewed the quote from Midwest Alarm Systems for an alarm system. Total cost for panic buttons, motion detectors, and fire alarm system is quoted at 27,242.00 installed. A break down of the quote is as follows: The panic buttons are quoted \$1,990.00, which includes 33 panic buttons. Motion detectors are quoted at 1,099 for 12 units. Sixteen cameras that project from the wall are quoted at \$11,084.96, or in the alternative cameras that are a 2-3" dome that hangs down from the ceiling are quoted at \$9,722.56. Camera installation with panic buttons is \$2,400.00. If the camera system were installed at the same time as the alarm system then installation would be \$500.00.

Moved by Sanders, seconded by Vermedahl, to recess until 1:30 at the landfill. All members voting aye thereon. Motion carried at

The Board reconvened at 1:35 p.m. at the Benton County landfill. The Board met with the employees of the landfill to discuss the recycling program being implemented in Benton County and the expectations of those employees. The Board also asked what the employees recommended as far as implementation and penalty procedures.

Moved by Sanders, seconded by Vermedahl, to adjourn. Motion carried at 2:30 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 2, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 29, 2003. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by BSNB Sales & Marketing (Brian and Susan Kucera), the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a commercial use. The applicants advised that the intended use is for a recycling/rebuilding automobile business. The applicant further stated that there would be no stockpiling of car carcasses and that there would not be any junk, and that there should never be more than 2-4 cars on the lot at any given time. Concerns noted were a possible increase in traffic, the potential for a "junk pile", and if the use continued if the property transferred ownership. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to table action on the request for a land use change on approximately one acre located in a Part of the SW1/4 of the SW1/4 of 29-82-11 (Leroy Township) until May 9, 2003. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Tarrel and Rhonda Price, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately two acres generally described as being a Part of Parcel A located in the SE1/4 of the NW1/4 of 25-86-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

The treasurer, recorder, transportation director, and social services director met with the Board to request additional funding to their FY03 budgets. After hearing the requests, the Board advised that a service area budget amendment would be done at a future date to accommodate the requests.

Mary Williams requested that the Board consider changing long distance telephone service from MCI Worldcom to Qwest. The Board directed Roger Witt to research further into the matter.

Moved by Sanders, seconded by Buch, to adopt Resolution #03-30. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-30

BE IT RESOLVED by the Benton County Board of Supervisors that the penalty/interest assessed against parcel #850-04361 to date is abated in full.

Dated this 2nd day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to approve the contract between Benton County and Abbe Center for Community Care, for client services, retroactive to April 1, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the agreement between Benton County and the Iowa Department of Economic Development, to extend the current HOME (Down Payment Housing Assistance) grant. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.5(k). All members voting aye thereon. Motion carried at 11:00 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:35 a.m.

The engineer reported that the balance in the landfill bank account is \$16,947.22 as of April 30, 2003.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-31. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-31

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and
WHEREAS: Upon the completion of the probationary period the base wage may be increased from the starting wage
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Mark O'Brien be set at \$12.71 effective May 6, 2003. This position carries a Labor Grade IVB classification.

Signed this 2nd day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 6, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 2, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set May 30, 2003, at 11:00 a.m. as the time and date for a public hearing on a land use change requested by Keith Poleski in 19-85-9. All members voting aye thereon. Motion carried.

Nancy Beckman and Joan Schmelzer with the Department of Human Services met with the Board to discuss quotes for a new copier for their office. Three quotes were received as follows:

Koch Brothers – Lanier 5635 digital copier - \$9,650.00 less \$3800.00 discount - \$5,850.00 net with optional finisher for \$817.00 - \$6,667.00 total with option

Advanced Systems – Toshiba E Studio 45 - \$8,718.00

Advanced Systems – Cannon Image Runner 3300 - \$6,786.00

Schmelzer recommended that the Board accept the quote from Koch Brothers, stating that the equipment would be adaptable for future applications. Moved by Vermedahl, seconded by Sanders, to approve the purchase of the Lanier 5635 digital copier with optional finisher from Koch Brothers with trade-in of the current copier for a total cost of \$6,667.00. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to discuss a courthouse fire alarm and security system. Moved by Vermedahl, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.5(k). All members voting aye thereon. Motion carried at 9:25 a.m.

Moved by Sanders, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 10:00 a.m.

The time of 10:00 having arrived, and this being the time and date set for a continuance on the public hearing on a land use change requested by BSNB Sales & Marketing, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single commercial use. Two additional adjacent property owners were present. Comments were heard questioning the volume of business to be conducted at the location and the potential for a problem with a business from outside the county. The applicant responded that he would continue to own the property and conduct the business himself that the license was in an outside entity's name for tax and licensing purposes. Marshall Freeman commented that he did not believe that there would be a problem with junk as the current owner keeps the property in decent condition. It was questioned as to the disposal of used oil. The applicant advised that he was not going to be changing oil, just doing bodywork. Supervisor Vermedahl commented that the proposal did not meet the criteria set out in the county's comprehensive land use plan for a commercial business, and that the county should not be subjective when approving land use changes. Supervisor Sanders stated that he did not believe the county should deny this application as the applicant was trying to adhere to the county's regulations. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately one acre located in a Part of the SW1/4 of the SW1/4 of 29-82-11 (Leroy Township) for a commercial use. Buch and Sanders voting aye. Vermedahl voting nay. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a wage increase to \$8.50 per hour for Travis Neuhaus, part-time employee with sanitary disposal, effective May 5, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 9, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 6, 2003. All members voting aye thereon. Motion carried.

George Bahr representing the Blairstown Community Center to request that the bill for the landfill be abated. The landfill bill totals \$7,923.40 with \$7,908.40 material and \$15.00 for appliances. Supervisor Buch commented that the engineer had not discussed abatement due to the project not being a city-owned project, rather it was being done by a private non-profit foundation (Blairstown Community Foundation). Supervisor Vermedahl stated that the Board needs to address this issue and that this type of organization should be considered when making a decision on abating fees for city improvement projects. The engineer is scheduled to discuss the matter on May 16, 2003 with the Board.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Sadjia Sondag as a matron with the sheriff's department, effective immediately. Sondag is currently a part-time employee of the sheriff's department. All members voting aye thereon. Motion carried.

The Board met with department heads to discuss the cuts to the FY04 budget revenue and the effects it will have on expenditures. It was explained that the cuts to personal property tax replacement would be about \$167,000 and possibly another \$30,000 if the franchise tax is not restored. The funds were budgeted as revenue in the general fund. Vermedahl also explained that agricultural valuation will be reduced in 2003 due to equalization and may result in future decreases in revenue. The Board requested that all departments consider where they might be able to reduce their FY04 budgets if needed.

George Hackett met with the Board to discuss Hillside Farms Second Addition. Hackett stated that he had a preliminary plat prepared thirty years ago, and was waiting until the property was no longer needed for pasture. Hackett advised that he is now at point where he would like to complete the final plat; however he questioned if he had to comply with current regulations and to what extent since the project was started prior to the adoption of the current ordinances. Hackett was requesting any variances possible be granted to allow him to continue with the project. The Board took the matter under consideration.

Moved by Vermedahl, seconded by Sanders, to hire Hessenius Plumbing and Heating to replace the air conditioning units in the jury room and appeals judge's office (both rooms are on one unit) and to replace the drip pans under the air handlers for the courtroom. Further, the air conditioner in the auditor's vault is to be inspected and the necessary repairs done to make it functional. Said work is to be completed prior to June 30, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 13, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 9, 2003. All members voting aye thereon. Motion carried.

Doug Dunkel met with the Board to discuss his payment of a fee around March 23, 2002, for 7 tons of debris taken to the landfill from a property that he purchased. The load included iron, car parts, etc. Dunkel advised that the load could not be sorted and contained a lot of dirt. Dunkel advised that he was charged \$308.00. Dunkel further advised that recently another individual took a similar load of material to the landfill and was only charged \$18.00 for the white goods and tires. Dunkel was requesting that his \$308.00 be refunded.

Dunkel also commented that he has requested that trees be trimmed near his driveway for the past two years on 60th Street, and it still has not been done. Dunkel stated that he has trouble with sight distance when leaving his driveway due to the trees. Dunkel advised that the shrubs had been trimmed but he would like the trees trimmed also.

Dunkel also questioned if fly ash was ever applied near the woodpile at the landfill. Engineer Parizek advised that a load had been applied last fall.

Moved by Vermedahl, seconded by Sanders, to place approval of a liquor license for Doc's Bar & grill on today's agenda. This matter was not on the agenda as the applicant was unaware of posting requirements and failed to timely notify the auditor's office, and the applicant's license must be in Des Moines by Friday. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a Class C liquor license for Two Ugly Guy's Incorporated d/b/a Doc's Bar & Grill. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a loan to the Benton County flex benefit fund from the general basic fund in the amount of \$925.12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 52993 through 53461, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the contract and approve the bond with Iowa Bridge & Culvert LC for the bridge replacement project on County Road V66 (66th Street). All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 16, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, and Sanders present. Supervisor Buch was attending another meeting. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 13, 2003. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set June 10, 2003, at 9:15 a.m. as the time and date for a land use hearing requested by the Natalie Grubb Estate in 4-85-10. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Richard and Frances Sears Cook, the board took up the matter for consideration. Marc Greenlee advised that the applicants had notified his office and that the application has been withdrawn.

Marc Greenlee, Land Use Administrator, presented a request for a farm exemption as authorized by the Benton County Agricultural Land Use Preservation Ordinance. The request, submitted by Jeff and Deborah Sindelar, was on a parcel located in section 30 of Fremont Township. Greenlee advised that the applicants are currently involved in a farming operation as required. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption for Jeff and Deborah Sindelar on Parcel C located in the Fractional SW1/4 of the Fractional SW1/4 of 30-83-9 due to the applicants being involved in a farming operation. Both members voting aye thereon. Motion carried.

Marc Greenlee presented an Intergovernmental (28E) Agreement between Benton County and the Iowa Department of Natural Resources regarding private well construction in Benton County. The agreement also requires that Benton County remit \$25.00 to the Department of Natural Resources for each well permit issued. Moved by Sanders, seconded by Vermedahl, to enter into the Intergovernmental Agreement between Benton County, Iowa and the Iowa Department of Natural Resources regarding private well construction, and further that well permit fees be increased to \$100.00 each to cover additional administrative costs. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the vice-chair to sign an amendment to the Administrative Services Contract between Benton County and East Central Iowa Council of Governments which extends the expiration date to March 31, 2004 contract for services on the down-payment housing assistance grant. Both members voting aye thereon. Motion carried.

Bob Busler met with the Board to discuss trees being cut along his road. Busler stated he would work with the weed commissioner on improving the site distance along his property.

The Board discussed the request to reduce or eliminate landfill fees for governmental demolition projects. The engineer advised that a policy would need to be drafted to address specific materials, i.e. asbestos. No action was taken.

The engineer spoke to the Board about hiring additional personnel in his department. Specifically, the engineer requested authority to hire an Assistant to the Engineer and an Engineering Technician. The engineer cited the need for the employees was due in part to the requirement to do 20 years of reporting under the new GASB 34 requirements, analyzing 27 miles of roads being transferred to the county from the state, and bridge inspections that could be done in-house versus contracting out. The Board advised that under the current budget situation, that no additional positions should be created but that the engineer could fill the current position of Assistant to the Engineer.

Moved by Sanders, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried.

David H. Vermedahl, Vice-Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

May 20, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 16, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set June 13, 2003, at 9:15 a.m. as the time and date for a public hearing on a request by James Sturgeon for a land use change in the SW1/4 of 1-85-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into the FY04 Purchase of Service Contract between East Central Iowa Council of Governments and Benton County Transportation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to table establishing the employer and employee share of the health insurance premiums for FY04 until May 23, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to table a decision on which ISAC health insurance plan for FY04. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Cooperative Telephone to place utility lines in the county's right-of-way in Section 31 of Florence Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way along 70th Street and 28th Avenue in Eldorado, Union, and Fremont Townships. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-32. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-32

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for construction effective from May 20, 2003, through the completion of the project.

From 63rd Street Drive thence south 1.5 miles to 65th Street along 12th Avenue in Homer Township.

Signed this 20th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to approve the hire of Jarrod Hendricks as a part-time seasonal employee with secondary roads doing sign replacement, effective May 21, 2003, at a wage of \$8.50 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

May 23, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 20, 2003. All members voting aye thereon. Motion carried.

Alberta Reifenthal met with the Board to discuss the long distance telephone service for the Volunteer Cooperative. Reifenthal advised that the long distance charges are currently being billed to the Board of Supervisors and requested that the current procedure continue. Reifenthal advised that she would use her cellular service to make all long distance calls, however someone in her office may occasionally place a long distance phone call. Moved by Vermedahl, seconded by Sanders, to allow the Volunteer Cooperative to continue with the Board's long distance service at this time. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a 5% increase in provider rates for REA for work activity services. Said increase is effective for fiscal year 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a 3% increase in provider rates for REM for client services at the Hiawatha work center. The cost will be \$53.70 per day effective July 1, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a 3% rate increase to Cedar Valley Ranch for client services, effective July 1, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair and the auditor to sign a Subordination Agreement on the contract recorded in the Recorder's office at Book KQ, Page 24. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to keep landfill fees for construction and demolition waste disposal at the current \$40.00 per ton. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the contract and bond for Manatt's for the asphalt-resurfacing project north of Luzerne (V44) and west of Keystone (E44). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to deny any waiver of landfill fees for governmental demolition/construction projects due to the landfill costs incurred by the county for handling said material. All members voting aye thereon. Motion carried.

The meeting was moved from the boardroom to the auditor's office due to a staff emergency. Notice was placed on the door to the boardroom advising of said change.

Moved by Vermedahl, seconded by Sanders, to approve the premiums for health insurance for FY04 as follows: Family plan - \$1,079.70 per month with the county paying \$937.19 per month and the employee paying \$142.51 per month. Single Plan - \$509.66 per month with the county paying \$509.66 per month. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Benton County Auditor

May 27, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to set June 24, 2003, at 9:30 a.m. as the time and date for a public hearing on a land use change requested by Scott Lewis on Parcel A located in the SW1/4 of the SE1/4 of 28-83-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 53462 through 53825. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-33. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-33

BE IT RESOLVED by the Benton County Board of Supervisors that \$130,588.63 be transferred from the TIF Fund to the Debt Service Fund.

Dated this 27th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-34. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-34

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and WHEREAS: This employee as apart of the original hire is eligible for a wage increase,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Matthew J. Cherveney will be IIIC. IIIC base wage for Matthew J. Cherveney will be \$14.12 per hour. Matthew J. Cherveney rate change will be effective June 1, 2003.

Signed this 27th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to add Waddell and Reed as a plan provider for Benton County's 457 Plan. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-35. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-35

WHEREAS, Iowa counties are required to comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), including the standard transaction regulations which require that health plans use standard formats and codes when conducting common health care transactions electronically; and

WHEREAS, cooperating with other counties for the purpose of creating an Electronic Transactions Clearinghouse in order to comply with the HIPAA standard transaction regulations will save time and money; and

WHEREAS, an Electronic Transactions Clearinghouse could potentially have beneficial applications for counties far beyond HIPAA;

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS that Benton County does hereby enter into the Electronic Transactions Clearinghouse (ETC) 28E Agreement.

Dated this 27th day of May 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 30, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

The Board viewed a demonstration of AccuVote-OS election equipment manufactured by Diebold Election Systems. Precinct count equipment and direct recording electronic devices (DRE) were shown. The equipment will allow the county to comply with new federal regulations passed in 2002.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 27, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set June 24, 2003, at 10:00 a.m. as the time and date for a public hearing on a land use change requested by Charles Goodard on a parcel located in the NW1/4 of the NE1/4 of 12-82-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to terminate the provider contract between Benton County and Lutheran Family Services, retroactive to May 31, 2003, as the provider will no longer be providing services. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into a contract with Genesis Development Corporation for provider services, effective immediately. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a 3% increase in fees for Options of Linn County for shelter and work activity services. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-36. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-36
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and
WHEREAS, the Board now desires to amend said budget within service areas,
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 3

Amended To

Fund 0001 Function 31100 - \$3,165.00

Fund 0001 Function 34000 - \$6,500.00

Amended From:

Fund 0001 Function 31000 - \$2,791.00

Fund 0001 Function 33100 - \$6,874.00

SERVICE AREA 4

Amended To

Fund 0010 Function 43310 - \$400.00

Fund 0010 Function 43630 - \$650.00

Fund 0010 Function 41320 - \$12,000.00

Fund 0010 Function 41210 - \$250.00

Fund 0010 Function 40440 - \$650.00

Fund 0010 Function 40420 - \$6,300.00

Amended From:

Fund 0010 Function 42650 - \$20,250.00

Service Area 8

Amended to:

Fund 0001 Function 81000 - \$3,000.00

Amended From:

Fund 0002 Function 80100 - \$3,000.00

Signed this 30th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-37. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-37

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 29, 2003, through the completion of the project.

From 14th Avenue near the NW corner of Section 14-T86N-R12W thence east one (1) mile to 15th Avenue near the NE corner of Section 14-T86N-R12W along 52nd Street in Bruce Township.

Signed this 30th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-38. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-38

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from June 2, 2003, through the completion of the project.

From 52nd Street near the NW corner of Section 18-T86N-R11W thence south one (1) mile to 53rd Street near the SW corner of Section 18-T86N-R11W along 16th Avenue in Cedar Township.

Signed this 30th day of May 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Keith J. Doleski, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately two acres generally described as being located in the SW/14 of 19, Government Lot 6, Township 85 North, Range 9 West of the 5th P.M. (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-39. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION 03-39

WHEREAS, we have a responsibility to be fiscally responsible to our citizens and taxpayers, and WHEREAS, there exists a legitimate need to obtain continuing education for certain county employees, and WHEREAS, training outside of the state of Iowa runs the risk of being very expensive, and WHEREAS, the Board believes that the vast majority of said continuing education can be obtained by utilizing resources within the state of Iowa, thus negating any need to travel out-of-state for said educational training, and in-state training tends to save substantial sums of money,

IT IS THEREFORE RESOLVED that in any department headed by a non-elected official, prior approval needs to be obtained from the Benton County Board of Supervisors or appropriate governing board, for any travel outside of the state of Iowa; BE IT FURTHER RESOLVED that said permission for out-of-state travel shall be obtained from the Board of Supervisors at least ten days in advance of the proposed out of state venture.

Dated this 30th day of May, 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to approve hiring Michael & Dowd to replace the carpet in the county attorney's office at a cost not to exceed \$597.78, and to hire Barnes Furniture to replace the carpet in the assistant county attorney's office at a cost not to exceed 588.08. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into an agreement with MAXIMUS, Inc. for cost allocation services for a two-year period beginning July 1, 2003. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to discuss the status of a communications tower construction project. Forsyth advised that the project was at the stage where a bid letting needs to be set if the Board plans to continue. The Board requested that Forsyth return to the next meeting with an analysis of projected savings if the Board were to construct the tower.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

June 3, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, that Benton County enter into a 6-year 28E Agreement for Child Support Recovery Services. All members voting aye thereon. Motion carried.

Roger Witt met with the Board to discuss the status of a computerized imaging program for the county. Witt advised that most of the hardware would be purchased from the current budget, with software and training be purchased from the FY04 budget. Discussion centered on an offer from a local business to provide approximately 30 years of scanned images in exchange for a diskette of new images on a daily basis at no cost. The Board requested that Witt return with the cost of converting the 30 years of images into a readable format by the county's equipment.

The time of 10:00 a.m. having arrived, and this being the time and date set for a bid opening for rehabilitation work at 2862 60th Street, Vinton, Iowa through the Down Payment Housing Assistance grant, the Board took up the matter for consideration. The rehabilitation work involves electrical wiring, construction, and landscaping. One bid was received from AEC of Amana. Having discussed the bid in full, it was moved by Vermedahl, seconded by Sanders, to award the rehabilitation work to AEC of Amana at a cost of \$2,150.00. All members voting aye thereon. Motion carried.

Gary Fordice provided an update on conservation activities. Fordice reported that camping revenues are up from a year ago and that work continues on the Wildcat Park project. The Wildcat Park project consists of donated land and an access road.

Moved by Sanders, seconded by Vermedahl, to approve a provider contract with Abbe Center for Community Mental Health for FY04 block granted at \$198,565.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a provider contract with Washington County Development for FY04 at a cost of \$6.88 per hour for services. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, that Benton County request an extension to the Community Development Block Grant contract #01-WS-006-99. The grant is being used for installation of rural water in Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set July 18, 2003, at 10:00 a.m. as the time and date for a bid letting on the construction of a communications tower. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign a request to use Farm-to-Market funds in a total amount of \$41.58 for two road projects. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account in Blairstown as of May 31, 2003 was \$23,285.06.

Discussion was held with the engineer regarding repairs to the southwest corner of the courthouse lawn and the north steps to the courthouse. The engineer advised that he would try to complete those projects this summer.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

June 10, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 30, 2003 and June 3, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set July 8, 2003, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Laura and Jeff Faircloth on a parcel located in the S1/2 of Lot 6, Prairie Creek 1st Addition to Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 53826 through 54223 for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Ronda Larimer as a part-time employee from Benton County Transportation, effective June 3, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to change the date of Teri Higdon's full-time hire from April 7, 2003 to April 5, 2003, at the request of the sheriff due to the employee being requested to begin full-time work earlier than originally anticipated. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John Ketchen, Executor for the Natalie Grubb Estate, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately two acres generally described as being a parcel located in the south ½ of the south 30 acres of the NW1/4 of 4-85-10 (Taylor Township) for a single residential use. All members voting aye thereon. Motion carried.

Chuck Juhl, Mary McLaughlin, and Betty Wright met with the Board to discuss the proposed imaging program for Benton County. Juhl has offered to provide images of documents covering approximately thirty to forty years of images in exchange for a daily update of new images. Discussion included the need to review the flow of documents to insure timely recording.

The county engineer updated the Board on the transfer of state roads to county jurisdiction. Various state roads within Benton County will be turned over to the county on July 1, 2003, for all future maintenance.

Moved by Sanders, seconded by Vermedahl, to set June 17, 2003, at 10:00 a.m. as the time and date for a public hearing on the plans, specifications, and cost estimates for construction of a county communications tower. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set July 11, 2003, at 10:00 a.m. as the time and date for publicly opening bids for construction of a communications tower. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 13, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 10, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set July 8, 2003 at 9:45 a.m. as the time and date for a public hearing on a land use change requested by Scott and Cheryl Atwood in the NW1/4 of the NE1/4 of 35-83-11. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set July 8, 2003 at 9:30 a.m. as the time and date for a public hearing on a land use change requested by Todd and Michelle Dudley on Parcel A in the NW1/4 of the SW1/4 of 2-86-9. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by James Sturgeon, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately two acres generally described as being a part of a parcel located in the S1/2 of the SW1/4 of 1-85-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

Russell and Ann Kreutner met with the Board to discuss the sale of approximately 4.8 acres to Benton County to be used as a site for a communications tower. The property is located in the SW1/4 of the SW1/4 of section 20 in Eden Township. The county has conducted all necessary reviews of the parcel and has found that the site meets the requirements. Issues discussed with the Kreutners was as follows:

1. Any necessary tree removal will be at the expense of Benton County.
2. Gravel within the fenced in areas around the tower guy wires will be at the expense of Benton County, with black paper (or some other material) placed underneath for weed control.
3. An abstract will be provided to the county at the seller's expense.
4. A survey will be required at the seller's expense.
5. The seller retains the first right-of-refusal at current market value should the property no longer be needed by the county.
6. Anticipated harvest date of the current soybean crop is October 15th; however if the county begins construction work prior to harvest the county will reimburse the seller for any crop loss due to the construction.
7. The county will be responsible for graveling the access drive to the tower site.
8. The county will purchase five acres more or less
9. The seller will be allowed to continue farming all tillable acres (approximately four acres) on the site through either a rental agreement or easement.
10. The purchase of the property is contingent upon the county proceeding with the project. If the county does not proceed with the purchase of the property all costs incurred by the seller relative to the abstract, survey, and reasonable attorney fees will be reimbursed.
11. The seller will maintain adequate liability insurance coverage while renting the tillable acres.
12. Purchase price is \$4,000.00 per acre.

The county attorney is to prepare a purchase agreement between Benton County and Russell and Ann Kreutner setting forth the above terms, and return to the Board for formal action.

Moved by Vermedahl, seconded by Sanders, to acknowledge the change to the lease agreement between Benton County and the Iowa Department of Human Services, Case Management for office space in the Governor Sherman Building, effective July 1, 2003, regarding landlord liability insurance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in section 5 of Polk North. All members voting aye thereon. Motion carried.

Moved by Sanders, by Buch, to adopt Resolution #03-40. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-40

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from June 17, 2003, through the completion of the project.

From 66th Street Drive thence south 1.5 miles to 68th Street along 18th Avenue in Big Grove Township.

Signed this 13th day of June 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-41. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-41

WHEREAS: Benton County Secondary Road Department has an employee that has been employed at his present job classification for a sufficient length of time to change his respective job classification

THEREFORE BE IT RESOLVED By The Benton County Board of Supervisors that the Labor Grade classification of Jeff S. Winsor will be VG. VG base wage for Jeff S. Winsor will be \$14.30 per hour. Jeff S. Winsor rate change will be effective June 19th, 2003.

Dated this 13th day of June 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 17, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 13, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to allow Vinton Unlimited to use the courthouse lawn on June 26, 2003, and to further approve use of transportation buses for shuttle service from the courthouse to Riverside Park on June 28, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to allow Emergency Management and the Ham Radio Club to place a 20-foot tower on the south side of the courthouse on the weekend of June 28, 2003, for an organized field day event. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-42. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-42

WHEREAS, the City of Belle Plaine has requested that tax and penalty be abated on parcels recently acquired by the city, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors to abate all tax and penalty assessed on parcels #030-12600 and #030-46625 in full pursuant to Iowa Code 445.63. Dated this 17th day of June 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on the plans, specifications, form of contract and estimated costs of constructing a communications tower, the Board took up the matter for consideration. The Chair opened the public hearing at 10:00 a.m. There was one member of the media present. Randy Forsyth presented the specifications and plans, and advised that the estimated cost of the project is \$200,000.00. The project being considered is for a tower only and does not include the costs of radio equipment. Since there was no public present to comment, the Chair declared the hearing closed.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-43. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-43

BE IT RESOLVED by the Benton County Board of Supervisors that the plans, specifications, form of contract, and estimated costs of constructing a communications tower are hereby approved. Further, based on the information presented, the project is approved to continue to bid letting. Dated this 17th day of June 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 24, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 17, 2003. All members voting aye thereon. Motion carried.

The Board met with Dave Wessling in reference to the Natalie Grubb Estate land use change on June 10, 2003. Also in attendance were John Ketchen Executor of the Estate and David Thompson County Attorney. Concerns were on Parcel B as to the specific location of a potential residence site. The Board agreed that Mr. Wessling and Mr. Ketchen were to return when more specific plans are made.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Scott Lewis, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The land use administrator provided a copy of a Notice to Correct Violation letter sent by the Benton County Land Use Administrator to Carroll Lewis and several pictures of the proposed site. The request is to change approximately 3.5 acres for new non-agricultural use. The land use administrator entered a letter into the record that he had received prior to the hearing opposing the land use change. Cora Schoenfelder was present and spoke against the land use change. After some discussion, it was moved by Vermedahl, seconded by Sanders, to table the land use decision until July 15, 2003 at 9:30 a.m. to allow the Board the opportunity to conduct a visual inspection of the area before taking any action on the request. All members voting aye thereon. Motion carried

The time of 10:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Charles Goodard, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change approximately 1.5 acres for a single residence use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately 1.5 acres located in the NW¼ of the NE¼ of 12-82-9 (Florence Township) for a single residence use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to sign the Memorandum Understanding for Grants to Counties Well Program between the Iowa Department of Public Health and Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve warrants numbered 54224 through 54650 for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve an interfund loan payment in the amount of \$2,954.06 from BC Flexible Benefit fund to General Basic fund. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve fiscal year 2004 law enforcement contracts with the cities of Van Horne, Norway, Atkins, and Blairstown. All members voting aye thereon. Motion carried.

Nancy DeKlotz, City Clerk of Shellsburg spoke on the phone with Supervisor Buch regarding the recycling trailer in the City of Shellsburg. After some discussion with the county engineer, it was decided to move said trailer to the county maintainer site located west of Shellsburg.

The Board reviewed Resolution #03-39 signed on May 30, 2003 concerning out-of-state travel for county employees. Moved by Vermedahl, seconded by Sanders to delete the last sentence in Section 5 of said resolution and revise Section 5 to read as follows:

"IT IS THEREFORE RESOLVED that in any department headed by a non-elected official, prior approval needs to be obtained from the Benton County Board of Supervisors or appropriate governing board, for arrangement of any travel outside of the state of Iowa." All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve cigarette permits for Benton Golf Club and Kimm's Sinclair for the period of time starting July 1, 2003 through June 30, 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for LaPorte City Telephone on 50th Street Drive in Sections 1 and 2 in Cedar Township. All members voting aye thereon. Motion carried.

The Board discussed the recycling trailer locations with the county engineer. The cities of Norway, Shellsburg, Urbana, and Newhall have requested that the recycling trailers be moved. The county engineer will make a listing of the locations of all recycling trailers in Benton County for publication.

Moved by Sanders, seconded by Vermedahl, to approve vacation carryover of 64 hours for Jerry Michael. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried at 1:15 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

June 27, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 24, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into contracts for FY04 with the following providers of mental health services: Cedar Valley Ranch, Goodwill Industries of Iowa City, Systems Unlimited, Echo Plus, Inc., Mediapolis Care Facility, Area Substance Abuse Council – Cedar Rapids, Adults, Inc., Pathways – Iowa City, Hillside Estates, and a 2-month funding agreement with Davis Center – Rescare. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-44. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 03-44

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2003, in accordance with Section 331.434, Subsection 6, Code of Iowa,
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA, as follows:

Section 1. The amounts itemized by fund and by department or office on the budgets filed in the office of the county auditor are hereby appropriated from the resources of each fund so itemized, to the department or office listed on the budget. Federal and State grants and/or reimbursements expendable during the fiscal year are hereby appropriated to the designated departments or offices.

Section 2. Subject to the provisions of other county procedures and regulations and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized fund, effective July 1, 2003.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 2003-2004 budget year the auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, she shall immediately so inform the Board and recommend appropriate corrective action.

Section 5. The auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The auditor shall report the status of such accounts to the applicable departments and officers quarterly during the 2003-2004 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2004.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 27, 2003, the vote thereon being as follows:

Ayes: Supervisor Sanders
Supervisor Vermedahl
Supervisor Buch

Nays: None

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-45. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #03-45

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for the County funds in amounts not to exceed the amount named opposite said designated depository, and the County Treasurer is here by authorized to deposit said county funds in amounts not to exceed the maximum approved for each respective bank as follows for fiscal year 2004.

US Bank	
Vinton	\$10,000,000
Farmers Savings Bank & Trust	
Vinton	\$10,000,000
Citizens Bank & Trust	
Hudson/Belle Plaine	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Newhall	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Urbana	\$ 5,000,000
Union Planter Bank	
Waterloo/Vinton	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine/Chelsea	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine/Van Horne	\$ 5,000,000
Benton County State Bank	
Blairstown	\$ 2,000,000
Bank Iowa	
Norway	\$ 2,000,000
Watkins Savings Bank	
Watkins	\$ 750,000
Cedar Valley Bank & Trust	
La Porte City/Mt. Auburn	\$ 750,000

Farmers Savings Bank Walford	\$ 750,000
Atkins Savings Bank & Trust Atkins	\$ 750,000
Keystone Savings Bank Keystone	\$ 750,000
Dysart State Bank Dysart	\$ 500,000

Signed this 27th day of June, 2003.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

Attest: _____

Delane Kalina, Deputy Auditor
Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-46. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-46

IT IS HEREBY RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for County funds in amounts not to exceed the amount named opposite said depository and the following named county officers are hereby authorized to deposit said County funds in amounts not to exceed the maximum amount named after said bank as follows for fiscal year 2004:

Betty Wright, Recorder	
Farmers Savings Bank & Trust – Vinton	\$100,000
Kenneth Popenhagen, Sheriff	
Farmers Savings Bank & Trust – Vinton	\$ 250,000
Kenneth Popenhagen, Sheriff	
US Bank	\$ 1,000
Kenneth Popenhagen, Sheriff	
Union/Planter	\$ 100,000
Jill Marlow, Auditor	
US Bank	\$ 5,000
Myron Parizek	
Benton County State Bank	\$200,000

Signed this 27th day of June, 2003.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

Attest: _____

Delane Kalina, Deputy Auditor
Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-47. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-47

FY04 INTERFUND OPERATING TRANSFERS

WHEREAS, it is desired to authorize the auditor to periodically transfer sums from the general basic fund to the secondary road fund, general supplemental fund, and conservation land acquisition fund; and rural services fund to secondary road and sanitary disposal funds during the 2003-2004 budget year, and

WHEREAS, said transfers must be in accordance with section 331.432, Code of Iowa,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA as follows:

Section 1. The total maximum transfers for the fiscal year beginning July 1,2003, shall not exceed the amounts listed in the respective funds as follows:

<u>FROM (Fund)</u>	<u>TO (Fund)</u>	<u>AMOUNT (max.)</u>
General Basic	Secondary Road	\$ 133,075.00

General Basic	General Supplemental	\$ 414,585.00
General Basic	Conservation Land Acquisition	\$ 30,000.00
Rural Services Basic	Secondary Road	\$ 1,405,388.00
Rural Services Basic	Sanitary Disposal	\$ 162,720.00
Sanitary Disposal	Closure/Post Closure	\$ 75,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2003-2004 exceptions to the quarterly transfer shall be transfers to the Conservation Land Acquisition fund, which shall be done at the end of the fiscal year and the transfer to the Closure/Post Closure fund, which may be done at anytime during the fiscal year. Said quarterly transfers shall be one quarter of the total transfer to each fund as set forth in Section 1 and may be contingent on the funds apportioned to the general basic fund and rural services

Section 3. The amount of the transfers required in section 1 to the secondary road fund shall be in accordance with Iowa Code 331.429(1)(a) and (b). The amount of the transfers required in section 1 to the conservation land acquisition funds shall be derived from conservation fees deposited into the general fund and said transfer shall not exceed the amount of fees deposited.

Section 4. Notwithstanding the provisions of sections 2 and 3 of this resolution, total transfers to the secondary road fund, sanitary disposal fund, general supplemental fund, and conservation land acquisition fund shall not exceed the amounts specified in section 1.

Section 5. Notwithstanding the provisions of Sections 2 and 3, the amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 6. Property Tax Replacement funds for fiscal year 2004 shall be apportioned to the General Fund.

Section 7. The auditor is directed to correct her books when said operating transfers are made and to notify the treasurer and county engineer of the amounts of said transfers.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 27, 2003, the vote thereon being as follows:

AYES: Supervisor Buch
Supervisor Vermedahl
Supervisor Sanders

NAYS: None

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-48. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

SERVICE ARE BUDGET AMENDMENT #03-48

WHEREAS, the Benton County Board of Supervisors adopted the FY2003 budget on March 15, 2002; and
WHEREAS, the Board now desires to amend said budget within service areas,
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2003 county budget is hereby amended within service areas as follows:

SERVICE AREA 1

Function Amended:
10500: -20000.00
10600: +20000.00

SERVICE AREA 3

Function Amended:
31100: -45.00 (Fund 0001)
31100: +45.00 (Fund 0070)

SERVICE AREA 4

Function Amended:
40110: +2000.00
40420: +6700.00
40440: +700.00
41110: +4400.00
41210: +100.00
41320: +4900.00
42110: +8200.00
43110: +2000.00
43210: +400.00
43310: +300.00
43630: +6000.00
41650: -35700.00

SERVICE AREA 7

Function Amended:
70000: +10700.00
70100: -37000.00
71000: -21000.00
71100: +188000.00
71200: -125000.00
71300: -4500.00
71400: +90000.00
72000: -8800.00
72100: +17500.00
72200: -81900.00
72300: -28000.00

SERVICE AREA 9

Function Amended:
92200: +1000.00
92100: -1000.00

Dated this 27th day of June, 2003.

BENTON COUNTY BOARD OF SUPERIVORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve the wages and salaries for county employees for FY04. The auditor, treasurer and recorder have certified deputy salaries within their budget limitations and those salaries are also approved. All members voting aye thereon. Motion carried.

BENTON COUNTY FY2004 SALARIES AND WAGES

SUPERVISORS

Ron Buch	\$31,097.10	per year
David Vermedahl	\$31,097.10	per year
Jason Sanders	\$31,097.10	per year

AUDITOR'S OFFICE

Jill Marlow, Auditor	\$45,236.78	per year
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Delane Kalina	\$36,189.42	per year
Hayley Rippel	\$29,403.91	per year
Brenda Sutton (50% Auditor and 50% Election)	\$33,927.58	per year

TREASURER'S OFFICE

Kelly Rae Geater, Treasurer	\$45,236.78	per year
Kimberly Staab	\$36,189.42	per year
Michele Sauer	\$31,665.75	per year
Melinda Schoettmer	\$27,142.07	per year
Rosemary Sackett	\$20,085.00	per year
Joy McGowan	\$23,175.00	per year

RECORDER'S OFFICE

Betty Wright, Recorder	\$45,236.78	per year
Sharon Stueck	\$36,189.42	per year
Nancy Good (part-time)	\$ 10.32	per hour

ATTORNEY'S OFFICE

David Thompson, Co Attorney	\$69,620.50	per year
Anthony Janney, Asst Co Attorney	\$59,177.43	per year
Mary Ann Blumer	\$30,900.00	per year
Betty Stone (part-time)	\$14.68	per hour

MH-MR-DD RELIEF OFFICE

Mary Williams, Director (5% Relief and 95% MH-DD Service)	\$37,910.00	per year
Carol Zander (full-time) (25% Relief and 75% MH-DD Service)	\$10.30	per hour
Donna Gordon (part-time) (25% Relief and 75% MH-DD Service)	\$ 8.24	per hour

DATA PROCESSING DEPARTMENT

Mary McLaughlin, Manager	\$46,676.42	per year
Roger Witt	\$34,203.42	per year

VETERANS AFFAIRS

Ervin Glinsmann	\$9,260.07	per year
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COURTHOUSE MAINTENANCE

Rick Bramow	\$29,705.20	per year
Dennis Thompson	\$28,113.85	per year

DISASTER SERVICES

Robert Spangler	Scott E. Hansen	\$41,002.00	per year	
		\$85.00		per month

SOCIAL SERVICE MAINTENANCE

Beverly Baldwin	\$ 8.03	per hour
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SANITARIAN-LAND USE

Marc Greenlee, Administrator (40% Sanitarian and 60% Land Use)	\$49,329.73	per year
Barbara Greenlee (62 ½% Sanitarian and 37 ½% Land Use)	\$30,900.00	per year
Joan Evans (part-time)	\$ 8.72	per hour

ASSESSOR'S OFFICE

Larry Andreesen, Assessor	\$49,352.00	per year
Diane Buckingham	\$35,975.00	per year
Janice Sarchett	\$34,855.00	per year
Vicky Schwenker	\$11.00	per hour

TRANSPORTATION DEPARTMENT

Mary Halstead, Manager	\$31,827.00	per year
Dana Burmeister (full-time)	\$11.33	per hour
Marjorie Bergert (part-time)	\$ 9.27	per hour
Leo Brummer (part-time)	\$ 9.27	per hour
Cletus Friedman (part-time)	\$ 9.27	per hour
Catherine Wilkinson (part-time)	\$ 9.27	per hour
E. Duane Eldred (part-time)	\$ 9.27	per hour
James Fuller (part-time)	\$ 9.27	per hour
Eloise Harvey (part-time)	\$ 9.27	per hour

CONSERVATION DEPARTMENT

Gary Fordice, Exec Director	\$39,000.00	per year
Scott Bahmann, Rodgers Park Ranger	\$30,000.00	per year
Everett Leonard, Maintenance	\$27,960.00	per year
Jonathan Geiger, River Park Ranger	\$27,960.00	per year
Karen Phelps, Administrative Assist.	\$25,000.00	per year
Kraig Myers, Hannen Park Ranger	\$24,000.00	per year
Chad Arp (part-time)	\$10.00	per hour
Kevin Patterson (part-time)	\$ 8.50	per hour
Ryan Rotter (part-time)	\$ 8.50	per hour
Larry Steffen (part-time)	\$ 8.50	per hour
Jacob Tuttle (part-time)	\$ 8.50	per hour

SHERIFF'S OFFICE

Kenneth Popenhagen, Sheriff	\$57,950.60		per year
Chief Deputy	<u>Annual Base</u>	<u>Longevity</u>	<u>Total Annual</u>
Randall Forsyth	\$49,258.01	\$374.40	\$49,632.41
Secretaries	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Jackie Michael, Office Manager	\$14.53	\$.05	\$14.58
Sherri McGowan	\$12.22	\$.18	\$12.40
Full Time Deputies	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Michael Ferguson	\$18.10	\$.18	\$18.28
John Austin	\$17.55	\$.18	\$17.73
Mark Johnson	\$17.14	\$.10	\$17.24
John Lindaman	\$16.71		\$16.71
Ronald Tippet	\$15.79		\$15.79
Christopher Rider	\$15.79		\$15.79
Mark Phippen	\$17.18		\$17.18
Dispatcher/Jailer (Full-time)	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Dorothy Wild	\$15.10	\$0.18	\$15.28
Susan Nelsen	\$14.71	\$0.10	\$14.81
Dawn Dunkelberger	\$14.11	\$0.05	\$14.16
Kyla Davis	\$12.95		\$12.95
William Reese	\$14.11	\$0.05	\$14.16
Michael Merino	\$12.95		\$12.95
Melissa Woodley	\$12.06		\$12.06
Jason Schott	\$12.06		\$12.06
Martin Halstead	\$10.89		\$10.89
Timothy Petersen	\$10.89		\$10.89
Russell Denison	\$10.89		\$10.89
Dispatcher/Jailer (Part-time)			

Kimberly McCullough	\$12.95	per hour
Michelle Thomson	\$12.06	per hour
William Thorman	\$ 9.73	per hour
Jeremy Fisher	\$10.89	per hour

Matrons

Brenda Hackbarth	\$10.02	per hour
Mary Rogers	\$10.02	per hour
Sadja Sondag	\$10.02	per hour

Utility/Duty Officer

Jerry Michael	Hourly Base \$15.88	Longevity \$.05	Total Hourly \$15.93 per hour
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Reserve Peace Officer (part time)

Gary Benson	\$14.80	per hour
Dan Benson	\$14.80	per hour
Russell Glime	\$14.80	per hour
Gene Clerkin	\$14.80	per hour
Larry Feaker	\$14.80	per hour
Vincent Snyder	\$14.80	per hour
James Rich	\$14.80	per hour

Food Service/Janitorial

Terri Higdon (full-time)	Hourly Base \$12.39	Longevity	Total Hourly \$12.39
Doris Trefz (full-time)	\$11.96		\$11.96
Bonnie Ehlinger (part-time)	\$11.96		per hour
LaDonna Fairbanks (part-time)	\$10.86		per hour
Mary Rogers (part-time)	\$ 9.70		per hour
Sadja Sondag (part-time)	\$ 9.70		per hour

Contract Typing (part time)

Tina Ehrig	\$10.32	per hour
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DEA Assistant

Sara Olson	\$10.30	per hour
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SECONDARY ROADS

Administration

Myron Parizek, Engineer	\$70,613.50	per year
Elaine Bolton, Office Manager	\$29,870.00	per year
Penny Applegarth	\$21,115.00	per year

Management

	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Daniel Higdon	\$15.98	\$0.20	\$16.18
Morris Higgins	\$15.98	\$0.30	\$16.28
Pam Gorsch	\$11.85 per hour		

Secondary Roads

	<u>Class</u>	<u>Base</u>	<u>Longevity</u>	<u>Total</u>
Jack Hopper	VID	\$14.99	\$0.30	\$15.29
Roy Staab	VG	\$14.58	\$0.30	\$14.88
Roger Junge	IVD	\$14.47	\$0.25	\$14.72
Lyle Bolton	IVC	\$14.40	\$0.25	\$14.65
Daniel Carroll	VG	\$14.58	\$0.25	\$14.83
Brian Hartz	IC	\$13.26	\$0.25	\$13.51
Larry Christianson	IVD	\$14.47	\$0.25	\$14.72
Roger Calvert	IVD	\$14.47	\$0.20	\$14.67
Michael Benson	IVD	\$14.47	\$0.20	\$14.67
William Garbers Jr.	IVC	\$14.40	\$0.20	\$14.60
Dennis Hamlett	IVD	\$14.47	\$0.15	\$14.62
Marvin Andrews	VG	\$14.58	\$0.15	\$14.73
Roger Sturtz	IVC	\$14.40	\$0.15	\$14.55
Anthony Behounek	VD	\$14.63	\$0.15	\$14.78
Randall Sherwood	IVD	\$14.47	\$0.15	\$14.62
John Mayhew	VG	\$14.58	\$0.15	\$14.73

Thomas Johnson	IVC	\$14.40	\$0.15	\$14.55	
Michael Gardemann	VIC	\$14.58	*\$.25+ \$.15	\$14.98	
Mark Kelty	IIID	\$14.40	\$0.15	\$14.55	
John Beck Jr.	IVD	\$14.47	\$0.15	\$14.62	
Michael Myers	IVD	\$14.47	\$0.10	\$14.57	
Jeff Bahr	VIC	\$14.58	\$0.10	\$14.68	Richard
Meyer	ID	\$14.40	\$0.10	\$14.50	Mark
Wessling	IVC	\$14.40	*\$.25+ \$.10	\$14.75	Scott
McLaughlin	VID	\$14.99	\$0.05	\$15.04	Scott
Gladson	IVD	\$14.47	\$0.05	\$14.52	
Steve DeWitt	IVD	\$14.47	\$0.05	\$14.52	
Marc Merchant	VG	\$14.58	\$0.05	\$14.63	
Joshua McGowan	IVD	\$14.47	\$0.05		\$14.52
Douglas Kearns	VD	\$14.63			\$14.63
Don Burkey	VD	\$14.63			\$14.63
Charles Johnston	VG	\$14.58			\$14.58
William Grimm	VD	\$14.63			\$14.63
Daniel McKenna	VD	\$14.63			\$14.63
Kenneth Bahr	IVD	\$14.47			\$14.47
Jeff Winsor	VG	\$14.58			\$14.58
Matthew Cherveney	IIIC	\$14.40			\$14.40
Mark O Brien	IVB	\$12.67			\$12.67
(* Landfill License)					
Travis Neuhaus (part-time)		\$8.00	per hour		
Kenneth Erickson (part-time)		\$8.50	per hour		
Jarrod Hendricks (part-time)		\$8.50	per hour		

WEED COMMISSION

	<u>Base</u>	<u>Longevity</u>	<u>Total</u>
Michael Beumer	\$14.73	\$0.05	\$14.78 per hour
Bruce Anderson	\$14.58	\$0.05	\$14.63 per hour
Robert Beyer (part-time)	\$ 8.50		per hour
Don Merchant (part-time)	\$ 8.25		per hour

TOWNSHIP OFFICIALS

\$7.00 per hour minimum \$18.00 per meeting

The Board conducted an annual review of the appointment of Don Martin as civil rights coordinator for Benton County as required by law. The Board did not make any changes to the appointment.

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign payment vouchers to the Iowa Department of Economic Development relative to the Downpayment Housing Assistance Grant. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the fee for the medical examiner as follows: \$175.00 per preliminary investigation, plus expenses. Mileage reimbursement shall be at the rate set by the Internal Revenue Service annually. Further, the fee for each preliminary investigation conducted by a death scene investigator will be at the discretion of the medical examiner and will be a part of the fee previously set for the medical examiner. Death scene investigators shall be reimbursed for actual expenses in the same manner as the medical examiner. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the wages of election officials on a daily basis as follows:
Rate Per Full Day: \$130.00-Chairperson, \$110.00 – Election Official

Full Day is defined as any election with the polls opening at 7:00 a.m. and closing at 8 p.m. or 9 p.m. The election worker must work the entire election to be paid at the full day rate.

Rate for half-day: \$65.00- Chairperson, \$55.00 –election official

Half Day is defined as working from 6 a.m. – 2 p.m. or 2 p.m. to finish.

Rate for elections with polls opening at noon: \$90.00-Chairperson, \$75.00- election official

School of Instruction will be paid at \$10.00 per school

Mileage reimbursement shall be at the amount allowed by the Internal Revenue Service, and shall only be reimbursed for five miles or more. There will be no reimbursement for mileage under five.

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a cigarette permit for Garden Gate Market for FY04. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Stephen Urlaub as a part-time seasonal employee in secondary roads, effective June 30, 2003, at a wage of \$8.25 per hour. All members voting aye thereon. Motion carried.

The Board reviewed a proposed 28E Agreement between Benton County and the City of Urbana regarding maintenance of certain grassy areas. The engineer is to return with a final draft before any action is taken.

Representatives of the Poweshiek County Board of Supervisors met with the Board to discuss various ideas for sharing equipment, services, and employees. The discussions were merely an exchange of ideas with no action being contemplated at this time.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

July 1, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Cindy Monroe representing Valic met with the Board regarding the relationship between Benton County and Valic as a provider for the county employees' 457 plan. Monroe asked that Valic be allowed to continue as a 457 provider through employee payroll deductions. The Board advised that currently there are no employees utilizing Valic; however if Monroe wanted to attempt to enroll more participants the Board was not opposed to that effort. The Board advised that they would like to see enrollments with Valic if the relationship is to continue.

Gary Fordice updated the Board on conservation activities in his department. Fordice reported that park usage continues to increase, work continues on a new road and improvements at Wildcat Park, and the conservation board plans to have an exhibit at the Benton County fair again this year.

Milford Schulze met with the Board to ask if they had any questions they would like included in the Farm Bureau survey. The Board advised that they would formulate some ideas.

Mary Halstead, Benton County Transportation Director, met with the Board to discuss meal delivery in Vinton. Halstead advised that consideration should be given to the termination of the service due to federal funding cuts and related issues. The Board advised that they would consider the issue and discuss it further at a future date.

The Veteran's Affairs Commission met with the Board regarding the resignation of the current executive director. After discussing the matter, the Board and the Commission agreed that the position should be filled on the same basis as is currently being done. The auditor is to place an advertisement for the position in the local newspapers.

Russell and Ann Kreutner met with the Board regarding a purchase agreement with Benton County for property for a tower site. Moved by Vermedahl, seconded by Sanders, to enter into a Communication Tower Site Agreement. All members voting aye thereon. Motion carried.

COMMUNICATION TOWER SITE AGREEMENT

This Agreement is between Russell and Ann Kreutner, husband and wife, Sellers, and Benton County, Iowa, Buyers, for the purchase of approximately five acres more or less located in the Southwest One-quarter of the Southwest One-quarter of Section 20 in Eden Township, Benton County, Iowa. Benton County intends to construct a communications tower on said site. This Agreement is contingent upon Benton County making a formal decision to proceed with construction of said tower after the bid letting process is complete.

The parties to the Agreement hereby agree to the following:

1. Any necessary tree removal will be at the expense of Benton County.
2. Gravel within the fenced in areas around the tower guy wires will be at the expense of Benton County, with black paper (or some other material) placed underneath for weed control.
3. An abstract will be provided to the county at the seller's expense.
4. A survey will be required at the seller's expense.
5. The seller retains the first right-of-refusal at fair market value should the property no longer be needed by the county.
6. Anticipated harvest date of the current soybean crop is October 15th; however, if the county begins construction work prior to harvest, the county will reimburse the seller for any crop loss due to the construction.
7. The county will be responsible for graveling the access drive to the tower site.
8. The county will purchase five acres more or less.
9. The seller will be allowed to continue farming all tillable acres (approximately four acres) on the site through either a rental agreement or easement.
10. The purchase of the property is contingent upon the county proceeding with the project. If the county does not proceed with the purchase of the property, all costs incurred by the seller relative to the abstract, survey, an reasonable attorney fees will be reimbursed.
11. The seller will maintain adequate liability insurance coverage while renting the tillable acres.
12. Purchase price is \$4,000.00 per acre.

It is anticipated that the parties will enter into a standard real estate contract, a sample of which is attached and incorporated by this reference hereto, after the above-mentioned contingencies are met.

Benton County Board of Supervisors
Ronald R. Buch
David H. Vermedahl
Jason Sanders

Russell H. Kreutner
M. Ann Kreutner

Moved by Vermedahl, seconded by Sanders, to enter into contract #03-WS-040 between Benton County and the Iowa Department of Economic Development for Community Development Block Grant (CDBG) funds. All members voting aye thereon. Motion carried. The CDBG funds will be used for a sanitary sewer system in Watkins.

Moved by Vermedahl, seconded by Sanders, to enter into a contract between Benton County and the East Central Iowa Council of Governments for the administration of the CDBG contract #03-WS-040. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-49. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-49
RELEASE OF MORTGAGE

BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS:

KNOW ALL MEN BY THESE PRESENTS:

That a certain Mortgage, dated the 7th of April, 2002, executed by Christine & Gene Schwartz to Benton County, and recorded in Book 297, Page 4 of the Benton County Recorder's Office, on October 25, 2002, is redeemed, paid off, satisfied and discharged in full, is hereby released this 1st day of July, 2003.

By: _____
Ronald Buch, Chair
Benton County

Attest: _____
Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-50. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-50
SUBORDINATION AGREEMENT

WHEREAS, Kevin J. Bartlett, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 24th day of April, 2002, which Forgivable Loan was recorded on the 29th day of August, 2002, in Benton County, Iowa, Book LH, Page 183 of the Benton County Recorder's Office;

AND WHEREAS, Kevin J. Bartlett now wish to enter into a loan/mortgage transaction with Wells Fargo Home Mortgage;

AND WHEREAS, Wells Fargo Home Mortgage will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as above identified, to Bank Iowa;

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded as Book LH, Page 183 of the records of Benton County, Iowa, to the mortgage given by Kevin J. Bartlett to Wells Fargo Home Mortgage, dated _____, and recorded on the ____ day of _____ in 2003, in Book _____, Page _____ of the records of Benton County, Iowa. Benton County further agrees that its Forgivable Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Benton County

By: _____
Ronald R. Buch, Board of Supervisors

Attest: _____
Jill Marlow, Benton County Auditor

Don Martin, Vinton City Coordinator, met with the Board to request that the Board reconsider a landfill bill owed by the City of Vinton from their clean-up day. Martin explained that the waste collected contained some construction material resulting in the city being charged \$40.00 a ton for the entire waste. The Board explained that it was their understanding that the city was aware of the landfill requirements and the issues that could arise through a clean-up project. Martin also requested that the Board reconsider the recycling rebate program and that those cities that have implemented a recycling program be allowed to reduce their payments for sanitary disposal versus a refund/rebate.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign progress payment vouchers with the Iowa Department of Transportation for Farm-to-Market funds. All members voting aye thereon. Motion carried.

Moved by, seconded by, to adopt Resolution #03-51. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-51

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from June 30, 2003, through the completion of the project.

From 64th Street thence south 1 mile to 65th Street along 30th Avenue in Canton Township.

Signed this 1st day of July, 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 8, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 27, 2003, and July 1, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set dates for public hearings on land use hearings as follows: Tim Fry in the NW1/4 of NE1/4 of 13-8-3-11 – August 1, 2003 at 9:30 a.m. and Katie Ludden in the NE1/4 of SW1/4 of 10-86-10 – August 1, 2003 at 9:15 a.m. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to continue membership in Eastern Iowa Tourism and to authorize Benton Development Group to change the county information contained in the Eastern Iowa Tourism brochure. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Jeff and Laura Faircloth, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately two acres generally described as the south half of Lot #6 of Prairie Creed Addition to Benton County for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Tom and Michelle Dudley, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being located in a Part of Parcel A located in the NW1/4 of the SW1/4 of 2-86-2 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:45 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Scott and Cheryl Atwood, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a commercial purpose to repair and restore cars. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to deny a land use change on approximately three acres generally described as being located in the NW1/4 of the NE1/4 of 35-11-83 to repair and restore cars as the applicant advises that he needs the land use change merely to obtain a recycling license and that does not meet the criteria for granting a land use change, the surrounding land is a 90 – 95 CSR and adjacent uses are not compatible with the requested change, there are currently nuisance enforcement concerns on the property, and the rural location does not augment the business proposal as the applicant advises that he will not run the business from the location and therefore the location on Highway 30 is not a factor. All members voting aye thereon. Motion carried.

Betty Wright, Benton County Recorder, met with the Board to discuss old record books that are currently being stored in a garage. The records have been microfilmed and copies are available for public inspection in the recorder's office. Wright advised that Blairstown Genealogy has offered to store the old record books in their facility. Wright wanted to advise the Board of the storage arrangement.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 54651 through 55019 for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Auditor's and Veterans' Affairs Quarterly Reports for the period ending June 30, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve contracts with providers of mental health and/or substance abuse services with the following agencies for FY04: Community Care Inc. , Goodwill Industries of Northeast Iowa – Waterloo, Linn County MH/DD Services, Goodwill Industries of Southeast Iowa – Cedar Rapids, Mercy Medical Center, Hillcrest Family Services, and Cedar Centre Psychiatric Group. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to revise the board's direction on the timing of the city's recycling rebate to allow the rebate to be credited against the initial bill, upon proof of compliance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Diana Johnson as a part-time administrative assistant in the county attorney's office, effective July 9, 2003, at a wage of \$10.32 per hour. All members voting aye thereon. Motion carried.

The county auditor presented a quote for Accu-Vote OS election equipment to the Board for review. No action was taken.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 11, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was absent. Chairman Buch called the meeting to order at 9:30 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of July 8, 2003. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Veterans Affairs Quarterly Report for the period ending June 30, 2003. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for receiving and opening the bids for construction of a communications tower, the Board proceeded with the matter. Bids were received as follows:

Graybill Electronics – unable to bid due to time constraints

K & C Towers - \$97, 384.00 - did not include a bid bond

Nationwide Tower Co. – Items #1- #4 - \$90,473.00; with foundation: \$108,423.00

Radio Communications – Items #1 - #4 -\$86,497.00; with foundation - \$97,997.00

Chief Deputy Forsyth is to review the bids and return to the Board on July 18, 2003 at 10:00 a.m. to discuss the same.

Moved by Sanders, seconded by Buch, to adopt Resolution #03-52. Voting aye were Buch and Sanders. Nays none. Motion carried.

**RESOLUTION #03-52
SUBORDINATION AGREEMENT**

WHEREAS, Christine and Gene Schwartz, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 7th day of April, 2002, which Forgivable Loan was recorded on the ____ day of _____, 2003, in Benton County, Iowa, Book ____, Page ____ of the Benton County Recorder's Office;

AND WHEREAS, Christine and Gene Schwartz now wish to enter into a loan/mortgage transaction with Banklowa;

AND WHEREAS, Banklowa will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as above identified, to Bank Iowa;

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded as Book _____, Page _____ of the records of Benton County, Iowa, to the mortgage given by Christine and Gene Schwartz to Banklowa, dated _____, and recorded on the ____ day of _____ in 2003, in Book _____, Page _____ of the records of Benton County, Iowa. Benton County further agrees that its Forgivable Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Benton County

By: _____
Ronald Buch, Chair, Board of Supervisors

Delane Kalina, Benton County Deputy Auditor

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Farmers Cooperative Telephone, Dysart, to place lines in the county's right-of-way in various locations within Monroe Township. Both members voting aye thereon. Motion carried.

The county engineer reported that the balance in the Blairstown Bank landfill account as of June 30, 2003, was \$35,960.75; however a check had been issued to the county treasurer in the amount of \$34,933.26 prior to June 30, 2003.

Moved by Sanders, seconded by Buch, to enter into a 28E Agreement between Benton County and the City of Urbana, for maintenance of property. The engineer is directed to make the proper recordings as required by law. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #03-53. Voting aye were Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #03-53

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from July 14, 2003, through the completion of the project.

From 79th Street thence south 1 mile to Benton-Iowa Road along 30th Avenue in Florence Township.

Signed this 11th day of July, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

The engineer discussed the vacant assistant county engineer position. The engineer requested the authority to offer Nickolas Rissman \$42,500.00. The engineer presented salaries of other assistant county engineers ranging from

\$40,000 to \$45,984. Moved by Sanders, seconded by Buch, to authorize the engineer to offer a starting salary of \$42,000, with a \$500.00 increase in January 2004. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Benton County Deputy Auditor

July 15, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of July 11, 2003. All members voting aye thereon. Motion carried.

An update was provided on the upcoming Fireman's Convention to be held September 3, 4, 5, & 6th. Contests are scheduled on Saturday, a parade on September 6th, and concessions will be available during the event. It was requested that electricity be available from the courthouse. Moved by Sanders, seconded by Vermedahl, to authorize the Fireman's Convention to tap into the courthouse air conditioners' electrical supplies for use by the organization. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for continuing the public hearing on a land use change requested by Scott Lewis, the board took up the matter for consideration. The request is for a change to a commercial purpose and an additional residential purpose. Comments were heard from the public opposing the proposed change. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to deny a land use change on approximately 3.51 acres described as being Parcel A in the SW1/4 of the SE1/4 of 29-83-10 for a commercial purpose and also a second residential purpose as the applicant has failed to comply with a nuisance citation issued to him concerning the property, that the request does not meet the criteria for granting a land use change as it is not compatible with the surrounding land use and the location does not augment or improve the business as required in the county's comprehensive plan. All members voting aye thereon. Motion carried. It is the intent of the Board that the current land is to be restored to a single residential use. Further, any limousines located on the property are to be stored inside buildings in order to comply with the use of the land.

Moved by Vermedahl, seconded by Sanders, to approve a contract for FY04 with St. Lukes Hospital for mental health and substance abuse commitment services. The cost for said services is increased from \$400.00 to \$419.00. All members voting aye thereon. Motion carried.

Renae Tharp spoke to the Board regarding a prospective business locating in Benton County. The name or nature of the business was not revealed; however the prospect is looking in the Vinton area. Tharp requested that the Board attend the next Benton Development Group meeting to be held on July 30, 2003 at 7:00 p.m. at the Cedar Valley Bank & Trust-Vinton for further information on the prospect.

Moved by Vermedahl, seconded by Sanders, to extend the shortage in state funding of homestead, military, and elderly/disabled credits on to the taxpayer. All members voting aye thereon. Motion carried. Supervisor Vermedahl requested that additional research be done as to the county funding a portion of the shortage of the elderly/disabled credit.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-55. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-54
AMENDING RESOLUTION #03-44

WHEREAS, the Benton County Pioneer Cemetery Commission requested budgetary authority for donations made to their commission over and above the funding being provided by the county; and

WHEREAS, the Board of Supervisors agreed to fund \$5,000.00 to the commission in FY04 and that any additional expenditures would be reliant upon donations received; and

WHEREAS, the Pioneer Cemetery Commission believes that they will collect up to \$5,000.00 in donations in FY04, NOW THEREFORE BE IT RESOLVED that Resolution #03-44 is hereby amended by stating that the appropriation for the Benton County Pioneer Cemetery Commission on July 1st, 2003 is set at \$5,000.00 and said funds are to be appropriated from the county general fund. IT IS FURTHER RESOLVED that donations received by the Pioneer Cemetery Commission during FY04, are hereby appropriated at the time said donations are received; however the total FY04 appropriation for the Pioneer Cemetery Commission, including both county funds and donations, is not to exceed \$10,000.00.

Dated this 15th day of July 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to approve law enforcement contracts with the Cities of Newhall, Garrison, and Luzerne. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve payment of 3.5 hours of vacation to Kimberly Staab as the treasurer advises that she was unable to allow Staab to use her entire vacation during the year. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-55. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #03-55

WHEREAS, the Benton County Secondary Roads Department has a need to fill a position in the engineering division of the department, and

WHEREAS, this position is the Assistant County Engineer, and

WHEREAS, applicants have been narrowed to one.

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Nickolas Rissman be hired to fill the position at a salary of \$42,000 per year starting on July 21, 2003, and

BE IT FURTHER RESOLVED the annual salary increase to \$42,500 per year on January 1, 2004.

Dated this 15th day of July 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to set July 29, 2003, at 10:30 a.m. as the time and date for a public hearing on closing a road located on 53rd Street between 25th Avenue and 26th Avenue in Harrison Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

July 18, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of July 15, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set August 12, 2003 at 9:30 a.m. as the date and time for a public hearing on a land use change requested by April Arenholz and located in the SE1/4 of the SE1.4 of 36-86-11. All members voting aye thereon. Motion carried.

Sally Lovig, Poweshiek Water Association Executive Director, and Marg Walker, Matt Tapken, and Roger Stoakes met with the Board to discuss Poweshiek Water's future development plans. A five-year plan was presented that included expanding further into northwest Benton County. Lovig reported that funding would be received this year for the Van Horne project and that once the tower is constructed, they will be able to serve people around the Van Horne area with a potential of 123 users.

Lovig reported that the area around Dysart is the next project with approximately 83 users planned. She requested that Benton County apply for a Community Development Block Grant on behalf of Poweshiek Water Association to extend rural water services into northwest Benton County. Lovig also advised that Poweshiek Water could impose tap restrictions for rural development if desired by the Board of Supervisors. The Board of Supervisors could remove the restrictions at any time.

Supervisor Vermedahl stated that Lovig should speak with the Land Use Commission and the Benton Development Group board regarding their future plans. The Board of Supervisors agreed to get the parties together. Moved by Vermedahl, seconded by Sanders, to apply for Community Development Block Grant funds on behalf of Poweshiek Water Association for two projects in northwest Benton County depicted as Benton County Project 1B and NW Benton County Project 2A. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, that tap restrictions not be imposed on rural development areas. All members voting aye thereon. Motion carried.

Lovig also provided an update on the sanitary sewer project in Watkins.

Moved by Vermedahl, seconded by Sanders, to approve a law enforcement contract between Benton County and the City of Keystone. All members voting aye thereon. Motion carried.

Paul Helland of Helland Engineering met with the Board to request a variance to the Benton County Subdivision Ordinance on behalf of Duane Werning. The variance request was for the purpose of allowing Werning to split two existing home sites occupied by his sons and located on land owned by Werning. The split would allow for each home to be located on its own parcel with its own legal description. Helland advised that Werning is also requesting that a fifty

foot by three hundred and eighty-eight foot (more or less) are of land be added to his existing Parcel A. Moved by Sanders, seconded by Vermedahl, to grant the variance to the subdivision ordinance to Duane Werning as strict adherence to the ordinance would create an undue hardship to the applicant as the parceling is for the sole purpose of settling financial and estate concerns, and is not for building purposes or new development. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived and this being the time and date set for a bid letting on the construction of a communications tower, the Board took up the matter for consideration. The bids were received and opened on a previous date. Discussion was held with the county engineer regarding the foundation of the proposed tower and the costs for his department to construct that portion of the project. The engineer advised that his department would not be able to construct the foundation at a cost less than what was presented in the bids. The communications committee recommended that the Board award the bid to RCSystems of Waterloo, Iowa (Radio Communications) as they met all requirements of the bidding documents and submitted the lowest bid. Moved by Vermedahl, seconded by Sanders, to award the bid for the construction of a communications tower to RCSystems of Waterloo, Iowa at a cost not to exceed \$97,977.00. All members voting aye thereon. Motion carried.

Bruce Tow and Vince Hamilton spoke with the Board and the county engineer regarding various problems with secondary roads in their areas.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

July 22, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Buch, to correct the rates previously approved in the contract with Hillside Estates, to \$37.50 per day. Said rate reflects the removal of the social security administration rate. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to correct the rates previously approved in the contract with Goodwill Industries-Waterloo, to \$37.50 per day. Said rate reflects the removal of the social security administration rate. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 55020 through 55401, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Down Payment Housing Assistance Forgivable Loan Promissory Note on Lot 1, Sutton's First Addition to Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign payment vouchers for the Iowa Department of Transportation for a progress payment on the work being completed on the Elberon/Keystone road project. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 29, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch call the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of July 18,2003 and July 22,2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the treasurer's semi-annual report for the period ending June 30,2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Water/Wastewater Pre-Application for Community Development Block Grant for \$199,000 for extension of rural water into northwest Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a farm exemption as authorized in the Benton County Agriculture Land Use Preservation Ordinance on Parcel C in the NW1/4 of the SW1/4 of 25-86-9, as the applicant will be actively involved in the production of food and/or fiber on twenty-one acres as required. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-56. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-56

WHEREAS, Benton County has received Community Development Block Grant funds from the Iowa Department of Economic Development and deposited in the county's CDBG fund; and

WHEREAS, a portion of the funds received are for the reimbursement of expenses; and

WHEREAS, the Board of Supervisors transferred funds from the General Basic fund to the CDBG fund to provide for the payment of the expenses at the time they were incurred; and

WHEREAS, the Board desires to transfer the funds back to the General Basic fund
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$10,170.00 be transferred from
the CDBG Fund to the General Basic Fund.

Dated this 29th day of July 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

The time of 10:30 a.m. having arrived, and this being the time and date set for a public hearing on closing 53rd Street between 25th Avenue and 26th Avenue in Harrison Township, the Board took up the matter for consideration. Gary Marlow representing East Central Iowa REC, Roger Geater, Jim and Ruth Walker, Merle and Zelda Kosher, Steve Meyer (media) and the county engineer were present. The chair explained that the county's concern is with the cost of replacing the bridge on the Class B road. The engineer advised that the cost of a low water crossing is estimated at \$70,000 to \$80,000. The chair stated that possible options to be considered were closing the road or leaving it open and having it accessible to property owners but the bridge would still be removed. Geater questioned the specific structure problems were with the existing bridge. The county engineer commented that the steel was rusting on the pony trusts and the plank was rotting. Geater asked if a traffic count had been conducted on the road. The engineer advised that not every road is counted by the Department of Transportation, but there is a 5-day per vehicle count based on other similar roads. Geater stated that the count should be conducted on that specific road, adding that wasn't a very valid way to measure the traffic count by using the numbers from another road. The engineer agreed. The engineer advised that changing the road to a Class C road would eliminate the bridge over the creek. Geater questioned if development were to occur who would be responsible for upgrading the road. The chair advised it would be a 50/50 split to upgrade from a Class B road. Geater asked if the load limit could be lowered on the bridge to possibly extend the life of the bridge for a few more years. It was also questioned if the flow of the creek could be changed to route the water under the bridge. Walker advised that if the bridge were removed he would be forced to drive an additional three miles to get hay to its destination. The engineer advised that the current bridge has a 10-ton limit and reducing it to a 5-ton limit may prevent those present from using it for farming operations. Geaters also questioned if lime rock could be placed at the abutments and rechannel the water back to the center of the creek. Marlow commented that the REC has a direct feeder line from their substation along the road and that the lines would still have to be maintained. Marlow added that if the road were vacated, the REC would be in a position of having to get easements or reroute the line at a cost of approximately \$30,000.00. Marlow stated that the REC could continue to provide electricity to their customers quicker and more efficiently if the road were to remain a Class B. Geater questioned if the county could provide a rock crossing instead of a structure over the creek. The engineer stated that he wasn't familiar with how sand would work with a gravel/rock mixture. Walker commented that rock worked over a stream in another area close to this road. Geater stated he would like the road to stay open but is not in favor of spending \$80,000.00, and would like the Board to extend the life of the bridge for another 5 years. The Board asked the REC if a Class C road would meet their requirements. The REC responded that they would not be objectionable provided they had a key to the gates. It was questioned if the county would still maintain the road if the road were changed to a Class C. The engineer advised that the county would purchase the gates and install them but future maintenance of the gates would be the landowner's responsibility. The county would still maintain the road itself.

Hearing no further comment, the Chair declared the public hearing closed.

Moved by Vermedahl, seconded by Sanders, that 53rd Street between 25th Avenue and 26th Avenue in Harrison Township **not** be closed and further it is to remain a Class B road. All members voting aye thereon. Motion carried. It is the intention of the Board to remove the existing structure and replace it with a rock crossing.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign an Iowa Department of Transportation progress payment voucher for work being done on the road north of Luzerne. All members voting aye thereon. Motion carried.

Mike Beumer, Benton County Weed Commissioner, provided an update on activities in his department. The Board discussed problems with thistles in areas of the county. Beumer stated that the roads that the county recently acquired from the state would create problems for weed control, as his current equipment won't extend out over the entire width of the ditches.

Moved by Vermedahl, seconded by Sanders, to approve a law enforcement contract between Benton County and the City of Mt Auburn. All members voting aye thereon. Motion carried.

Discussion was held on the county funding part of the elderly tax credit shortage. The state legislature reduced funding of the elderly/disabled tax credit to 40%. Moved by Vermedahl, seconded by Sanders, to have Benton County fund 50% of difference between 2001 & 2002 levy years of the state shortage of the elderly and disabled credit. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

July 30, 2003

The Benton County Board of Supervisors met in special session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 7:00 p.m.

The Board, along with members of Benton Development Group, met with Dr. Ronald Mell of Mells Industries to discuss a plant that would process cornstalks into paper. Dr. Mell explained that project and the research already completed. Mells Industries is currently looking for a site to construct the processing plant, which is estimated to employ two hundred people with an annual payroll of ten million dollars. Dr. Mell also advised that the project would require approximately two hundred acres and use about three million gallons of water per day once in operation. Dr. Mells explained that he was searching for an area where the community would support the project, and the public bodies would provide grant opportunities. The Board of Supervisors did not take any action on the proposal.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 7:50 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 1, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 29, 2003 and July 30, 2003. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 26, 2003 at 9:15 a.m. as the date and time for a public hearing on a land use change requested by Leon and Jonna Tellinghuisen and located in the NE1/4 of the SE1/4 of 25-82-11. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Katie Ludden, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately one acre generally described as being a Part of the NE1/4 of the SW1/4 of 10-86-10 (Harrison Township) for a single residential use. Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Tim Fry, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately 1-1/2 acres generally described as being a Part of the NW1/4 of the NE1/4 of 13-83-11 (Union Township) for a single residential use. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-57. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-57
AMENDING RESOLUTION #03-45
DEPOSITORY RESOLUTION

BE IT RESOLVED BY the Benton County Board of Supervisors that Resolution #03-45 adopted on June 27, 2003 is amended to reflect a change in the name of Citizen's Bank to Midwest One Bank & Trust. All others parts of the resolution adopted on June 27, 2003, remains in full force and effect.

Dated this 1st day of August 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Jill Marlow, Auditor

Scott Hansen, Emergency Management Coordinator, met with the Board to discuss a county hazard mitigation strategy plan for Benton County. Hansen requested ideas from the supervisors that they would like included in the plan. The supervisors indicated courthouse security issues, creation of a citizen corps, better notification and early warning system for the county, encourage residents to use indoor weather radios, education on the Homeland Security system, and building codes could be areas considered for inclusion in the plan.

Moved by Vermedahl, seconded by Buch, to approve a Beer Permit and Sunday Sales Permit for the Blirstown Lions Club for Sauerkraut Days. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 26, 2003, at 10:00 a.m. as the date and time for a bid letting on repair work to be completed on the house at 304 Cross Street in Blirstown through the HOME grant. Both members voting aye thereon. Motion carried.

Gary Fordice updated the Board on activities being done in the conservation department. Fordice stated that the Wildcat Park road project is still being worked on, discussed using \$26,000 with Blirstown, hiking trail for Blirstown

to park, small nature center at Hannen, purchase of additional land near Hannen, enclose pavilion at Hannen. The council thought enclosing the pavilion or the trail would be the best ideas. Educational programs have been provided to area youth. Upgrading area under playground equipment. Cabin rental at Hannen continues to be booked-up and is increasing at Tobin. Dudgeon Lake house contract will be expiring.

Moved by Vermedahl, seconded by Buch, to approve the hire of Nancy Jorgensen, effective August 12, 2003, and Iris Schwarzkopf, effective August 5, 2003, as part-time employees in the treasurer's office, at a wage of \$8.25 per hour. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

August 5, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 1, 2003. Both members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to discuss the radio communications tower project. Forsyth advised that it is necessary to bid out the radio equipment, fence, building, etc. for the remainder of the project, and that it is necessary to hire a consultant to provide the plans and specifications. Moved by Vermedahl, seconded by Buch, to authorize Forsyth to obtain a minimum of three quotes for consulting services for the remainder of the radio communications tower project. Both members voting aye thereon. Motion carried.

Forsyth also spoke to the Board about the electricity needed at the tower and that an account would have to be opened with East Central Iowa REC. Forsyth was directed that an account under Benton County with a mailing address to the auditor would be permissible.

Renaë Tharp with Benton Development Group met with the Board to discuss the cornstalks to paper project being proposed in Benton County. Tharp advised that there were three landowners who may be willing to sell land located between Vinton and Mt. Auburn for the project. The Board advised that the project would have to go through a land use change and the CSR of the ground would be considered. Supervisor Buch commented that it was his belief that it would be difficult for the company to buy the amount of cornstalks needed at the price they were projecting. Supervisor Vermedahl stated that the company wanted Benton County to fund six to seven million dollars for a feasibility study, and then questioned what would happen if the study found the project wasn't feasible. Tharp stated that there were a lot of unanswered questions at this time but that she would work on getting the answers for the Board.

Tharp also spoke to the Board about accessing \$1,000.00 of economic development grant money for the Benton County Career Expo. Tharp stated that the grant request had the support of the Benton Development Group Board. Moved by Vermedahl, seconded by Buch, to release \$1,000.00 of economic development grant money to Benton Development Group, to be distributed by their organization. Both members voting aye thereon. Motion carried.

The Board left (recessed) at 10:15 a.m. to attend the auction of the spec building in Vinton. The secretary to the Board accompanied the Board to the auction site.

The Board returned at 10:40 a.m.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-58. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-58

BE IT RESOLVED by the Benton County Board of Supervisors that \$180.00 be transferred from the General Basic Fund to the CDBG fund to cover administrative costs for the Watkins sewer project.

Dated this 5th day of August 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Buch, to approve a wage increase to \$11.50 per hour for William Thorman, a dispatcher in the sheriff's department, effective August 1, 2003. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-59. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-59

SUBORDINATION AGREEMENT

WHEREAS, Kerry L. Liechty, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 28th day of March, 2002, which Forgivable Loan was recorded on the 2nd day of April, 2002, in Benton County, Iowa, Book KQ, Page 247 of the Benton County Recorder's Office;

AND WHEREAS, Kerry L. Liechty now wishes to enter into a loan/mortgage transaction with Wells Fargo Home Mortgage, Inc.;

AND WHEREAS, Wells Fargo Home Mortgage, Inc., will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as above identified, to Wells Fargo Home Mortgage, Inc.;

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded in Book KQ, Page 247 of the records of Benton County, Iowa, to the mortgage given by Kerry L. Liechty to Wells Fargo Home Mortgage, Inc., dated March 29, 2002, and recorded on the 2nd day of April, 2002, in Book KQ, Page 263 of the records of Benton County, Iowa. Benton County further agrees that its Forgivable Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Benton County

By: _____
Ronald Buch, Chair, Board of Supervisors

Delane Kalina, Deputy Benton County Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-60. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #03-60

BE IT RESOLVED by the Benton County Board of Supervisors that the following described secondary road be closed for maintenance effective from August 6, 2003, through the completion of the project.

At the Union Pacific Railroad crossing along 77th Street (E66) in Leroy Township between 22nd and 23rd Avenue. Signed this 5th day of August 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Buch, to enter into a contract with Calhoun-Burn & Associates for bridge rehabilitation and widening on the bridge located west of Shellsburg on E36, at a cost of \$23,960.00. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Benton County Auditor

August 12, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, and Sanders present. Supervisor Buch was absent. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m. Sue Nurre and Alberta Parker spoke to the board about property in Sec.22-85-9. They were given a variance to the subdivision ordinance for 25 acres on November 6th 2001. After the property was surveyed it was 29 acres. They were asked to return to the board at a later date when it was clearer what was necessary to solve their problem.

Moved by Sanders, seconded by Vermedahl, to set 9:15 a.m. September 5th, 2003 as the time and date for a public hearing on a land use change requested by Donald Manley on a parcel located in the NW1/4 of the NE1/4 of 32-86-10. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 55402 through 56045, for payment. Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by April Arenholz, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being located in the SE1/4 of the SE1/4 of Section 36, Township 86 North, Range 11 West of the 5th P.M. (Cedar Township) for a single residential use. Both members voting aye thereon. Motion carried.

Terry Johnson with Genesis Development updated the board on services provided. He will come quarterly to go over statistics and answer any questions the board may have.

The time of 10:00 a.m. having arrived, and this being the time and date set for receiving and opening the bids for the completion of the Communication Tower Project, the Board proceeded with the matter. Bids were received as follows: Radio Communications \$125.00 per hour not to exceed \$10,000 to be completed within 3 weeks. Geo Com \$29,750 to be completed by March 10, 2004. Elert & Associates \$28,125 plus estimated additional expenses of \$4,975 with a completion date of January 2004. After discussing the matter, it was moved by Sanders, seconded by Vermedahl to accept the bid from Radio Communications. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to sign Housing Assistance Project Contractual Agreements. Both members voting aye thereon. Motion carried.

The county engineer reported that the balance in the bank account for the landfill is \$14,943.42 as of July 31st, 2003.

The county engineer updated the board on the annual Pigman Triathlon on Sunday, August 17th, 2003. He discussed the route and times of the triathlon.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

David Vermedahl, Vice-Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

August 15, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders, and Buch present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch to approve the minutes of August 8, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to approve the minutes of August 12, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to set 9:30 a.m. September 5, 2003 as the time and date for a public hearing on a land use change requested by Todd and Laura Bohnsack on a parcel located in the SE¼ of the SE¼ of 33-85-9. All members voting aye thereon. Motion carried.

Kevin Carr and Cindy Eveleth with Employee Benefit System met with the board to discuss Benton County's health insurance partial self funding program. No decision was made at this time.

There was no finalization of the purchase and contract for approximately 5 acres in the SW¼ of the SW¼ of 20-84-10 for a communication tower site. Benton County Attorney David Thompson discussed the final terms of the contract with the board and Russell Kreutner.

The time of 10:30 p.m. having arrived, and this being the time and date set for a public hearing on a farm exemption requested by Mark Mossman, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a farm exemption to build a single family residence. Hearing all comment, it was moved by Vermedahl, seconded by Sanders to approve a farm exemption to build a single family residence for Mark Mossman on 30 acres located in the S½ of the NW¼ of Section 4, Township 85, Range 10 West of the 5th P.M. (Taylor Township). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to approve the hiring of Walter Kollmorgen as Veterans Affairs Director. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to suspend taxes on parcel #240-84525 in accordance with Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to approve the signing of a letter to HACAP by Chairman Buch requesting funding in the amount of \$.50 per meal for delivery by Benton County Transportation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ron Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

August 19, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 15, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to amend the Benton County Employees Handbook, Section I, Page C, FUNERALS, to read as follows:

"Time off for funerals will be allowed at a rate of up to one day at the discretion of the official-in-charge. Up to three days leave may be allowed for the death of a spouse, parent, child, grandparent, grandchild, sibling, or corresponding in-law or step relative. Compensation for funeral absence will be at the employee's rate for hours not to exceed the employees normal work hours per day."

This amendment applies to all employees under the administration of the Board of Supervisors, and is subject to approval by all elected officials and boards required.

Walt Kollmorgen, the new director of Veteran's Affairs, met with the Board for introductory purposes.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-61. Voting aye were Buch, Vermedahl, and Sanders. All members voting aye thereon. Motion carried.

RESOLUTION #03-61

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from August 11, 2003, through the completion of the project.

From 33rd Avenue thence east 1 mile to Benton-Linn Road along 71st Street in Fremont Township.

Signed this 19th day of August, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-62. Voting aye were Buch, Vermedahl, and Sanders. All members voting aye thereon. Motion carried.

RESOLUTION #03-62

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from September 2, 2003, through the completion of the project.

From 19th Avenue thence east 1.5 miles to 20th Avenue Drive along 66th Street in Big Grove Township.

Signed this 19th day of August, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign Iowa Department of Transportation progress vouchers for asphalt projects on Project FM-C006(56)-55-06 (Luzerne to Hwy 30) and FM-C006(57)-55-06 (Keystone to Hwy 21). All members voting aye thereon. Motion carried.

The Board discussed recycling issues with the county engineer. Supervisor Vermedahl commented that the trailers in Vinton seem to be full, especially with cardboard. Vermedahl questioned if the problem could be commercial businesses using the drop-off trailers. The county engineer is to look into the matter further. The Board also commented that the county would have to be responsible for keeping the drop-off sites cleaned up since the cities were no longer to be using them.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-63. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-63

REAL ESTATE CONTRACT (SHORT FORM)

IT IS AGREED between Russell H. Kreutner and M. Ann Kreutner, husband and wife ("Seller") and Benton County, Iowa ("Buyer").

Seller agrees to sell and Buyer agrees to buy real estate in Benton County, Iowa, described as:

Parcel A in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) in Section Twenty (20), Township Eighty-four (84) North, Range Ten (10) West of the 5th P.M. per Survey recorded in Book 13, Page 53.

With any easements and appurtenant servient estates, but subject to the following: a. any zoning and other ordinances, b. any covenants of record; c. any easements of record for public utilities, roads and highway (the "Real Estate"), upon the following terms:

1. **Price.** The total purchase price for the Real Estate is Twenty-two Thousand Two Hundred Dollars (\$22,200.00). Buyer shall pay \$22,200.00 to the Seller at the time of closing.
2. **Real Estate Taxes.** Seller shall pay real estate taxes pro-rated to the date of possession, and any unpaid real estate taxes payable in prior years.
3. **Special Assessments.** Seller shall pay all special assessments which are a lien on the Real Estate as of the date of this contract. All other special assessments shall be paid by Buyer.
4. **Possession.** Seller shall give Buyer possession of the Real Estate on the date of execution of this Contract.
5. **Abstract and Title.** Seller, at his expense, shall promptly obtain an abstract of title to the Real Estate continued through the date of this contract, and deliver it to Buyer for examination. It shall show merchantable title in Seller or conformity with this contract, Iowa law and the Title Standards of the Iowa State Bar Association. The abstract shall become the property of the Buyer when the purchase price is paid in full, however, Buyer reserves the right to occasionally use the abstract prior to full payment of the purchase price. Seller shall pay the costs of any additional abstracting and title work due to any act or omission of Seller, including transfers by or the death of Seller or his assignees.
6. **Fixtures.** All property that integrally belongs to or is part of the Real Estate, whether attached or detached, such as light fixtures, shades, rods, blinds, awnings, windows, storm doors, screens, plumbing fixtures, water heaters, water softeners, automatic heating equipment, air conditioning equipment, wall to wall carpeting, built-in items and electrical service cable, outside television towers and antenna, fencing, gates and landscaping shall be considered a part of Real Estate and included in the sale.
7. **Care of Property.** Buyer shall take good care of the property; shall keep the buildings and other improvements now or later placed on the Real Estate in good and reasonable repair and shall not injure,

destroy or remove the property during the term of this contract. Buyer shall not make any material alteration to the Real Estate without the written consent of the Seller.

8. **Deed.** Upon payment of purchase price, Seller shall convey the Real Estate to Buyer or her assignees, by warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided herein. Any general warranties of title shall extend only to the date of this contract, with special warranties as to acts of Seller continuing up to time of delivery of the deed.
9. **Time is of the Essence.** Time is of the essence in this contract.
10. **Construction.** Words and phrases in this contract shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.
11. **Additional Provisions.**
 - (a) Seller and Buyer acknowledge that Buyer is purchasing the above described real estate for the express purpose of constructing and maintaining a large communication tower which will require the requisite care and maintenance involved in such an endeavor.
 - (b) Buyer has inspected the above-described real estate, and accepts such real estate in its present condition and **AS IS**.
 - (c) Buyer shall at Buyer's expense maintain gravel within the fenced in areas around the tower guy wires with black paper (or some other material) placed underneath for weed control.
 - (d) Seller shall retain the first right of refusal of the above described real estate at fair market value should the Buyer decide to sell the property in the future.
 - (e) Buyer acknowledges that the anticipated harvest date of the current soybean crop is October 15, 2003; Buyer agrees that if it begins construction work prior to harvest, the Buyer will reimburse Seller for any crop loss due to the construction.
 - (f) Buyer shall maintain at Buyer's expense the gravel access driveway to the tower site.
 - (g) **Special Farm Lease.** Seller will be allowed to continue farming all tillable acres of the above described property (four acres more or less) in exchange for maintaining weed control of said tillable acres. This special farm lease shall run as long as either Seller farms the adjoining land around the above described real estate. The Seller agrees to maintain liability insurance coverage in the minimum amount of \$1,000,000.00 while renting said tillable acres.

Dated: August 19, 2003

Ronald Buch, CHAIRMAN

Russell H. Kreutner, SELLER

David Vermedahl

M. Ann Kreutner, SELLER

Jason Sanders

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 22, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of August 19, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the sheriff's Annual Federal Certification for funding. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve vacation carry-over up to 80 hours for Randall Forsyth, said carry-over is to be used by January 1, 2004. All members voting aye thereon. Motion carried.

Kevin Bunch of Group Services met with the Board regarding administration of the county's health insurance. The Board advised that they are still researching options.

Gary Fordice updated the Board on conservation activities. Fordice spoke about the water at Hannen and Rodger's lake; seasonal employment is ending; and the environmental education program is being taken into the schools. Fordice also spoke about enclosing a shelter at Hannen Park.

Scott Lewis met with the Board to request a variance to the Vicious Animal Ordinance. Lewis currently has dogs that are Labrador/pitbull mixed but exhibit the traits and characteristics of a pitbull. Benton County prohibits keeping these types of animals. One of the dogs has previously bitten a child. The county attorney advised Lewis to submit a request for a variance in writing and that a public hearing would be held. Deputy Michaels advised Lewis to remove the dogs from Benton County immediately, even during the time the variance was being sought.

Moved by Sanders, seconded by Vermedahl, to approve a Utility Permit for East Central Iowa REC to place lines in the county's right-of-way along 30th Avenue Drive in section 28 of Canton Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a Utility Permit for Alliant Energy to place lines in the county's right-of-way between 53rd Street and 19th Avenue and Mt. Auburn all located in Cedar Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

August 26, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of August 22, 2003. All members voting aye thereon. Motion carried.

Moved by, seconded by, to set September 19, 2003 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Dean Close in the SW1/4 of the NE1/4 of 9-86-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to amend the minutes of July 8, 2003, to reflect that the sheriff's quarterly report was approved and not the veteran's affairs. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Leon and Jonna Tellinghuisen, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately 2.75 acres generally described as being a Part of NE1/4 of the SE1/4 of 25-82-11(Leroy Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented a request submitted by Myron and Esther Lown for a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance. Greenlee explained that the applicants own 116 acres and are actively engaged in a farming operation. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance to Myron and Esther Lown in Parcel A of the NW1/4, the NE1/4, and the SW1/4 all located in 2-85-9 (Polk Township) for the purposes of constructing a residence. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 50646 (replaced blank check on 8-13-02) and 56047 through 56437 for payment. All members voting aye thereon. Motion carried.

Carroll Lewis met with the Board to discuss a variance to the Benton County Vicious Animal Ordinance. After speaking with Lewis it was explained that a request for a variance or an appeal to the sheriff's order must be submitted in writing before the Board of Supervisors can act. Lewis stated that three family members own the dogs. The sheriff's department ordered that the dogs be removed pursuant to the Vicious Animal Ordinance on August 22, 2003. It was explained that the appeal request had be submitted by August 29, 2003. No action was taken by the Board.

The time of 10:00 a.m. having arrived, and this being the time and date set for a bid letting on rehabilitation work at 304 Cross Street, Blainstown, through the Downpayment Housing Assistance Program. Three bids were received as follows:

AEC, Amana, Iowa - \$3,060.00

Jim Frazier, South English, Iowa - \$8,100.00

J.G. Cook Construction - Cedar Rapids, Iowa - \$6,765.00

Moved by Vermedahl, seconded by Sanders, to award the bid for rehabilitation work at 304 Cross Street, Blainstown, Iowa to AEC of Amana at a cost not to exceed \$3,060.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-64. Voting aye were Buch and Vermedahl. Sanders voting nay. Motion carried.

**RESOLUTION #03-64
SUBORDINATION AGREEMENT**

WHEREAS, Christine and Gene Schwartz, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 7th day of April, 2002, which Forgivable Loan was recorded on the 1st day of July, 2003, in Benton County, Iowa, Book 327, Page 42 of the Benton County Recorder's Office;

AND WHEREAS, Christine and Gene Schwartz now wish to enter into a loan/mortgage transaction with Banklowa;

AND WHEREAS, Banklowa will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as above identified, to Banklowa;

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded as Book 327, Page 42 of the records of Benton County, Iowa, to the mortgage given by Christine and Gene Schwartz to Banklowa, dated _____, and recorded on the ____ day of _____ in 2003, in Book _____, Page _____ of the records of Benton County, Iowa. Benton County further agrees that its Forgivable

Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Benton County

By: _____
Ronald Buch, Chair, Board of Supervisors

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-65. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-65

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from August 25, 2003, through the completion of the project.

From 62nd Street south 2 miles to 64th Street along 33rd Avenue Drive in Canton Township.

Signed this 26th day of August 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

The Board discussed offering direct deposit of employee payroll as requested by the county engineer. The costs and time requirements were discussed. The Board advised that they were not in favor of offering direct deposit at this time due to the low number of employees interested in the service.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

August 29, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 26, 2003. All members voting aye thereon. Motion carried.

Discussed having the courthouse open during the Fireman's Convention on September 6, 2003. It was the decision of the Board that the courthouse be closed due to security reasons.

Moved by Vermedahl, seconded by Sanders, to authorize the Viking Athletic Booster Club to use the county parking lot located east of the courthouse for a food booth September 4, 5, and 6th for the State Firemen's Convention. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to hire Employee Benefit Systems (EBS) to serve as Benton County's Third Party Administrator (TPA) for the county's self-funded health insurance and cafeteria plan, subject to the provisions of the contract. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-66 as the proposed subdivision is merely a replat of an existing lot located within a previously platted subdivision. After discussing the matter further, it was moved by Vermedahl, seconded by Sanders to amend the motion on the floor by adding that a variance to the Benton County Subdivision Ordinance is also granted as an undue hardship would be created if strict adherence to the ordinance were required and the proposed subdivision will not significantly impact the neighborhood or surrounding area. Question on the amendment: All members voting aye. Nays none. Motion carried.

Question on the original motion as amended: Voting aye: Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-66

APPROVING PLAT

WHEREAS, a Plat of Prairie Creek Second Addition to Benton County, Iowa, containing two (2) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Lot 6, Prairie Creek First Addition to Benton County, Iowa.

Said parcel contains 13.00 acres, subject to easements and restrictions of record.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of Prairie Creek Second Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatment systems will be constructed with the approval of the Benton County Department of Health.
4. Any subsequent changes in land use must be approved by the Benton Board of Supervisors.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 29th day of August 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The Board took up the issue of granting a variance to the Benton County Vicious Animal Ordinance requested by Carroll Lewis, Scott Lewis and Tina Lewis. The county attorney, Diana Johnson, Steve Meyer (media), and Jim Magedefrau (media), as well as the requestors were present. A written request for a variance was filed with the Benton County Auditor on August 26, 2003. Information was presented to the Board by the Lewises, the county attorney, and Deputy Jerry Michael (by telephone and written document). The Lewis family appeared before the Board with their dog, Tank, but was ordered by the county attorney to remove the animal from the premises. Lewis stated that the dog was brought as he was told to do so and so that the Board of Supervisors could view the animal first-hand. Tina Lewis removed the dog from the courthouse proper. Scott Lewis stated that the dog does not have pit bull breeding; however evidence was presented via a copy of the rabies vaccination certification showing that the breed was pit bull/ boxer cross. Scott Lewis stated that the certificate was in error and that he could provide documentation from a veterinarian that the animal did not have pit bull breeding. Supervisor Vermedahl stated that the documentation should have been presented at the hearing to be considered. The county attorney advised the Board that the Ordinance provides that certain requirements be met when granting a variance. The requirement that the owners prove they are experienced in handling the animal so that the safety and protection of animals, livestock, and humans is insured, and that the request for a variance is submitted in writing. The requirement of the written request has been met, but they must also meet the safety and protection requirement. The county attorney advised that the Lewis family did not present any photographic proof that the animals are safely confined; the dog has bitten a four-year old; and the owner failed to have the animal vaccinated for rabies until after a citation was issued. Lewis stated that the dog had been vaccinated but he did not have proof of the prior vaccination and therefore it was vaccinated again. Scott Lewis again stated that he could have documentation from a veterinarian that the dog did not have an pit bull breeding within twenty-four hours or even by the end of the day; however Supervisor Vermedahl stated that the Lewis family was advised to have all documentation necessary to prove why they should be granted a variance at the time of the hearing and they failed to do so.

Hearing all comments both for and against granting the variance, it was moved by Vermedahl, seconded by Sanders, to deny a variance to the Benton County Vicious Animal Ordinance requested by Carroll Lewis, Scott Lewis, and Tina Lewis for the following reasons:

1. The lack of a rabies vaccination as required by law demonstrates irresponsible ownership.
2. A dog owned by the Lewises has previously bitten a 4-year old child.
3. The owners/requestors have failed to provide documentation that the dog is not a pit bull or pit bull mixed breed.
4. Evidence presented by the county attorney, Deputy Jerry Michael, Scott Lewis, Carroll Lewis, and Tina Lewis at the board meetings on August 22, 2003 and August 26, 2003 in addition to information presented today.
5. The owners/requestors do not have the experience required to handle vicious and/or dangerous animals as defined in and required by the ordinance.

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the auditor to do a handwritten check to Manatt's Inc. for \$95,679.21 for a progress payment on the road project by Belle Plaine. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for South Slope Telephone Company to place utility lines in Section 34 of St. Clair Township along 25th Avenue, south of 79th Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
 Jill Marlow, Auditor

September 5, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 29, 2003. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Donald and Louise Manley, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Concerns from Jill Marlow, an adjacent property owner, were made concerning the number of septic systems on sensitive soil. Copies of minutes of the Board of Supervisors meeting of December 9, 1997, were presented to the Board wherein the sanitarian voiced concerns over the number of septic systems in the same area at a previous land use hearing. Sanitarian Greenlee stated that he had concerns over the number of septic systems on sensitive soil but he was not concerned with this matter. Concerns were also heard about fencing agreements with Supervisor Buch stating that was not the Board's concern but should be worked out between the property owners. The placement of the driveway was questioned as it was depicted in the drawing presented to the Board. Manley explained that the drawing was not accurate and that the driveway was approximately 40 feet west of the north/south boundary fence. Comments were also made regarding the county's Comprehensive Land Use Plan and the need for the county to adhere to it. Supervisor Vermedahl questioned if the Vinton Airport had been contacted and Greenlee responded that Darrell Kenney had been notified. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately 4.5 acres generally described as being a Part of the East 18 acres of the NW1/4 of the NE1/4 of 32-85-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Todd and Laura Bohnsack, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. There were no comments from adjacent property owners. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately one acre generally described as being a Part of SE1/4 of the SW1/4 of 33-85-9 (Benton Township) for a single residential use, with the stipulation that the driveway is built up as required. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Benton County Cost Allocation Plan for FY02. All members voting aye thereon. Motion carried.

Randy Forsyth spoke to the Board regarding the communications tower project and running radio cables at the time of tower construction. This matter was not on the agenda for discussion; however the Board allowed the matter to proceed under "new business". Forsyth advised that the county would be able to save thousands of dollars if the cable were strung in conjunction with the construction portion of the communications tower project versus the radio installation portion. Installation of the cables was not included in the plans and specifications presented at public hearing or bid upon. The matter was placed on the September 9, 2003 agenda for further discussion. The Board is to request that the county attorney be present at that time.

The engineer reported that the balance in the landfill account on August 31, 2003 was \$20,835.63.

The engineer discussed the need for a new sanitary waste disposal comprehensive plan. The Department of Natural Resources requires that the county have a new plan approximately every six years. The engineer explained that

the East Central Iowa Council of Governments (ECICOG) were assisting with the plan; however unless 28E Agreements were entered into with all of the cities, it would be necessary for ECICOG to meet with every city in the county. The Board directed the engineer to have 28E Agreements in place between Benton County and each city eliminating the need for ECICOG to contact each city individually.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Co-op Telephone Company to place utility lines in the county's right-of-way in St. Clair Township along 26th Avenue in Section 26. All members voting aye thereon. Motion carried.

The engineer advised that waste tire collection was being provided by Greenman Technologies of Iowa, Inc. at a cost of \$92.50 per ton.

Moved by Sanders, seconded by Vermedahl, to adopt the following Decision on Variance Request. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

DECISION ON VARIANCE REQUEST

On August 29th, 2003, the Benton County Board of Supervisors met and took up the request for a variance to the provisions of Benton County Ordinance Number 37, filed by Carroll Lewis on August 26th, 2003. Specifically, Carroll Lewis requests a variance which would allow him to keep on his property in Benton County a dog named Tank, who is of Pit Bull breeding. See Benton County Animal Control Ordinance Section 37.02 (L). Dangerous animals, such as Pit Bulls, are banned under Animal Control Ordinance Section 37.15.

Carroll Lewis, Scott Lewis, and Tina Lewis appeared for the hearing on August 29th, 2003, and argued that their dog Tank, has no Pit Bull "blood" and is gentle. They claim that the incident in July of this year in which Tank bit a four year old child was the child's fault. The Lewis family argues that the citation Scott Lewis received for not having Tank's rabies vaccination current, to which Scott Lewis plead guilty, really was a mistake, as Tank was current in his rabies vaccination. It should also be mentioned that for the hearing on August 29th, 2003, the Lewis family brought Tank to the Benton County Board Room in Vinton, Iowa, with Scott Lewis proclaiming that he was told by Deputy Sheriff Jerry Michael to bring Tank to the hearing. Deputy Sheriff Jerry Michael testified via telephone that he had never told any of the Lewis family that they could bring Tank to the Board meeting and in fact had reached an agreement with them to keep Tank and the other Pit Bull dogs on the Lewis' property outside of Benton County, Iowa, until these matters could be resolved. The Board also notes that Scott Lewis has appeared at least two previous Board meetings within the last few weeks and in one of those meetings, openly admitted that his dog Tank is part Pit Bull, and that in conjunction with his failure to have Tank vaccinated for rabies citation, Scott Lewis submitted to the Court a veterinarian's certificate which stated that Tank is a Pit Bull/Boxer crossbreed.

After hearing all comments and evidence both for and against granting the variance request, Dave Vermedahl moved, seconded by Jason Sanders, to deny the variance request to the Benton County Animal Control Ordinance requested by Carroll Lewis, Scott Lewis, and Tina Lewis for the following reasons:

1. The lack of a rabies vaccination as required by law demonstrates irresponsible ownership;
2. A dog owned by the Lewis family had previously bitten a four year old child in July of 2003;
3. The owner's/requester's have failed to provide documentation that Tank is not a Pit Bull or a Pit Bull mixed breed;
4. Evidence presented at previous Board meetings on August 22nd, 2003 and August 26th, 2003, in addition to the information presented August 29th, 2003;
5. The owner's /requester's do not have the experience to handle vicious and/or dangerous animals as defined in and required by the Ordinance.

As such, the Lewis' variance request pursuant to Animal Control Ordinance Section 37.19, was denied, with all Board members voting to deny the aforementioned variance.

It should also be noted that Scott Lewis asked the Board for twenty-four hours to produce documentation from a veterinarian that Tank is not of Pit Bull breeding; the Board expressly finds that the Lewis Family has had more than ample time to produce this information.

IT IS HEREBY ORDERED by the Benton County Board of Supervisor that Carroll Lewis, Scott Lewis and Tina Lewis are denied their request for variance to keep Pit Bulls in Benton County, Iowa. Pursuant to Benton County Animal Control Ordinance Section 37.17, Carroll Lewis, Scott Lewis, and Tina Lewis are hereby advised that they have a right to appeal this decision to the Iowa District Court within seven (7) days of the date of this decision

Signed this 5th day of September, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 9, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 5, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set October 3, 2003 at 9:15 a.m., as the time and date for a land use change requested by Joe Schulte in the SE1/4 of the SE1/4 of 25-86-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, that pursuant to the treasurer's request that Michelle Sauers be paid for 3.25 hours of unused vacation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 56438 through 56798, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to suspend the taxes on parcel #240-80125 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-67. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-67

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from September 9, 2003, through the completion of the project.

From 25th Avenue thence east 1 mile to 26th Avenue along 53rd Street in Harrison Township.

Signed this 9th day of September, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The following items were discussed however they were not on the agenda for consideration. The chairman spoke with the engineer regarding landfill and recycling issues, painting stripes on the county's roads, and the progress of seal-coating projects.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 12, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 9, 2003. Both members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived and this being the time and date for canvassing the regular school election held on September 9, 2003, the Board proceeded with the matter. Having reviewed all results, it was moved by Sanders, seconded by Vermedahl, to declare the results of the canvass of the September 9, 2003 Regular School Election as official. The auditor is directed to make and maintain the necessary records in her office as required by law. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve 13 ¼ hours of vacation carry-over for Jackie Michael in the sheriff's department. Said vacation is to be used by January 1, 2004. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in section 22 of Iowa Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Nick Rissman to the East Central Iowa Council of Governments Transportation Technical Advisory Committee to fill the unexpired term vacated by the resignation of Scott Pottorff. Both members voting aye thereon. Motion carried.

Cliff Hyde and Jim Hidingier met with the Board under the "Public Interest" portion of the agenda. They spoke about the resealing project on 33rd Avenue Drive. It was their opinion that the project was started too early in the year and that soft spots developed in the roadway. They further explained that woodchips had been placed on the road and that it (the woodchips) would not "hold up" due to the truck traffic. The county engineer explained that it was his belief that rain would help to firm the roadway and that woodchips were from ground up shingles and were incidental to the primary material. The two individuals disagreed with the engineer as to the rain alleviating the problem. They followed with comments that sending county workers there before the road was ready was a waste of taxpayer's dollars and that they would like to have the road fixed right.

Moved by Sanders, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried.

of 9-86-10 (Harrison Township) for a single residential use as it is consistent with surrounding land use. Both members voting aye thereon. Motion carried.

Renae Tharp met with the Board to provide an update on the paper pulp mill project. There were several interested members of the public present. Tharp advised that Benton County is one of the four counties being considered for a paper pulp plant. Tharp stated that she had been researching grant opportunities to assist the project with a feasibility study, but at this time had not been able to find any. She stated that funding would probably be required from Benton County. Those present voiced opposition to the project for various reasons including but not limited to funding, affect on agricultural land, smell and pollution, lack of labor force in area, and concerns about the affect of withdrawing the amount of needed water from the Cedar River. Supervisor Vermedahl advised that he would not be in favor of Benton County taxpayers funding the feasibility study. The Board placed the funding issue on the next agenda for formal action.

Hank Wehrman and Ruth Izer with Iowa Valley Resource and Conservation Development (RC&D) met with the Board to update them on the various services they provide. Wehrman told the supervisors that the RC&D partners with NRCS and county supervisors in various projects. The organization's funding is a line item in the federal budget and therefore no local funding is needed. They currently have a full-time coordinator and an office. The organization has been involved in approximately 200 projects over the last five years including the Iowa River Corridor, Land Stewardship Program, and roadside vegetation inventories. In addition, they provide rural economic development assistance to cities and counties.

Moved by Sanders, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried.

David H. Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

September 23, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of September 19, 2003. All members voting aye thereon. Motion carried.

The Board met with interested persons regarding the cornstalks to paper project being considered in Benton County. Dr. Ron Mells of Mells Industries was present to provide information regarding the project and the needed 6.7 million dollars. Mells explained that the funds were needed to conduct a feasibility study which is actually an appropriation grade study used to study every aspect of the business and develop bankable documents used to secure loans and investors. The study would state what activities must take place, i.e. engineering, materials, labor, etc. and then hone in on an effective process. A market study would also be conducted and an environmental impact study. Money is needed to hire an engineer and for administrative expenses, licensing fees, and a contingency fund. Mells explained that he was looking at specific counties due to availability of the raw product, the proximity to rail, and based on a study on removing corn stover from the land. Mells advised that many of the chemicals used in a wood paper pulp mill were not used in his process and that the cornstalks to paper process was more environmentally friendly. Those persons present voiced concerns which included but were not limited to the following: the smell of the plant, impact on the Cedar River and aquifers, the amount and disposition of the by-product; the affect of removing cornstalks from the land; the affect of government payments if the cornstalks were removed, the impact on the environment and the county, the possibility that if Benton County provided \$6.7 million and the study revealed that Benton County was not a feasible site, why Benton County was being considered and not the area where Dr. Mells resides, lack of guarantees regarding the project; pollution including air, water, sound, and light, the pay scale of potential jobs and the lack of workforce in the area. Renee Tharp with Benton Development Group explained that she was involved in the project from the standpoint of developing a proposal for Mells Industries to consider which includes available funding. Tharp requested a decision from the Board of Supervisors as to Benton County providing funding towards the \$6.7 millions dollars being requested. Moved by Vermedahl, seconded by Sanders, to deny funding for the project in this budget year as the expense was not included in the current budget. All members voting aye thereon. Motion carried.

Ron Moore, Risk Management Consultant, met with the Board to discuss his services regarding auditing services relative to insurance coverage. Moore advised that he reviews the insurance coverage of businesses and entities and determines if there are cost savings available. Moore would review the plans and claims and tell Benton County if there are liability coverage shortfalls or if higher deductibles would save the county money. The Board advised that they would consider the services and make a determination at a later date.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 56799 through 57230 for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-68A. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-68A
ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that the taxes owing on parcel number 240-21500, and owned by the Vinton-Shellsburg School District be abated except for \$505.00. The abatement is pursuant to Iowa Code §445.63.

Dated this 23rd day of September 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to terminate administration services of the county's flexible spending account with Wellmark, effective for the 2004 plan year. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to suspend the taxes on parcel #170-10850 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to reimburse the overpayment on health insurance premiums requested by William Sanders. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way in section 24 of Polk Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign Iowa Department of Transportation progress vouchers for Manatt's work on asphalt resurfacing project. All members voting aye thereon. Motion carried.

Gary Fordice, Conservation Executive Director, updated the Board on various activities taking place in his department. Fordice explained that Craig Myers, a new conservation officer, requested that Benton County pay the Dyersville Police Department the amount Myers owed for his law enforcement academy training and the conservation board agreed. Fordice discussed hiring a seasonal employee next year to perform secretarial and park work, the proposed ranger residence at Wildcat Park, the fish habitat projects, and construction and maintenance plans for the various parks.

The Board discussed a local option sales tax referendum in Benton County. Supervisor Sanders voiced opposition to the sales tax stating that Benton County's position with a lower tax rate could result in increased sales for local businesses and by increasing the rate Benton County could stand to lose local sales. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-69. Voting aye were Buch and Vermedahl. Sanders voting nay. Motion carried.

RESOLUTION #03-69

A RESOLUTION CALLING FOR A PUBLIC REFERENDUM TO AUTHORIZE THE IMPOSITION OF A LOCAL SALES AND SERVICE TAX IN THE UNINCORPORATED AREAS OF BENTON COUNTY, IOWA

WHEREAS, Chapter 422B of the Code of Iowa authorizes the imposition of certain local option taxes after an election in which the majority of the electors vote in the affirmative; and

WHEREAS, the Board of Supervisors of Benton County, Iowa declares its intent to participate in a special county-wide election for the purpose of permitting the electorate to vote upon the proposition of imposing a one percent (1%) sales and services tax for the unincorporated areas of Benton County, Iowa in accordance with Iowa Code 422B.1.4.b.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors:

1. The Board of Supervisors requests that the County Commissioner of Elections submit to the voters in Benton County a proposition authorizing the imposition of a local sales and services tax in the unincorporated area of Benton County, Iowa at one percent (1%)
2. The revenues from the local option sales tax from the unincorporated area of Benton County will be appropriated in a manner to be determined within the next 30 days.
3. The period of imposition of the local option sales and services tax will be determined within the next 30 days.

Dated this 23rd day of September 2003.

Ayes: Buch and Vermedahl

Nays: Sanders

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 26, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve 8 hours of vacation carry-over requested by Ron Tippet, said carry-over is to be used by January 1, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, that due to the county entering into a new business arrangement for third party administration services for the county's health insurance, Benton County is not interested in joining a health insurance pool with Poweshiek County at this time. All members voting aye thereon. Motion carried.

Rick Osterkamp met with the Board regarding adoption of a Plat for Beau Chene Estates Third Addition to Benton County, Iowa. Terry Russell of Hall and Hall Engineering and Dick Frederick were also present. The parcel be subdivided is located in Canton Township, Section 12. Marc Greenlee, Land Use Administrator, advised that the land is not currently in production. Greenlee also told the Board that Benton County's subdivision ordinance required central sewer systems for new subdivisions. The subdivision is for two lots adjacent to Beau Chene Estates Second Addition, which has individual septic systems. Greenlee stated that if a variance to the subdivision regulations were considered, it was his opinion that it should be Article 4 regarding the central sewer. Supervisor Vermedahl questioned what the hardship would be for granting variance. Greenlee responded that easements would have to be obtained and it was his opinion that individual septic systems would be better. A concern voiced by Dick Fredericks was regarding the lack of cooperation from the land use administrator's office relative to his request for notification of this matter being placed on the agenda. Fredericks added that the auditor's office was accommodating with the notification. An additional concern voiced by Fredericks was that Osterkamp constructed a dam and in the event the dam breaks it will run onto his property and that it doesn't have an emergency overflow. Osterkamp rebutted that the dam does have an emergency drain. Supervisor Buch told Fredericks that the water runoff and dam issues were not under the control of the Board of Supervisor. Supervisor Sanders echoed Buch's comments, stating that the Board has no authority over the dam.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-70. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION APPROVING PLAT #03-70

WHEREAS, a Plat of Beau Chêne Estates Third Addition to Benton County, Iowa, containing two lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

The east 22.86 rods of the north 28 rods of the Northeast Quarter of the Southeast Quarter of Section 12, Township 84 North, Range 9 West of the 5th Principal Meridian, Benton County, Iowa described as follows:

Beginning at the East Quarter Corner, Section 12, Township 84 North, Range 9 West of the 5th Principal Meridian; thence S2°35'45"W along the east line of the Northeast Quarter of the Southeast Quarter of said Section 12, 462.65 feet to the Northeast Corner of Lot 21, Beau Chêne Estates Second Addition to Benton County, Iowa; thence S89°32'55"W along the north line of said Lot 21 and the north line of Beau Chêne Lane, 377.72 feet to the Southeast Corner of Lot 28 of said Beau Chêne Estates Second Addition; thence N2°35'45"E along the east line of said Lot 28, 462.65 feet to the north line of said Northeast Quarter of the Southeast Quarter; thence N89°32'55"E along said north line, 377.72 feet to the point of beginning.

Said parcel contains 4.00 acres, subject to easements and restrictions of record.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors have granted the owners a change in land use agricultural to a nonagricultural use for the above described real estate; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of Beau Chêne Estates Third Addition to Benton County, Iowa, will be the same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 26th day of September 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, that complying with the subdivision ordinance would compromise orderly development of the area, and this completes the project by adding only 2 lots and continues using the existing road. All members voting aye thereon. Motion carried.

The Board reviewed a draft of a recycling ordinance with the county engineer and Jennifer Ryan of East Central Iowa Council of Governments. Ryan was directed to make changes to the draft and present it to the county attorney for his review. No action was taken.

Randy Forsyth and representatives of RCSystems met with the Board to discuss the communications tower project. Forsyth advised that Phase 1 of the project was complete which consisted of acquiring a site and construction of the tower itself at an approximate cost of \$130,000.00. Phase 2 of the project was presented to the Board. This Phase consists of the purchase and installation of all radio-related equipment on the tower. The cost estimate presented was \$466,129.00, with additional options totaling \$118,552. RCSystems explained that Benton County currently has primarily a microwave radio system and this proposal would replace that system. The estimate includes six satellite receivers. The county attorney was present for the discussion and after listening to the presentation requested that RCSystems draft a document that will explain to the public in layman's terms what this project will do to improve the communications in Benton County, compare the old system to the proposed system, explain how much better this new system will be, and the life expectancy of the new system. The Board agreed to the request.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

September 30, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 23, 2003. All members voting aye thereon. Motion carried.

Bill Vanderburg, Henry M Adkins & Sons Inc., met with the Board to answer their questions on the Accu-Vote Optical Scanning Voting System. Vanderburg explained the status of the HAVA (Help America Vote Act) certification, stating that the equipment should have federal certification by January 1, 2004. The equipment will then be subject to state certification. Vanderburg stated that Benton County could lease the equipment for upcoming elections at a cost of covering the company's actual expenses, but there would be no charge for the hardware if it was Benton County's intent to purchase the equipment once it is certified. The supporting operating system was also discussed, as it was the understanding that the software required an NT operating system that would no longer be supported. Vanderburg explained that the software would also work on a 2000 operating system. Vanderburg also stated that any quantity discounts, if any, negotiated by the State would be passed on to Benton County. Vanderburg also guaranteed that the DRE (touch screens) would be compatible with the system. The Board advised Vanderburg that it was their intentions to purchase the Accu-Vote Optical Scanning Voting System once it obtained all the necessary certifications required under federal and state law.

Moved by Sanders, seconded by Vermedahl, to allow Rausch Financial Services to insert payroll stuffers in the county payroll regarding an informational seminar on public employee pensions. All members voting aye thereon. Motion carried.

Supervisor Sanders requested that the county's comprehensive plan be reviewed in accordance with the directives contained in the plan. Currently, the comprehensive plan sets out that it should be reviewed every six years. The last review was in 1994. Supervisor Vermedahl commented that he didn't believe any changes needed to be made unless the intent of the plan to preserve agricultural land and take a directed growth approach has changed. Vermedahl agreed that a review would be appropriate though. The Board requested that a meeting with the zoning commission be arranged on November 10, 2003, to begin the review process.

The Board discussed amending the FY04 budget. The auditor has brought the need for an amendment to the Board attention when the decision to build a communications tower was made; however total project cost estimates were not available until the past week. The total cost of the project with all options is approximately \$700,000.00; however the Board capped the cost of the project at \$500,000.00 with \$250,000.00 coming from E911 Surcharge, \$150,000 from the county general fund, and \$100,000 from the secondary road fund. A \$200,000 budget amendment will also be necessary for the anticipated purchase of election equipment. The county has set aside a total of \$150,000 for the equipment over the past several years at the request of the auditor. An amendment of \$29,000 will also be necessary for the upcoming countywide special election on a local option sales tax. Deputy Forsyth also requested that money be amended into the sheriff's budget for vehicles and the rescue vehicle. Currently, \$100,000 is budgeted for the rescue vehicle. Forsyth also voiced his opinion that the county did not know how to budget to cover his expenses and further that the accounting procedures used by the county were not what he would use. Moved by Sanders, seconded by Vermedahl, to set October 14, 2003, at 9:00 a.m., as the time and date for amending the county's FY04 budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by La Porte City Telephone Co. to place utility lines in the county's right-of-way in sections 22 and 23 of Bruce Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Iowa Department of Transportation vouchers for Iowa Bridge & Culvert. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

October 3, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of September 26, 2003 and September 30, 2003. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Joseph Schulte, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. There were no comments either for or against the proposal from adjacent property owners. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately one acre generally described as being a Part of SE1/4 of the SE1/4 of 25-86-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

Mary Williams updated the Board on the purchase of computer equipment for Social Services. Williams explained that it was her intent to purchase equipment from Eastern Iowa Computer due to the level of service provided in the past, and the company being a local business. The approximate costs for replacement of two computers, an upgrade to a third computer, and two printers are \$6,000.00. No action was required by the Board.

Moved by Sanders, seconded by Vermedahl, to set October 14, 2003, at 10:00 a.m. as the time and date for a public hearing on the plans, specifications, estimated cost, and form of contract for Phase II of the communications tower project. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the Auditor and Sheriff's quarterly reports for the period ending September 30, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the historical verification of homes statement relative to the down payment housing assistance at 305 Cross Street, Blairstown. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 6, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 5:15 p.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 3, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 57231 through 57595, for payment. All members voting aye thereon. Motion carried.

The Board and auditor met with representatives of the cities in Benton County regarding the special election to be held on imposing a local option sales and services tax. The auditor was required to consult with the various entities to establish a date for holding the special election. The auditor proposed January 20, 2004 as the date for holding the election. There were no objections heard to the proposal.

The Board then discussed an optional repeal date on the tax. After discussing it fully, it was moved by Vermedahl, seconded by Sanders, to set a 5-year repeal date on the local option sales and services tax which would be effective June 30, 2009 based on a July 1, 2004 imposition. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 10, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 6, 2003. All members voting aye thereon. Motion carried.

Jeff Carlson, Grand Jury Foreperson, asked the Board for an update on the fire and security recommendations made by the Grand Jury earlier in the year. Carlson requested specifics as to an implementation timeline and funding. Chairman Buch stated that emergency management was applying for funds to be used to purchase and install a fire alarm and security system, however the funds have not yet been received. Carlson asked about a possible timeline. The Board indicated it would depend on when the funds were received. It was questioned if the measures would still be implemented even if the emergency management funding was not received. The Board indicated that it was their intentions to follow through with the project.

Moved by Vermedahl, seconded by Sanders, to approve a farm exemption pursuant to the Benton County Agricultural Land Use Preservation Ordinance, and requested by Grant Wessling on a parcel located in the NE1/4 of the NE1/4 of 25-83-9 as the applicant is involved in a farming operation. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to change the date for the public hearing on amending the FY04 budget to October 21, 2003 at 9:30 a.m. All members voting aye thereon. Motion carried.

Supervisor Sanders also spoke about the budget amendment that was being requested by the sheriff's department. Sanders advised that he had researched past amendments and found that the sheriff's department has consistently been budgeting for vehicles that aren't received until the following fiscal year. They then request a budget amendment. It was Sanders' opinion that the sheriff's department should budget for the vehicles when they believe they will actually be receiving them instead of continually budgeting for vehicle that they may or may not receive in the fiscal year. Sanders also showed a copy of minutes from a prior meeting wherein the sheriff stated that he had money in his FY03 budget for a vehicle that he did not need.

Moved by Vermedahl, seconded by Sanders, to approve the Veteran's Affairs Quarterly Report for the period ending September 30, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into the following Iowa Department of Transportation Agreements: The Highway Bridge Replacement and Rehabilitation (HBRR) Agreement for a bridge deck replacement on E-36 over Wildcat Creek, Project #BHS-CO06 (58)-63-06, Agreement #6-03-HBRR-54 and the HBRR Agreement for a bridge replacement on 29th Avenue over Wildcat Creek, Project #BROS-CO06 (59)-8J-06, Agreement #6-03-HBRR-53. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Iowa Department of Transportation Agreement for the concrete resurfacing on E-36 from US218 to Shellsburg, Project #STP-S-CO06 (60)-5E-06, Agreement #6-03-STPS-52. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-71. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-71

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from October 6, 2003, through the completion of the project.

From 68th Street thence south 1 mile to 69th Street along 18th Avenue in Union Township.

Signed this 10th day of October, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-72. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-72

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from October 13, 2003, through the completion of the project.

From 61st Street thence north 1 mile to 61st Street Lane along 26th Avenue in Taylor Township.

Signed this 10th day of October, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Delane Kalina, Deputy Auditor

The engineer reported that the balance in the Blirstown Landfill Account as of September 30, 2003 was \$26,119.46.

No action was taken on the setting date for the recycling ban ordinance.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 10, 2003. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Director, and Jeff Carlson, 2003 Grand Jury Foreperson, met with the Board to discuss security and fire alarm system in the courthouse. Carlson had met with the Board earlier in the month regarding the same issues. The Board had told Carlson that a security and fire system would be installed but not until funding was received from the federal government through emergency management. Hansen was present to explain that the Homeland Security grant funds would be distributed in a manner determined by a committee consisting of members from various governmental entities and emergency service providers. Hansen also told the Board that equipment had to be purchased by the state and actual money would not be coming to Benton County. The Board advised that it was their intent to install a system and that if there is not any grant funds, then the funds would come from the county.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on the plans, specifications, form of contract, and cost estimates for PHASE II of the communications tower project, the Board took up the matter for comment. E-911 Chairperson Randy Forsyth, Terry Harris of RCSsystems, County Engineer Myron Parizek and County Attorney Dave Thompson, were present. There were no members of the public present. Forsyth gave a history of the project and its current status, stating that the tower was in place and the phase of the project of radio-related equipment and housing of said equipment. County Attorney Thompson questioned the Board on other alternatives to the project. Thompson asked if the Board researched purchasing a tower from Fox KFXA KFXB, if placement of antennae on the Poweshiek Water tower was investigated, and renting tower space. Thompson questioned if anyone had spoken to any private sector companies that are already involved in tower and radios to gain knowledge about what the county was getting into. Thompson questioned if anyone had determined what the annual cost would be to Benton County to maintain and operate the tower and equipment. RCSsystems, consultant on the project, advised that no annual cost projections had been done, but that the county could enter into a contract with them for annual maintenance and inspection. The Board did not respond to Thompson's questions other than to state that a committee had been formed and it was their recommendation that Benton County have a central communications tower. Thompson questioned prior statements made in board meetings that the cost would only be \$75,000 to \$100,000 and now this portion of the project alone was estimated at over \$400,000.00. Thompson added that RACOM had proposed to build a communications tower and rent space to secondary roads at an initial cost of \$188,000.00. Forsyth advised that the lower cost estimates were from a smaller scale project, but that it was recommended that a larger tower with additional equipment would be more beneficial. Thompson stated that "I don't have a brain" since some of the concerns he raised were "no brainers" and should have been researched before beginning this type of project. Supervisor Vermedahl stated that he believed the Board had done a good job covering the bases by involving all affected departments. Vermedahl questioned if the \$80,000 estimated cost of a building to house the equipment was high. Harris responded that the estimate was based on a pre-fabricated building being installed on site and that \$80,000 was a worst-case scenario. Thompson questioned what the life expectancy was for the tower and equipment and if everything would have to be replaced in 7-10 years. Forsyth advised that if the county was to stop right now and only install the equipment that was actually needed the cost for the project would be approximately \$150,000. Discussion was held on the form of payment. The original documents stated that 30% would be paid upon signing of the contract. However, the Board was advised that it is not the county's policy to make advance payments but rather progress payments including material. Vermedahl confirmed with the consultant that the county could accept or reject any or all of the bids and that all bonding and insurance requirements were addressed

in the documents. Hearing no further comment, the chair declared the hearing closed. Moved by Vermedahl, seconded by Sanders, to approve the plans, specifications, cost estimates and form of contract for PHASE II of the communications tower project with changes made to reflect that monthly progress payments would issued but no advance payment on signing. Also, that the date for bids to be submitted is November 24, 2003 at 4:30 p.m., opening the bids is November 25, 2003, and awarding the bid is December 5, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Telephone Company to place utility lines in the county's right-of-way along 69th Street between 27th Avenue and 30th Avenue. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 17, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 14, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set a public hearing on a land use change requested by Doug Silhanek and Jane Dorman for November 7, 2003 at 9:15 a.m. All members voting aye thereon. Motion carried.

Elaine Sutton met with the Board to request a replat of Lot 9 of Oak Valley First Addition to Benton County, Iowa. The replat is requested to clarify existing boundary lines and creating lots allowing the septic system to be on property owned by the homeowner. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-73 and to grant a variance to the Benton County Subdivision Ordinance Article IV to the Replat of Lot 9 of Oak Valley First Addition due to the subdivision existing prior to the county's adoption of the current ordinance and all residential structures were built prior to the original being platted and no new construction is contemplated. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

OAK VALLEY FIRST ADDITION TO BENTON COUNTY, IOWA
RESOLUTION APPROVING RE-PLAT OF LOT 9
RESOLUTION NO. 03-73

WHEREAS, the Benton County Board of Supervisors has been presented with a Re-Plat of Lot 9, Oak Valley First Addition to Benton County, Iowa, per Plat recorded in the office of the Recorder of Benton County, Iowa, and WHEREAS, the owners, James H. Sutton and Elaine E. Sutton, have had a Re-Plat of Lot 9, Oak Valley First Addition to Benton County, Iowa which subdivides said Lot 9, said Re-Plat clarifying descriptions and boundaries pursuant to Iowa Code Section 354.6, and

WHEREAS, the previously approved Restrictive Covenant filed with the original plat apply to the re-plat, and WHEREAS, the Benton County Board of Supervisors has reviewed said Re-Plat and fully discussed same and find it advantageous to Benton County, Iowa.

THEREFORE IT IS HEREBY RESOLVED by the Board of Supervisors, on behalf of Benton County, Iowa, that the Final Re-Plat and Dedication of Lot 9, Oak Valley First Addition be approved and accepted.

This Resolution was passed and approved on the 17th day of October, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Randy Suchomel and Ron Burgess with AFLAC met with the Board to request access to county employees either through on-site meetings or payroll stuffers regarding their products. They explained that AFLAC was already available to county employees through payroll deduction. They requested that they be allowed to meet with employees during lunch hours, breaks, or safety meetings to explain AFLAC's supplemental benefits. Supervisor Vermedahl questioned how the county would be able to deny the next company wanting to access county employees in the same manner. Supervisor Sanders advised that he was not in favor of allowing companies to solicit the employees on county time. Supervisor Vermedahl also stated that he was not willing to allow companies to hold meetings on company time. It was asked if the county would provide a central meeting place prior to or after work hours. Sanders stated that employees are positioned throughout the county and do not report to a central location on a daily basis. The Board agreed to allow a payroll stuffer advising employees of AFLAC's products and setting up a meeting at a site outside of the county facilities.

The Board discussed the loss/control recommendations made by the county's insurance company. Supervisor Vermedahl advised that he has reviewed all of the recommendations and discussed them with the various departments. Vermedahl stated that many of the recommendations have been or are being addressed.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign Iowa Department of Transportation progress vouchers for Project #BRS-CO06(55)-60-06 being done by Iowa Bridge & Culvert. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set October 31, 2003, November 4, 2003, and November 7, 2003, at 10:00 a.m. on each date, as the time and date for considerations on the Benton County Ordinance Establishing A Program for the Separation of Recyclable materials in Order to Facilitate Collection and Encourage Recycling. All members voting aye thereon. Motion carried.

The county engineer spoke to the Board about the amount of white goods being brought to the landfill. The cost of disposal has increased to \$9.00 per unit while the county only charge a \$5.00 fee. The engineer wanted the Board to be aware of the increase, stating that currently the landfill is not losing money but it the matter will need to be monitored.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 21, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 14, 2003, with the following change: "The county engineer spoke to the Board about the amount of white goods being brought to the landfill. The cost of disposal is currently \$9.00 per unit while the county only charges a \$5.00 fee." All members voting aye thereon. Motion carried.

Union proposals for the 2004-2005 collective bargaining agreement for the employees of the Benton County Secondary Road Department were exchanged between Benton County and the Public Professional and Maintenance Employees, IUPAT Local 2003 of District Council 81.

Moved by Sanders, seconded by Vermedahl, to approve claims and payroll numbered 57596 though 58019, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a farm exemption in the NE1/4 of the SE1/4 of 2-85-9 (Polk Township) as authorized in the Benton County Agricultural Land Use Preservation Ordinance. The request is by Kevin and Jennifer Miller who state that they will be actively engaged in a farming operation. All members voting aye thereon. Motion carried.

The time having arrived to hold a public hearing on amending the FY04 county budget, the Board took up the matter for consideration. The county engineer and one member of the media present were present. The amendment had been published in accordance with Iowa law. Hearing no comment either for or against the amendment, the chair declared the hearing closed. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-74. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-74
AMENDING THE FY04 COUNTY BUDGET**

BE IT REMEMBERED on this, the 21st day of October 2003, 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 March 14, 2003. 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 on the 8th day of October 2003. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for and against the amendment as follows: No taxpayers commented. 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	+42,000
Roads & Transportation	+100,000
Capital Projects	+150,000
Government Services to Residents	+229,000

Fund Balance – Unreserved/Designated	-\$150,000
Fund Balance – Unreserved/Undesignated	+\$1,168,258

All line items shall be amended where necessary within each department budget. All departmental appropriations are amended to reflect the above increases/decreases in expenditures.

There will be no tax increase for FY04.
This resolution adopted on the 21st day of October 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

Mike Schooley of Waddell & Reed met with the Board regarding the county's 457 plan. Schooley advised that after reviewing the 457 plan, it was his opinion that the county should amend the current plan and bring it up-to-date. Waddell & Reed provide services to county employees through the Benton County 457 Plan. The Board agreed to review the plan.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Historical Verification form regarding the Benton County home ownership assistance project for property located at 5146 24th Avenue Drive, Vinton. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to table signing the Dudgeon Lake Management Agreement until further information was obtained from the conservation board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

October 24, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 14, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set a public hearing on a land use change requested by Jaime Gihring and John Rivera in the SE ¼ of 13-85-12 for November 14, 2003 at 9:15 a.m. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set a public hearing on a land use change requested by Bradley Tischer in the NW¼ of 3-84-9 for November 14, 2003 at 9:30 a.m. All members voting aye thereon. Motion carried.

Sandy Ross, Alberta Parker, and Sue Nurre met with the Board to request approval of final subdivision plat of Parker Ridge Addition to Benton County, Iowa. The final plat has a total of 25 acres and contains 5 lots. On November 6, 2001 Alberta Parker met with Board and was granted a variance to Benton County's subdivision ordinance in resolution #01-88. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-75 approving the final subdivision plat of Parker Ridge Addition to Benton County, Iowa. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION APPROVING PLAT #03-75

WHEREAS, a Plat of Parker Ridge Addition to Benton County, Iowa, Containing Five (5) lots has been presented to the Benton County, Iowa, Supervisors consisting of the following described real estate:

A part of the NW¼, all in Section 22, Township 85 North, Range 9 West of the 5th Principal Meridian, Benton County, Iowa described as follows:

Commencing as a point of reference at the NW corner of said Section 22; thence S89°57'40"E along the north line of said NW¼, 1316.35 to the west line of the NE¼ NW¼ of said Section 22; thence S01°00'55"W along said west line, 326.39 feet to the north line of the South 30 acres of said NE¼ NW¼ and the point of beginning; thence N89°59'35"E along said north line, 480.96 feet; thence S00°31'43"W, 243.50 feet; thence S68°30'30"W, 105.89 feet; thence S55°27'03"W, 65.38 feet; thence S18°46'03"W, 51.41 feet; thence S10°05'18"E, 134.13 feet; thence S79°10'19"W, 33.00 feet; thence S10°05'18"E, 265.19 feet; thence SE-ly on an arc of 211.60 feet of a 283.00-foot radius curve to the left, having a chord distance of 206.70 feet bearing S31°30'30"E; thence S52°55'42"E, 76.43 feet; thence N37°04'18"E, 575.96 feet; thence S54°08'03"E, 238.81 feet; thence S11°37'23"W, 606.86 feet; thence S09°04'55"E, 379.66 feet to the centerline of 59th Street Trail; thence N82°56'55"W along said centerline, 9.54 feet; thence continuing SW-ly along said centerline on an arc of 407.94 feet of a 1273.24-foot radius curve to the left, having a chord distance of 406.20 feet bearing S87°51'49"W; thence continuing S78°41'05"W along said centerline, 231.39 feet; thence N01°00'55"E, 311.87 feet; thence S87°33'31"W, 383.19 feet to the west line of the SE¼ NW¼ of said Section 22; thence N01°00'55"E along the west line of said SE¼ NW¼ and along the west line of said NE¼ NW¼, 1403.42 feet to the point of beginning, containing 25.00 acres which includes 0.49 acres of road right-of-way.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of Parker Ridge Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatments systems will be constructed with the approval of the Benton County Department of Health.
4. Any subsequent changes in land use must be approved by the Benton County Board of Supervisors

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

Ron Buch, Chairman

David Vermedahl

Jason Sanders

Attest: _____

Brenda Sutton, Deputy Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-76. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-76

BE IT RESOLVED by the Benton County Board of Supervisors that the chair is hereby directed to sign the Dudgeon Lake Management Agreement between Benton County and the Iowa Department of Natural Resources.

Dated this 24th day of October 2003.

Ron Buch, Chairman

David Vermedahl

Jason Sanders

Attest: _____

Brenda Sutton, Deputy Benton County Auditor

It was decided to contact Ron Moore and have him submit a proposal for consulting services on property and liability insurance for Benton County.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-77. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-77

BE IT RESOLVED by the Benton County Board of Supervisors that all unpaid tax, penalty, and interest on mobile home parcel #370-42421608Y assessed for four years prior to taxes sold at the June 2001 tax be abated in full pursuant to Iowa Code 435.25 as the collection of the same is found to be impractical. Taxes, interest, and penalty paid through tax sale procedure are not subject to this abatement.

Dated this 24th day of October 2003.

Ron Buch, Chairman

David Vermedahl

Jason Sanders

Attest: _____

Brenda Sutton, Deputy Benton County Auditor

Moved by Sanders, seconded by Vermedahl to submit the following language for the local option sales tax election ballot for the January 20th, 2004 election: 50% for property tax relief, 25% for economic development and community enhancement, 25% for fire and emergency services. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve utilities permits for Farmers Mutual Telephone Cooperative in Sections 25 and 26 in Polk Township on 33rd Avenue and Section 33 in Benton Township on 62nd Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize Vice-Chairman David Vermedahl to sign "Request of SHPO (State Historic Preservation Office) Comment on a Project regarding property at 7841 11th Avenue Trail Lot 6 in Belle Plaine, Iowa. Buch abstained due to a conflict of interest. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve payment of funds for down-payment housing assistance in the amount of \$11,481.00 at 305 Cross Street, Blairstown, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the weed commissioner's annual report. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to allow memorial donations for the beautification of the courthouse lawn with the stipulation that no memorial plaques will be erected and that the board of supervisors decide how the donation is spent. All members voting aye thereon. Motion carried.

Renee Tharp with Benton Development Group told the board that Ron Mells has chosen Butler County as the site for the corn stalk paper mill.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

October 31, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Sanders absent. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 24, 2003. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve payment of a claim to Dan Corbin, Inc. in the amount of \$34,956.00 from the assessor's fund. Said payment is to be made in the current month. Both members voting aye thereon. Motion carried.

Gary Fordice met with the Board to provide an update on conservation activities. Fordice told the Board about fish habitat grants received by his department and the work completed using those funds. Fordice advised that the conservation board entered into a two-year agreement with Kraig Myers regarding reimbursement of his ILEA (Iowa Law Enforcement Academy) training to the City of Dyersville. Fordice also told the Board that the State has requested that counties charge user fees for the county parks. So when the State charges a user fee, patrons will not just go to county parks like they did when the State tried a user fee in years past. Fordice stated that the conservation director's district that Benton County is a member has opposed the idea.

Moved by Vermedahl, seconded by Buch, to approve a Class C Beer Permit and Sunday Sales Permit for Kimm's Sinclair. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to suspend taxes on parcel #010-03900 pursuant to Iowa Code 427.9. Both members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for the first consideration of a proposed ordinance titled "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling", the Board took up the matter for consideration. Chairman Buch opened the public hearing. The county engineer read to proposed ordinance as well as distributed copies to those present. There were five members of the public including local waste haulers and two members of the media were present. Comments were heard as follows: Amount of contamination that would be permissible and also how detection would be implemented; quantitative proof of recyclables being diverted from the landfill; questions regarding "no recyclable materials" or "no notable recyclable materials" shall be disposed of with garbage; education versus monetary fine for first and second offenses and possible warning for third offenses; a lot of confusion in the rural area as to what is recyclable; concern that commercial businesses did not have to recycle until January 1st, 2004; minimum notice if the types of recyclable materials change; concerns about haulers having to police personal garbage and privacy issues; the sheriff advised that when garbage is placed outside for a hauler to pick up there are no privacy rights; dirty recyclable containers, i.e. a half full ketchup bottle – is it recyclable or is it garbage?. Hearing no further comment, the Chair declared the public hearing closed.

Moved by Vermedahl, seconded by Buch, to approve the first consideration of the proposed ordinance titled, "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling", with the following changes: Section IV is changed to read, "No more than 5% recyclable material shall be disposed of by depositing with garbage or refuse and no permitted Commercial Collector shall pick up any more than 5% recyclable material commingled with garbage or refuse." and Section VI is changed to read, "The Collector shall refuse to collect items not complying with this Ordinance for the collection of garbage, refuse, and other solid waste and the separation of recyclable materials." Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #03-78. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION 03-78

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and
WHEREAS: This employee as part of the original hire is eligible for a wage increase, and
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Mark O'Brien will be IVD (Maintainer Operator). IVD base wage for Mark O'Brien will be \$14.47 per hour. Mark O'Brien rate change will be effective November 6, 2003.
Dated this 31st day of October 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Poweshiek Water Association to place utility lines in Section 30 of Fremont Township along 28th Avenue. Both members voting aye thereon. Motion carried.
Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 4, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 31, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set land use hearing requested Thomas Haes in the SW1/4 of the NE1/4 of 21-86-10, for December 2, 2003, at 9:15 a.m. All members voting aye thereon. Motion carried.

The Board reviewed the loss/control recommendations from the county's insurance carrier.

The time of 10:00 a.m. having arrived, and this being the time and date for the second consideration on a proposed ordinance titled "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling", the Board took up the matter for consideration. Chairman Buch opened the public hearing. The county engineer summarized the proposed ordinance as well as distributed copies to those present. There were two members of the public including local waste haulers and one member of the media present. Comments were heard as follows: if the method for determining 5% contamination will be by weight, volume/visual, etc. and the haulers being required to enforce the ordinance. The county attorney advised that the ordinance must state how the 5% is to be determined or it will be deemed unusually vague and be unenforceable. Hearing no further comment, the Chair declared the public hearing closed.

Moved by Vermedahl, seconded by Sanders, to modify the proposed ordinance titled, "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling, by adding to Section IV the following sentence, "The 5% contamination shall be determined by volume." This is in addition to the changes approved at the first consideration. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the second consideration of the proposed ordinance titled, "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling" as modified. All members voting aye thereon. Motion carried.

The Board discussed the upcoming meeting with the zoning commission. Discussion included the purpose of reconvening the zoning commission and the documents the Board would like reviewed.

Moved by Vermedahl, seconded by Sanders, to proceed with amending the Benton County 125 Plan to increase the limits for medical reimbursement to \$3000.00. All members voting aye thereon. Motion carried.

No action was taken on contracting with Ron Moore, CPCU for risk management services.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 7, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 4, 2003. All members voting aye thereon. Motion carried.

The county treasurer met with the Board to discuss a parcel that had been sold at tax sale in June 2003. The treasurer advised that a parcel had been sold at tax sale where an error had been made by the county. Moved by Sanders, seconded by Vermedahl, to authorize the treasurer to submit a claim for \$14.00 payable to the treasurer's redemption account from her departmental budget to correct the error. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Doug Silhanek and Jane Dorman, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on two acres generally described as being located in the West 6 acres of the N1/2 of the NE1/4 of 32-83-9 (Fremont Township) for a single residential use. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss activities occurring in her department. Williams spoke about the Local Government Project which she took part in. The Project was a meeting of government

officials to discuss innovative ideas for government. Williams reported that various ideas were presented, but that it was her belief that the Project is to facilitate regionalization of government services.

Williams also spoke to the Board about a drop-in center in Vinton for persons being served by her department. Williams advised that the Wesley United Methodist Church has agreed to rent their basement to be used as the center and that Adult's Inc. will be providing the service.

The time of 10:00 a.m. having arrived, and this being the time and date for the third consideration on a proposed ordinance titled "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling", the Board took up the matter for consideration. Vice-Chairman Vermedahl opened the public hearing. The county engineer summarized the changes to the proposed ordinance approved during the first and second consideration and distributed copies to those present. There were three members of the public, including local waste haulers, and two members of the media present. Hearing no comment, the Vice-Chair declared the public hearing closed.

Moved by Sanders, seconded by Vermedahl, to approve the third and final consideration of the proposed ordinance titled, "Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling" as modified during the first and second considerations. The auditor is directed to publish and record the ordinance in accordance with law. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill account in the Blairstown bank as of October 31, 2003, was \$34,956.36.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

David H. Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 10, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 3:30 p.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 7, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the checks numbered 58020 through 58545, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve canvass of City Election held on November 4, 2003. All members voting aye thereon. Motion carried.

Renaë Tharp and Linda Fischer met with the Board to request release of grant funds to assist with scholarships for the Developing Dynamic Leaders Workshop being conducted by Iowa State University Extension. Moved by Vermedahl, seconded by Sanders, to release \$2,000.00 of the economic development grant money to Benton Development Group. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-79. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-79
BENTON COUNTY
IOWA STATE UNIVERSITY EXTENSION WEEK
BY THE SUPERVISORS OF BENTON COUNTY
A PROCLAMATION**

Iowa State University in Benton County is of tremendous importance for Benton County, contributing to our employment, economic prosperity, educational advancement, volunteerism, peace, understanding and goodwill.

Every Citizen benefits from Iowa State University Extension. In Benton County, Iowa State University enhances our personal growth and education, while promoting intercultural understanding and appreciation of the importance of education.

In recognition of the unique significance that Iowa State University has on the lives of the citizens of Benton County;

Now therefore, we, the supervisors of Benton County, do hereby proclaim the week beginning November 16, 2003, as Iowa State University Extension week, and we call upon the people of Benton County to observe this week with appropriate ceremonies and activities.

In witness thereof, we have hereunto set our hand this 10th day of November, 2003.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The Board met with members of the zoning commission to request that the commission review the Benton County Land Use Comprehensive Plan and make recommendations on the same. The Board explained that the Plan provides for the direction of Benton County in the future relative to land use and it had not be thoroughly reviewed for a number of years. The commission members advised that they would organize and begin work on the project, but that expert assistance may be necessary. The commission questioned if funds were available to them. The supervisors advised that no money had been budgeted at this time, however next year's budget would be developed in January and the commission could request funds be appropriated to them in FY05.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 14, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 11, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Plan Amendment to Benton County 125 Flexible Benefits Plan Document increasing the medical reimbursement limits from \$2,500.00 to \$3,000.00. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John Rivera and Jaimie Gihring, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Part of the SE1/4 of 13-85-12 (Monroe Township) for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Bradley Tischer, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately two acres generally described as being a Part of Parcel B located in the NW1/4 of the NW1/4 of 3-84-9 (Canton Township) for a single residential use. All members voting aye thereon. Motion carried.

The Board discussed opening the landfill over the Thanksgiving holidays. Waste Management had requested that the landfill be opened for an hour or two on Saturday, November 29, 2003, so that they can empty their trucks. Parizek stated that the county's past practice has been to be closed on Thursday and Friday, and only open on the first Saturday of the month. Parizek has made arrangements with Blue Stem for Waste Management to empty there for a fee of \$50.00 a ton. Parizek advised that a licensed landfill operator had to be on the premises according to DNR regulations. Parizek advised that he has no employee who is available to work on that Saturday. Parizek stated that haulers have always worked around the county's holidays and questioned if the county would be setting a precedent by opening on Saturday. Supervisor Vermedahl stated that it is too late to make changes for the current year, but in future years the county should consider scheduling the Saturday in December to the Saturday after Thanksgiving. Parizek advised that having haulers empty at the same time of the general public is not advisable due to the volume to traffic at the landfill.

Moved by Sanders, seconded by Vermedahl, to approve utilities permits for Poweshiek Water to place utility lines in the county's right-of-way in 32-83-11 along 74th Street and in 1-82-9 along 74th St Drive. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to sign the service agreement with Greenman Technologies of Iowa for used tire processing at the landfill for the period January 1, 2004 and ending December 31, 2005. All members voting aye thereon.

The board discussed the status of current union negotiations with secondary roads. The discussion was exempt from Chapter 21.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 18, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 14, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set December 12, 2003, at 9:15 a.m. as the time and date for a public hearing on a change in land use requested by Arlo Becker in the SE1/4 of the SE1/4 of 10-82-9. All members voting aye thereon. Motion carried,

Moved by Vermedahl, seconded by Sanders, to set December 12, 2003, at 9:30 a.m. as the time and date for a public hearing on a change in land use requested by Keith Hartkemeyer in the SW1/4 of the NW1/4 of 9-83-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to provide a letter of support for a dry hydrant grant application being submitted by the Newhall fire department for placement of a dry hydrant at the new Grovert Chevrolet site along Highway 30. All members voting aye thereon. Motion carried.

The Board met with the county treasurer to request direction in preparing her FY05 budget. The supervisors advised that they were unable to provide direction at this time due to uncertainties with state budget cuts, valuation changes, and insurance costs.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign Iowa Department of Transportation vouchers for Iowa Bridge and Culvert for the bridge project north of Van Horne on V66. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way along 11th Avenue Drive in Section 32 of Kane Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried at 11:00 a.m.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

November 24, 2003

The Benton County Board of Supervisors met in special session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 1:00 p.m. at the Traer City Hall, Traer, Iowa.

The Board met with legislators to discuss various issues including the state's budget crisis and its affect on county budgets, proposed legislation, and the direction of local government. The meeting concluded at 3:00 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 25, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 18, 2003 and November 24, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve claims numbered 58021 through 58928 for payment. All members voting aye thereon. Motion carried.

Supervisor Sanders discussed the need for a county web site. Sanders stated that Benton County is in a position where a web site would be advantageous to the citizens by providing them with information on county matters. Mary McLaughlin was present to explain the different avenues available for web site development. McLaughlin stated that the county could host our own web server or contract with an outside company to provide web services. Supervisor Buch asked what the cost would be if the county were to host a site themselves or contract for the service. McLaughlin advised that she would need to meet with each department to determine what would be required. Supervisor Buch requested that McLaughlin research the costs of hosting a web site versus contracting for the service and return to the Board.

Moved by Sanders, seconded by Vermedahl, to go into closed session to discuss pending litigation. All members voting aye thereon. Motion carried at 9:20 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 10:10 a.m.

The time of 10:00 a.m. having arrived, and this being the time and date for publicly opening bids for Phase II of the Communications Project, the Board requested that the county attorney address those present regarding the bid opening. County Attorney David Thompson advised that based on legal precedence in Iowa, that Benton County was not going to proceed with the bid opening, but instead return all bids without opening them. Thompson stated that a complaint had been received regarding the use of a consultant who also was bidding the project causing a possible conflict of interest. The conflict could result in any contract being voided, and there is a need to protect the public and follow the law. Benton County sincerely apologized for any inconvenience. Scott Hansen questioned why legal advice had not been provided prior to this. Thompson advised that the concerns had been raised at various board meetings, however the complaint was just filed and the attorney general's office has also been involved. Deputy Forsyth asked what the next step would be. Thompson stated that the Board was just made aware of the objection and the legal issues involved, and it would be there intent to consider the information provided to them and make a decision on how to proceed in the near future. All inquiries are to be directed to the county attorney.

Gary Fordice updated the Board on conservation matters. Fordice advised that there would be no rate increase in camping fees for the 2004 camping season. Fordice also told the Board that discussion was continuing on the creation of a conservation foundation and that the conservation board was beginning discussions on the FY05 budget.

Moved by Vermedahl, seconded by Sanders, to approve a liquor license and Sunday sales permit for Sportster's Steakhouse and Lounge. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-80. Supervisors Buch, Vermedahl, and Sanders voting aye. Nays none. Motion carried.

RESOLUTION #03-80
AMENDING RESOLUTION #03-45
DEPOSITORY LIMITS

BE IT RESOLVED by the Benton County Board of Supervisors that the resolution #03-45 adopted on June 27, 2003, is hereby amended to reflect an increase the depository limit on the following:

Benton County Bank \$3,000,000.00

Blairstown

Dated this 25th day of November 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

The Board discussed a request that the courthouse unlock the entrance doors at 7:30 a.m. Supervisor Buch spoke with the maintenance personnel about the matter and that opening the doors would not be an inconvenience for them. Supervisor Vermedahl stated that the doors were locked until 8:00 a.m. for security reasons, however he was not objectionable to the request. The Board advised that the doors should be unlocked at 7:30 a.m.

The Board met with the various department heads to discuss the FY05 budget. The Board advised that the outlook was not bright for revenue due to loss of state funds and reduction in agricultural land values. Supervisor Buch stated that departments should try to submit budgets with an approximate 5% decrease. The Board advised that the departments should be as frugal as possible. Supervisor Vermedahl stated that there maybe more cuts in January due to the State's budget problems.

Don Martin, Vinton City Coordinator, and the sheriff met with the Board to discuss animal control issues. The sheriff stated that the county currently pays the animal control officer mileage when animals are collected in the unincorporated part of the county. Popenhagen believes that the county should pay a \$5.00 fee for each animal plus mileage. Moved by Vermedahl, seconded by Sanders, to set the fee for animal collection at \$5.00 per animal plus mileage. Mileage is to be paid at the allowable rate under the Internal Revenue Service. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, and Mark Witmer of Adult's Inc. of Waterloo, and Pastor Rose Blank of Wesley United Methodist Church, met with the Board to discuss an adult drop-in center. A proposal was presented to the Board, which will enhance community supports and social and recreational activities for adult persons with disabilities. The estimated cost of the program is approximately \$1400.00 a month with services being provided each week on Tuesday and Friday from 10:00 a.m. to 2:00 p.m. Moved by Vermedahl, seconded by Sanders, to approve providing a drop-in center at Wesley United Methodist Church with services being provided by Adult's Inc. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

December 2, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 25, 2003 with the following addition:

"Moved by Sanders, seconded by Vermedahl, to approve and authorize the chair to sign the Iowa Department of Transportation Agreement for Federal Highway Aid for the bridge replacement on 65th Street between Canton sections 18 and 19, BROS # and November 24, 2003. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date for a public hearing on a lease-purchase agreement for treasurer's office equipment, the Board took up the matter for consideration. Hearing no comment, it was moved by Vermedahl, seconded by Sanders, to approve the treasurer entering into a lease-purchase agreement for a copy machine at the cost of \$75.00 per month, with a \$1.00 buy-out at the completion of the lease. The total cost of the copy machine will be \$4,501.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set public hearings on land use changes as follows:

John and Nichole McKenna – the W1/2 of the SW1/4 of 3-85-11 on December 19, 2003 at 9:30 a.m.

Ron Boyer – the SW1/4 of the SW1/4 of 36-86-9 on December 19, 2003 at 9:15 a.m.

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 8 hours of vacation carry-over for Marc Greenlee. Said vacation is to be used by March 1, 2004. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Thomas Haes, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to

approve a land use change on approximately two acres generally described as being a Part of the Lots 4-11 of a vacated plat of Richard Bumps 2nd Addition, all located in of 21-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-81. Supervisors Buch, Vermedahl, and Sanders voting aye. Nays none. Motion carried.

**RESOLUTION #03-81
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2000; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2004 county budget is hereby amended within service areas as follows:

SERVICE AREA 4

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 41050	Fund 0010 Function 41110	\$ 200.00
Fund 0010 Function 41410	Fund 0010 Function 41320	\$ 3,700.00
Fund 0010 Function 41420	Fund 0010 Function 41320	\$ 25.00
Fund 0010 Function 41430	Fund 0010 Function 41320	\$ 225.00
Fund 0010 Function 43320	Fund 0010 Function 43310	\$ 40.00

SERVICE AREA 9

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0001 Function 92100	Fund 0001 Function 92200	\$2,346.00

Dated this 2nd day of December 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Mary Lou Erlacher met with the Board to provide an update on services provided by the Workplace Learning Center in Benton County. Erlacher explained that the organization was involved in the Career Expo held earlier in the year and continues to work with the school districts by providing job shadowing opportunities and internships with area businesses. Erlacher requested that Benton County consider providing four cents per capital through either a budget line item or through economic development. Supervisor Vermedahl advised that funding of programs was not going to be easy in FY05 and that Erlacher should continue to work through Benton Development Group. The Board indicated that the only hope would be if the local option sales tax is passed on January 20 due to 25% of the county's share going to economic development.

The Board exchanged labor proposals with the International Brotherhood of Teamsters, Chauffeurs & Helpers of America representing the Benton County Sheriff's Department.

Moved by Sanders, seconded by Vermedahl, to enter into closed session to discuss funding of a mental health client. All members voting aye thereon. Motion carried at 10:40 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:02 a.m.

Supervisor Sanders spoke about educating the rural portion of the county on the recycling ban. Sanders advised that he had researched placing a flier in the different papers. Discussion was held on the type of information contained in the flier. Moved by Vermedahl, seconded by Sanders, to authorize Supervisor Sanders and Engineer Parizek to proceed with creating, printing, and distributing an educational flier on the recycling ban at a cost not to exceed \$1,800.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Telephone Cooperative to place utility lines in the county's right-of-way in section 34 of Florence Township along 79th Street. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize Randall Forsyth to proceed with procuring Federal Communications Commission licensing for the new communications tower project. All members voting aye thereon. Motion carried.

The county attorney met with the Board to discuss the consulting services for the second portion of the communications tower project. The attorney advised that it was not require to obtain bids for the consultant however the Board could if the so desired. Deputy Forsyth reviewed the proposals for consulting services received earlier in the year. Ehlert and Associates, Geo-Comm, and Radio Communications had presented proposals. Supervisor Vermedahl questioned if it was possible to use the specifications developed by Radio Communications and submit them to another consultant for review and modification. The county attorney advised that you could hand the consultant everything that you have received, all communications, and work done up to this point. Thompson advised that there is some advantage to accepting bids in the light of the county already receiving a complaint about the past procedures. Thompson also stated that the letter of objection received by the county also raises questions on the design of the system and the county

would be negligent if the design was not reviewed. Vermedahl questioned how the Board would review the proposals and the fees for the service since the Board does not have expertise in this area. Forsyth questioned if there was a legal problem with the prior consulting proposals being opened in a public meeting and therefore giving an unfair advantage to other companies. The county attorney did not believe there would be a legal issue. Supervisor Vermedahl requested that the consultant's scope of services be modified and put out for proposals. A copy of the original scope of services was given to the county attorney for review. Vermedahl stated that the request for proposals did not need to be sent to numerous consultants, but rather only those that the county was familiar with their abilities. Thompson advised that the county could send requests for proposals to select consultants however he was hesitant that there may be companies willing to quote that the county was not aware. The matter is to be discussed again on the next board's agenda.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 5, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was attending another meeting. Vice-Chairman called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 2, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Jason Sanders to the 03ODP Task Force. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for East Central Iowa REC to place utility lines in the county's right-of-way in section 20 of Benton Township along 29th Avenue Drive. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the vice-chair to sign the plans for the bridge deck replacement west of Shellsburg, Project #BHS-CO06(58)-63-06. Both members voting aye thereon. Motion carried.

The county engineer spoke about the need to hire a part-time employee at the landfill and that he an individual who had expressed an interest in the position. Supervisor Vermedahl commented that the engineer should advertise for the position and if the individual was the most qualified then he should be considered for the position. Vermedahl stated that the necessary regulations regarding equal opportunity, etc. still would need to be complied with and advised that the position should be advertised.

The engineer reported that the landfill bank balance on November 30, 2003 was \$38,178.52.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-82. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

**RESOLUTION #03-82
AGREEMENT FOR JOINT EXERCISE
OF GOVERNMENTAL POWERS**

This Agreement for Joint Exercise of Governmental Powers is entered into as of _____
by and between the City of Urbana, Iowa ("City") and Benton County, Iowa ("County").

RECITALS

- A. City and County are the owner of a roadway formerly known State Highway 363. Within the corporate limits of City, the roadway is now known as Sunset Street. The roadway from the easterly corporate limits of the City to the westerly connections of the roadway with State Highway 150 is referred to herein as the "Roadway".
- B. City and County desire to cooperate in providing equipment and personnel for proper snow removal and maintenance along the Roadway.

AGREEMENT

Now, therefore, in consideration of the mutual promises exchanged herein, the parties agree as follows:

1. Purpose. The purpose of this Agreement is to set the terms upon which the parties will cooperate to make more efficient use of their respective equipment and employees that are utilized in removing accumulated snow and maintaining the Roadway for safe travel.

2. City Duties. The City hereby agrees to remove snow from the traveled portions of the Roadway, including from the north-south leg and east-west leg that connect the westerly end of the Roadway with U.S. Highway 150. The City also agrees to spread sand on the Roadway and the Highway 150 connectors as needed, including approaches to each stop sign at the Highway 150 connection. The City shall use its own equipment and personnel to perform its duties as contemplated by this Agreement.

3. County Duties. The County hereby agrees to clear accumulated snow from the shoulder areas of the Roadway and the Highway 150 connectors as needed. The County shall use its own equipment and personnel to perform its duties as contemplated by this Agreement.

4. Funding. The parties agree that each of them shall bear any cost or expense relating to or arising out of its respective duties under this Agreement.

5. Administration. The parties expressly do not provide herein for the creation of a separate legal or administrative entity to carry out the purposes of this Agreement. The joint undertaking established by this Agreement shall be administered by the parties directly.

6. Liability. Each party agrees to hold harmless the other party with respect to any and all claims or causes of action relating to or arising out of performance of its duties as contemplated by this Agreement.

7. Term and Termination. The term of this Agreement shall be for a period of one year, commencing effective _____, 2003 and ending _____, 2004 unless extended by the terms of this Agreement or by other specific agreement of the parties. This Agreement will automatically extend for any number of successive one-year terms, unless terminated in writing by one or both of the parties. Written notice of termination must be delivered to the other party, either (a) in person to its clerk or board secretary or (b) by ordinary U.S. mail posted to the recipient at its last known mailing address, no later than April 1 in a given year.

8. Amendment. This Agreement may be amended by a written instrument executed by the parties.

9. Filing. This Agreement shall be promptly filed with the Iowa Secretary of State and with the Recorder of Benton County, Iowa.

IN WITNESS WHEREOF, the parties by their duly authorized representatives have executed this Agreement for Joint Exercise of Governmental Powers as of the date first set forth above.

CITY OF URBANA, IOWA

BENTON COUNTY, IOWA

By: _____
Mayor

By: _____
Chairperson, Board of Supervisors

Attest: _____
City Clerk

Attest: _____

Discussion on hiring a consultant for Phase II of the Communications Tower Project was held. Randy Forsyth presented a draft of an RFP (Request for Proposal) for the board's consideration. Moved by Sanders, seconded by Vermedahl, to approve the RFP as follows:

Benton County, Iowa, is currently taking proposals for the development of an RFP to complete Phase II of our communications project.

Phase I consisted of the erection of a 380 foot guyed tower, electrical to the site, and land excavation to obtain access to the site.

Your proposal shall include all of the aspects of design, specifications, cost analysis, and preparations to develop an RFP, for bidding purposes, to complete the total project.

Awarded RFP bidder will be exempted from bidding actual project as required by Iowa Law.

Benton County does not discriminate on the basis of race, sex, color, national origin, religion, age, or disability in employment or the provision of services.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa.

Further project information may be obtained by contacting the Project Manager listed below.

Project Overview

Project Title: Benton County Communications Project

Proposal Due Date: Thursday January 15, 2004 at 4:30 P.M.

**Project Procurement Agency: Benton County Board
Vinton, Iowa 52349**

**Project Manager: Randall L Forsyth
Benton County Sheriff's Office
113 East 3rd Street
Vinton, Iowa 52349**

Phn: 319-472-2337 ext: 262
Fax: 319-472-4770
Email: r.forsyth@bentonsheriff.com

The County of Benton has recently procured and has constructed a 380' guyed communications tower centrally located in the County. We are presently seeking assistance in system design recommendations and development of an RFP for county-wide VHF/UHF communications upgrades to our existing infrastructure.

The basic scope of work expected will include:

1. Gather, analyze and document operational, functional and specific technical information of existing fixed sites and associated equipment for various public safety and emergency response departments in Benton County in order to understand the present status of our communications capabilities.
2. Conduct and analyze coverage studies based on the new 380' centrally located "primary" tower site in order to provide a basis for additional "satellite" receive and/or paging site recommendations.
3. Recommend and submit a planned acquisition and implementation process based on analysis data and today's "state of the art" technology.
4. Design and submit CAD drawings to complete our "Primary" tower facility.
5. Obtain and submit budgetary upgrade costs and assist our committee to prioritize acquisitions and implementation.
6. Develop an RFP to allow us to complete the upgrades through competitive bidding process.

The basic scope of deliverables will include:

1. Documentation of our existing communications capabilities.
2. Coverage maps depicting expected system performance.
3. Document of a recommended plan of acquisition and implementation.
4. CAD drawings of the "primary" tower facility.
5. Budgetary figures.
6. Final RFP (to include completion of our "primary" tower site facility).

The individual, organization, or corporation to whom this is awarded to will be based on:

- Their experience and technical expertise on public safety communications technology and operational characteristics.
- Costs to the County of Benton to complete the "scope of work" and provide the "deliverables".
- Expected time of completion and delivery of the "Final RFP".

Those parties interested in responding to this request should do so by **Thursday January 15, 2004 at 4:30 P.M.** to be eligible for consideration.

Responses shall include, (at a minimum):

- Proposal based on the items outlined herein.
- Attachment briefly describing experience in design of public safety communication systems.
- Expected delivery of "Final RFP".
- Proof of Insurance Required

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

David H. Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

December 9, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 5, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 58929 through 59298, for payment. All members voting aye thereon. Motion carried.

Representatives of Poweshiek Water Association met with the Board to discuss the Watkins wastewater project. The Board was told that several areas of Watkins could not be served because Benton County does not participate in the National Flood Insurance Program. Due to federal regulations, Poweshiek cannot borrow federal dollars to serve homes in a flood plain. If Benton County chooses to participate in the flood insurance program, then the areas could be served; however the entire unincorporated portion of Benton County would have to be included. Other options would be to contest the flood plain boundaries but would run the risk that resolution of the issue could be lower elevations and more homes being located in the flood plain. Poweshiek Water Association advised that they would research the flood plain elevation determined during recent construction of a bridge near Watkins and determine if additional surveying would be beneficial. If the issue cannot be resolved through this avenue, the representatives will return to the board of supervisors for further discussion.

Moved by Sanders, seconded by Vermedahl, to set the salary of temporary part-time administrator to act in the absence of the full-time administrator in the veteran's affairs office at \$55.00 for each regular session. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to suspend the taxes on parcel number 240-22500 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept Phase I of the Communications Tower Project as being complete. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 30 hours of vacation carry-over for Elaine Bolton. Said carry-over is to be used by March 1, 2004. All members voting aye thereon. Motion carried.

Roger Witt met with the Board concerning the county's loss control program. Witt questioned if the Board had taken any action regarding individual space heaters in offices. The Board advised that they had not taken any action as of yet. Supervisor Vermedahl stated that it would be difficult to eliminate all of the space heaters since the boilers are not run 24 hours 7 days a week. The Board requested that Witt research different types of space heaters and report back to the Board.

The auditor questioned the direction she should take in compiling FY05 budgets. The Board directed her to reduce all non-departmental budgets by five percent and if funds are available to replenish some of the reduction, then the Board would review them individually.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 12, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 9, 2003. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Arlo Becker, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a residential use. Becker advised that he would like to convert the existing barn into a residence for him and possibly a rental unit. There is currently an occupied rental home on the property and also an unoccupied mobile home that is for sale. Concerns were heard regarding the number of junk vehicles located on the property and the safety of residents in the area, citing that a previous employee of the applicant had stolen a car. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to table action on a land use change on approximately two acres generally described as being a Part of the SE1/4 SE1/4 of 10-82-9 to allow the Board to research the matter further. The matter is placed on the December 19th agenda at 10:00 a.m. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Keith H. Hartkemeyer, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. The applicant advised that he plans to raise an agricultural commodity. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on one acre generally described as being a Part of the SW1/4 of the NW1/4 of 9-83-12 for a single residential use. All members voting aye thereon. Motion carried.

Representatives of the Pioneer Cemetery Commission met with the Board to provide an update on their activities during 2003 and to submit a budget request for FY05. The commission has rejuvenated 204 stones in nine cemeteries. The budget asking for FY05 has been reduced to \$4,000.00 over and above all donations received.

Roger Witt met with the Board to discuss loss/control recommendations made by the county's insurance company, specifically space heaters in the various offices. The Board had requested that Witt research various types of space heaters and return to the Board with a recommendation. Witt advised that the best prices were available from Theisen's and ranged from \$25.00 to \$100.00. Moved by Sanders, seconded by Buch, to have only approved space heaters in offices and the expense of said heaters is to be borne by the department. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to discuss the placement of an advertisement in the Des Moines Register for requests for proposals for consultants on Phase II of the Communications Tower Project. Forsyth advised that the cost for the advertisement would be \$910.00 for one classified on a Sunday. The cost to run the advertisement as a legal notice would be \$32.00. Moved by Vermedahl, seconded by Sanders, to run the advertisement as a legal notice due to the cost. All members voting aye thereon. Motion carried.

The Board also spoke about the various parts of Phase II that could be bid separately. There was no action taken.

Moved by Sanders, seconded by Vermedahl, to set February 24, 2003, as the date for holding a special School Infrastructure Local Option Sales Tax election. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

December 16, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 12, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Kristin Hooper as a temporary part-time clerk in the treasurer's office at a wage of \$7.00 per hour. All members voting aye thereon. Motion carried.

The county engineer discussed the Region 10 RPA Enhancement Applications for FY2005-2007. After reviewing the applications, it was moved by Vermedahl, seconded by Sanders, to prioritize the them as follows: 1st- Newhall – trail around soccer field; 2nd - Jones County – historical Hale bridge to be used for pedestrian traffic; 3rd - Monticello – trail head improvement project; 4th - Johnson County – 12th Avenue Extension trail. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Iowa One Call affidavit stating that Benton County is not aware of any underground facilities owned or operated by Benton County, however in the event that Benton County becomes aware of any future underground facilities owned or operated by them, that Iowa One Call shall be notified. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Florence Township and St. Clair Township. All members voting aye thereon. Motion carried.

The chairman asked for a written confirmation on the Oak Grove road project as to the timeline of the project. The engineer advised that it would depend on the amount of money the county wanted to spend. The engineer stated that a consultant would have to be hired because he did not have the staff to manage the project at this time.

Dave Thompson, Randy Forsyth, Scott Hansen, and county engineer met with the board to discuss Phase II of the Communications Tower Project. The Board requested that Forsyth review the project and determine what parts of the project could be bid separately. Forsyth stated that he reviewed the main RFP and had compiled the following although he was not sure if it would be advantageous or not. Forsyth presented the following two items for the Board's consideration:

Item A: Purchase antenna and lines and move the GPS base and County Engineer Base from the FOX tower. Move existing line to new location of further use on the new tower; building, including electrical, LP, grounding, and any other aspects of the building; move tower lighting system to building; and fencing.

Item B: Purchase antenna, lines, and base stations for the two that are currently located on the water tower in Van Horne (one of these is the encrypted base and cannot be bid by certain companies); generator; UPS backup system; and alarm system. Forsyth advised that the certain radio equipment has already been placed on state bid and could be purchased through that bid.

The county attorney questioned who would move the antenna and lines under Item A. Forsyth stated that it would not matter who did the work but asked if the work would need to be bid out and advertised or if it could just be quoted. The county attorney advised that the individual parts would still need to go through the bid letting process and advertised unless the county was doing the labor. The county attorney suggested that the new consultant should probably review the plans and make a determination if the individual items should be bid separately. Supervisor Buch commented that the Board's intention was to eliminate some items from the consultant's duties in order to save money. The county attorney advised that if bids are taken there are no legal concerns, but if there is a design problem then the consultant should be involved. The county attorney advised that the bidding process as set out in the Code of Iowa would have to be followed on each individual part of the project, including advertising and insurance requirements. The Board directed Forsyth to research into a prefabricated building.

The Board left the courthouse to meet with employees at the county landfill. The Board discussed various recycling issues with the employees and then returned to the courthouse.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 19, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of December 16, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to hire Dennis Koopman to place plastic and large hay bales on the communications tower site to prevent frost. The cost is \$150.00 with Koopman providing the hay to the site and removing said hay. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve one day of vacation carry-over for Barbara Greenlee, said day to be used by April 1, 2004. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Ron Boyer, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Pat Smith voiced concerns regarding the use of the land and the ability to place a horse barn or other livestock on the parcel. Smith also commented that the culvert in the driveway to the parcel was ineffective due to its height. The Board explained that any agricultural use could not be prohibited. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Part of the SW1/4 of the SW1/4 of 36-86-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John and Nichole McKenna, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change generally described as being a Part of Parcel A located in the W1/2 of the SW1/4 of 3-85-11 (Jackson Township) for a single residential use. All members voting aye thereon. Motion carried. Moved by Vermedahl, seconded by Sanders, to amend the prior motion to limit the land use change to two acres. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for continuing the public hearing on a land use change requested by Arlo Becker, the board took up the matter for further consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a multi-residential use by allowing rental units in the barn. Supervisor Vermedahl stated that he viewed the site and noted several vehicles on the parcel, also that he has concerns as to whether multi-residential units is compatible with the over-all use of the area and if rental properties constitute a commercial use under the land use ordinance. Chairman Buch commented that if a problem with junk vehicles would develop after the use was changed, Buch thought there might be problems with taking legal action since we were aware of the condition before approving the change. Buch stated that he has a lot of concerns over changing the use of this parcel. Vermedahl stated that Becker has gone through a lot of work to improve the area and would have a difficult time believing that someone would junk it up. Supervisor Sanders questioned if prior action of the Board approved two family residences on the same parcel if the property was not split. Vermedahl commented that he would feel better if the mobile home and vehicles were not present. Buch reiterated that he had a difficult time approving the change with the current mobile home and junk vehicles located on the property. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to deny request for a land use change on approximately two acres generally described as being a Part of the SE1/4 of the SE1/4 of 10-82-9 (Florence Township) for a multi-residential use based on junk vehicles and mobile home currently located on the property. Supervisors Sanders and Vermedahl withdrew the motion. It was moved by Vermedahl, seconded by Sanders, to deny request for a land use change on approximately two acres generally described as being a Part of the SE1/4 of the SE1/4 of 10-82-9 (Florence Township) for a multi-residential use based on the junk vehicles and mobile home currently located on the property and that a multi-residential dwelling is an incompatible use with the overall the area. All members voting aye thereon. Motion carried.

Terry Johnson representing Genesis Development provided an update on the services being provided by his organization and the cost of said services. Genesis Development provides services to MH-DD clients. Johnson advised that Genesis Development does access all federal monies available to offset the cost to the county. Johnson told the Board that last quarter's costs was \$12,683.00 but only \$4800.00 was billed to Benton County with the remainder coming from other funding sources.

The Board discussed the Oak Grove road project with the county engineer. Chairman Buch stated that the Board would like a commitment and a time-line. The county engineer stated that he did not have time to draw up the plans with his current staff. An estimate for consulting fees is approximately \$50,000.00. The engineer stated that an outside firm would need to be retained to do the land acquisition and estimated another \$20,000.00. Chairman Buch stated that the county needed to make a decision as to whether to continue with the project. The Board directed the county engineer to pursue the costs of a consultant and to proceed with development of a time-line and plan.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Telephone Cooperative to place utility lines in the county's right-of-way in Florence Township Section 31 and St. Clair Township Section 36. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 23, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 19, 2003. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve claims and payroll numbered 59299 through 59661, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to move allowable expenses from the General Basic Fund to the General Supplemental Fund effective with the FY05 budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize wage increases for employees of secondary roads and the sheriff's department, effective January 1, 2004, pursuant to the labor contracts. All members voting aye thereon. Motion carried.

	Secondary Roads			
	<u>Class</u>	<u>Base</u>	<u>Longevity</u>	<u>Total</u>
Jack Hopper	VID	\$15.20	\$0.30	\$15.50
Roy Staab	VG	\$14.79	\$0.30	\$15.09
Roger Junge	IVD	\$14.68	\$0.25	\$14.93
Lyle Bolton	IVC	\$14.61	\$0.25	\$14.86
Daniel Carroll	VG	\$14.79	\$0.25	\$15.04
Brian Hartz	IC	\$13.47	\$0.25	\$13.72

Larry Christianson	IVD	\$14.68	\$0.25	\$14.93
Roger Calvert	IVD	\$14.68	\$0.25	\$14.93
Michael Benson	IVD	\$14.68	\$0.20	\$14.88
William Garbers Jr.	IVC	\$14.61	\$0.20	\$14.81
Dennis Hamlett	IVD	\$14.68	\$0.20	\$14.88
Marvin Andrews	VG	\$14.79	\$0.15	\$14.94
Roger Sturtz	IVC	\$14.61	\$0.15	\$14.76
Anthony Behounek	VD	\$14.84	\$0.15	\$14.99
Randall Sherwood	IVD	\$14.68	\$0.15	\$14.83
John Mayhew	VG	\$14.79	\$0.15	\$14.94
Thomas Johnson	IVC	\$14.61	\$0.15	\$14.76
Michael Gardemann	VIC	\$14.79	*\$.25+ \$.15	\$15.19
Mark Kelty	IIID	\$14.61	\$0.15	\$14.76
John Beck Jr.	IVD	\$14.68	\$0.15	\$14.83
Michael Myers	IVD	\$14.68	\$0.10	\$14.78
Jeff Bahr	VIC	\$14.79	\$0.10	\$14.89
Richard Meyer	ID	\$14.61	\$0.10	\$14.71
Mark Wessling	IVC	\$14.61	*\$.25+ \$.10	\$14.96
Scott McLaughlin	VID	\$15.20	\$0.05	\$15.25
Scott Gladson	IVD	\$14.68	\$0.05	\$14.73
Steve DeWitt	IVD	\$14.68	\$0.05	\$14.73
Marc Merchant	VG	\$14.79	\$0.05	\$14.84
Joshua McGowan	IVD	\$14.68	\$0.05	\$14.73
Douglas Kearns	VD	\$14.84	\$0.05	\$14.89
Don Burkey	VD	\$14.84		\$14.84
Charles Johnston	VG	\$14.79		\$14.79
William Grimm	VD	\$14.84		\$14.84
Daniel McKenna	VD	\$14.84		\$14.84
Kenneth Bahr	IVD	\$14.68		\$14.68
Jeff Winsor	VG	\$14.79		\$14.79
Matthew Cherveney	IIIC	\$14.61		\$14.61
Mark O Brien	IVD	\$14.68		\$14.68
(* Landfill License)				

SHERIFF'S OFFICE

Kenneth Popenhagen, Sheriff	\$57,950.60		per year
Chief Deputy	<u>Annual Base</u>	<u>Longevity</u>	<u>Total Annual</u>
Randall Forsyth	\$49,258.01	\$374.40	\$49,632.41
Secretaries	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Jackie Michael, Office Manager	\$14.75	\$.05	\$14.80
Sherri McGowan	\$12.41	\$.18	\$12.59
Full Time Deputies	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Michael Ferguson	\$18.38	\$.18	\$18.56
John Austin	\$17.90	\$.18	\$18.08
Mark Johnson	\$17.40	\$.10	\$17.50
John Lindaman	\$16.96		\$16.96
Ronald Tippett	\$16.96		\$16.96
Christopher Rider	\$16.96		\$16.96
Mark Phippen	\$17.44		\$17.44
Dispatcher/Jailer (Full-time)	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Dorothy Wild	\$15.33	\$0.18	\$15.51
Susan Nelsen	\$14.93	\$0.10	\$15.03
Dawn Dunkelberger	\$14.33	\$0.05	\$14.38
Kyla Davis	\$13.14		\$13.14
William Reese	\$14.33	\$0.05	\$14.38
Michael Merino	\$13.14	\$0.05	\$13.19
Melissa Woodley	\$13.14		\$13.14
Jason Schott	\$12.24		\$12.24
Martin Halstead	\$12.24		\$12.24
Timothy Petersen	\$11.05		\$11.05
Russell Denison	\$11.05		\$11.05
Dispatcher/Jailer (Part-time)			
Kimberly McCullough	\$13.14		per hour
Michelle Thomson	\$12.24		per hour
William Thorman	\$11.50		per hour
Jeremy Fisher	\$12.24		per hour
Matrons			
Brenda Hackbarth	\$10.02		per hour

Mary Rogers	\$10.02		per hour
Sadja Sondag	\$10.02		per hour

Utility/Duty Officer	Hourly Base	Longevity	Total Hourly
Jerry Michael	\$16.11	\$.05	\$16.16 per hour

Reserve Peace Officer (part time)			
Gary Benson	\$15.03		per hour
Dan Benson	\$15.03		per hour
Russell Glime	\$15.03		per hour
Gene Clerkin	\$15.03		per hour
Larry Feaker	\$15.03		per hour
James Rich	\$15.03		per hour

Food Service/Janitorial	Hourly Base	Longevity	Total Hourly
Terri Higdon (full-time)	\$12.58		\$12.58
Doris Trefz (full-time)	\$12.14		\$12.14
Bonnie Ehlinger (part-time)	\$12.14		per hour
LaDonna Fairbanks (part-time)	\$11.02		per hour
Mary Rogers (part-time)	\$ 9.84		per hour
Sadja Sondag (part-time)	\$ 9.84		per hour

Contract Typing (part time)			
Tina Ehrig	\$10.32		per hour

DEA Assistant
Sara Olson \$10.30 per hour

The county engineer spoke about his policy for participation in non-conforming driveways accessing the secondary road system. Parizek advised that the county does not participate in driveway improvement for those that do not conform to the standards for driveways.

Supervisor Sanders commented that he had been contacted regarding the level of maintenance being done on 64th Street between 33rd Avenue and the county line during recent snows. The engineer advised that he was not aware of any change in the level of maintenance.

The Board discussed the 2004 appointments to the various boards and committees. The discussion was limited to contacting various individuals to determine their interest in serving and finding new members.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 29, 2003

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:00 a.m.

Moved by Vermedahl, seconded by Buch, to appoint Jason Sanders as the board chairman for 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Dave Vermedahl as the vice-chairman for 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 23, 2003. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to designate the official newspapers for Benton County for 2004 as The Cedar Valley Times, South Benton Star Press, Belle Plaine Union. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to the Benton County Eminent Domain for 2004. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Arlen Gerhold
Danny Kaestner
Judy Carter
Lee Bendull
Brian Larkin
Wayne Siela
Burt Day
Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum
Mike McNamara
Jeff Geiger

Dave Coulter
Eldon Zumbach
Jeff Akers
Duane Johnson
Owner-Operator Agricultural Property
Derold Happel
Wayne Newton
David Rhinehart
Richard Grieder
Craig Mahood
Wayne Riley
Florence Lyman
Owners of City or Town Property
Darold Sindt
Harold Knaack, Jr.
Earlene Clausen
Dave Coots
Larry Weeda
Gloria Feuerbach
John Elwick

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #03-84. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #03-84

WHEREAS: Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of warrants; and
WHEREAS: Iowa Code §331.506 allows the auditor to issue warrants under the authority of the Board of Supervisors without prior approval,
NOW BE IT RESOLVED that the Board of Supervisors hereby authorizes the auditor to issue warrants in accordance with Iowa Code Section 331.506.
Signed this 29th day of December 2003.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to appoint the following members to the respective boards for 2004. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl
Regional HACAP –Supervisor Sanders
Burrows Family Resource Center (Southern Benton County HACAP) – Supervisor Buch
Federal Emergency Management Agency (FEMA) – Mary Williams
Emergency Management Commission - Supervisor Sanders

Supervisor Vermedahl, Alternate
Resource Enhancement & Protection (REAP) - Supervisor Vermedahl
North Benton Ambulance - Supervisor Vermedahl
Solid Waste Disposal Commission Advisory Board - Supervisor Buch
Supervisor Vermedahl, Alternate
Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders
Supervisor Buch
Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio
6th Judicial District Department of Corrections – Supervisor David Vermedahl
Workforce Development - Supervisor Sanders
Eastern Iowa Tourism – Supervisor Sanders
Supervisor Buch, Alternate
Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch
Area Substance Abuse Council (ASAC) – Supervisor Sanders
Regional Child Support Recovery – Buch
Benton County Empowerment Board – Buch
Benton County Conservation – Supervisor Sanders, Ex-Officio

Moved by Vermedahl, seconded by Sanders, to appoint Myron Parizek as Benton County's ADA Coordinator. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint R. J. Meyer, Dan Kaestner, Dave Wessling, and Larry Beatty to the Benton County Zoning Commission for 3-year terms. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Gene Mealhow, Rodney Kubicek, Marty Junge, Eldon Zumbach, and Dave Coulter to the Benton Development Group Board of Directors. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Dave Vermedahl as trustee to the Heartland Insurance Group and Ron Buch as alternate. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Mary Williams to the Mental Health Citizen's Advisory Board. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Deb Christianson to the Vinton Airport Land Use Adjustment Board for a five-year term. Vermedahl abstained. Buch and Sanders voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following members to East Central Iowa Council of Governments' Boards. All members voting aye thereon. Motion carried.

EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Don Magdefrau

Don Kromminga, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

Mary Halstead

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Nick Rissman

Moved by Vermedahl, seconded by Sanders, to appoint Dan Higdon and Roger Witt as Safety Coordinators. All members voting "aye: thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Nancy Farmer to the Benton County Decategorization Board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Bruce Towe to the Benton County Land Use Adjustment Board for a 5-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint the following persons to the Benefited Fire Districts for three-year terms. All members voting aye thereon. Motion carried.

Van Horne Benefited #1 – Ron Bossler

Keystone Benefited #2 – Tom Harty

Newhall Benefited #4 – Tim Rathje

Ben-Linn Benefited #3-#5 – James Keiper

Moved by Sanders, seconded by Buch, to appoint Michael Beumer as the Benton County Weed Commissioner, and Bruce Anderson as the Assistant Weed Commissioner for 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Anti-Kickback Statement, Rehabilitation Contract, No Work to be Done by Homeowner Agreement, and the Benton County Homeownership Program Forgivable Loan set out below. All documents are regarding the Benton County Homeownership grant for the residence at 315 Cross St. SE, Blairstown, Iowa. All members voting aye thereon. Motion carried.

Benton County Homeownership Program Forgivable Loan

WHEREAS, Benton County (hereinafter referred to as COUNTY) has established the Homeownership Program to assist homeowners with purchasing a home, and

WHEREAS, the undersigned, (hereinafter referred to as OWNER) qualifies under the COUNTY Homeownership Program for a total loan of fourteen thousand five hundred and forty-one dollars (\$14,541.00) for homeownership, and

WHEREAS, a requirement of the COUNTY Homeownership Program is for the repayment of the loan to be in the amount shown in the Promissory Note whenever the property is sold or transferred, or used as a rental.

THEREFORE, in consideration of the awarding of the loan the mutual covenants and promises of the parties and other good and valuable consideration, the COUNTY, and the OWNER agree as follows:

FORGIVABLE LOAN PROMISSORY NOTE

FOR VALUE RECEIVED, the undersigned jointly and severally promises to pay to the order of the COUNTY, the sum of as follows: fourteen thousand five hundred and forty-one dollars (\$14,541.00).

- A. If the below described property is sold or transferred, or used as rental property, prior to the end of the note, 100 percent of the note becomes due. Upon the sale of the property the homeowner is allowed to recoup their investment (down payment plus capital improvements) before any Housing Fund investment is recaptured. The term of the note is for five (5) years.

MORTGAGE (State Law Reference)

TO HAVE AND TO HOLD the said real estate with all appurtenances thereto belonging unto the COUNTY, its successors and assigns, forever, OWNER hereby covenanting for themselves, their executors, administrators and assigns, that they have full right, power and authority to convey said real estate and its appurtenances, and that they will warrant and defend the title thereto unto the COUNTY, its successors and assigns, against the claims of all person whomsoever lawfully claiming the same; and the OWNER hereby relinquish all their contingent rights including dower and homestead, which they have in and to said described real estate.

Nancy M Engelking, does hereby mortgage, grant and convey to the Benton County the following described property in the CITY BLAIRSTOWN, COUNTY OF BENTON, STATE OF IOWA, to secure the payment of the promissory note set out above.

TO WIT:

LEGAL DESCRIPTION: MORRIS 2ND S 120' OF E 115.25' KIT 14 BLK 5, BLAIRSTOWN, IOWA

Which has the address of 305 Cross Street SE, Blairstown, IA.

OWNER COVENANTS that OWNER is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. OWNER warrants and will defend generally the title to the Property against all claims and demands subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and nonuniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

1. TAXES: OWNER shall pay each installment of all taxes and special assessments of every kind, new or hereafter levied against said property, or any part thereof, before same become delinquent, without notice or demand.
2. INSURANCE: OWNER shall keep in force insurance on all buildings against loss by fire, tornado and other hazards, casualties and contingencies as COUNTY may require.
3. REPAIRS TO THE PROPERTY: OWNER shall keep the buildings and other improvements on said premises in as good repair and condition, as same may now be, or are hereafter placed; ordinary wear and tear only excepted, and shall not suffer or commit waste on or to said security.

EXECUTED BY:

Nancy M. Engelking (Owner)

Date: _____

Benton County Representative

Date: _____

Moved by Sanders, seconded by Vermedahl, to re-appoint Ed Strellner, Daniel Roberts, and Doug Mehlhaus to the Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #03-85. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

**RESOLUTION #03-85
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2000; and

WHEREAS, the Board now desires to amend said budget within service areas,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2004 county budget is hereby amended within service areas as follows:

SERVICE AREA 4

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 42320	Fund 0010 Function 42310	\$ 20,500.00
Fund 0010 Function 43320	Fund 0010 Function 43310	\$ 225.00

SERVICE AREA 8

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0002 Department 75	Fund 0002 Department 78	\$1,392.00

Dated this 29th day of December 2003

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The Board was presented with a claim for payment submitted by Randy Forsyth. The claim was for reimbursement of expenses incurred by Forsyth over the past seven months. The policy of Benton County is all checks written outside the normal payment schedule, which are in excess of \$1,000.00, shall have Board approval. Further, it is the county's intent to reimburse employee expenses on a timely basis, and due to the board not meeting for another week it was determined that action should be taken on this date. Moved by Sanders, seconded by Buch, to approve payment of the claim submitted by Randy Forsyth and as approved by the sheriff in the amount of \$1,140.73, for immediate payment. All members voting aye thereon. Motion carried.

The Board discussed the FY05 per capita rate for the landfill. County Engineer Parizek submitted three different proposals for fees, including a difference between city and rural residents due to recycling costs, adding a tonnage fee, and equal per-capita rates between city and rural residents. After discussing the impact of raising per capita rates after just implementing the recycling program, and the operating expenses at the landfill, it was moved by Sanders, seconded by Vermedahl, to set the FY05 per capita rates at \$16.00 for urban residents and \$20.00 per capita for rural residents. All members voting aye thereon. The cost difference between urban and rural is for the county's expenses for recycling trailers and picking up recyclables at the drop-off sites for rural residents.

Moved by Sanders, seconded by Vermedahl, to approve the appointment of Jerry Michael as a Detective/Deputy Sheriff in the sheriff's department at a wage of \$17.18 per hour. Said appointment is effective this date. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor