

January 6, 2004

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

Supervisor Buch arrived at 9:12 a.m.

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

Moved by Vermedahl, seconded by Buch, to authorize the auditor to destroy closed meeting tapes and records older than one year. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-1. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION # 04-1 _____

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) (2003), 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 February 1, 2004 and January 31, 2005 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 created in Iowa Code section 459.305, 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 459.304(3).

Adopted this 4th day of January 2004.

Chair, Board of Supervisors
Date: _____

ATTEST:

County Auditor
Date: _____

Moved by Vermedahl, seconded by Buch, to appoint Ed Frese to a 5-year term on the Benton County Conservation Board. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Rosemary Schwartz and Duane Eldred to 3-year terms on the Benton County Health Board, and to appoint Dr. Brian Meeker to fill the position vacated by Dr. Svoboda. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to discontinue offering VALIC as a provider of 457 services to Benton County employees due to the lack of any participation with the company. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the auditor's and sheriff's quarterly reports for the period ending December 31, 2003. All members voting aye thereon. Motion carried.

The Board discussed the Department of Natural Resources' notice concerning the lagoon at the Cedar Valley Ranch. The County was notified in December of required action needed relative to regulatory operation of the lagoon and gave the county 60 days to comply. The engineer advised that he has not researched the matter and that when he does he will put the matter on the board's agenda.

Ron Donald, Van Horne Mayor, was present to speak with the Board about mandatory recycling. Donald stated that recycling was initially the county's responsibility, but now it has been forced on the cities with no funding available.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Qwest to place utility lines in the county's right-of-way in Sections 7 and 18 of Taylor Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the following vacation carry-over requests: Daniel Higdon – 2 hours; Morris Higgins – 17 hours; Myron Parizek – 37 hours, and all are to be used by no later than April 1, 2004. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

January 9, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 6, 2004, and to amend the minutes of December 29, 2003 by adding the following persons to the Eminent Domain Commission: Ross Wiley as Owner-Operator of Agricultural Property and Paul Schellhase as Owner of City or Town Property. All members voting aye thereon. Motion carried.

Roger Witt met with the Board to discuss the recycling program in the courthouse. Witt advised that currently the recyclables are placed near the north door on Tuesdays, however the material isn't always picked up on that day. Witt stated there are several issues with the material placed by the door for extended periods of time, i.e. fire hazard and blocking and exit. Witt questioned how the Board wanted to address the matter with possibilities being another dumpster for recycling or the maintenance people taking the material to the recycling shop. Also, Witt advised the hauler will not stop if a vehicle is parked by the north door entrance, i.e. sheriff's vehicles, vendors, etc. Vermedahl asked if there was room outside the north door to have another dumpster for recycling material. Witt stated that the area would have to be reviewed. The Board requested that Witt check with the hauler about the size and cost of dumpsters. Vermedahl also stated that follow-up at the other county facilities should be done regarding recycling issues.

The Board discussed the matter of departments failing to submit their FY05 budgets at the time requested. The auditor asked how she was to proceed with calculating those budgets, stating that in the past those departments who failed to submit budgets timely were frozen at their previous year's funding. However with the Board requesting a 5% decrease, freezing the budgets at the previous year's level would not meet the reduction request. The Board advised that the budgets should be figured at the level submitted. The auditor also requested direction as to the Board's initial intention with tax dollars for FY05. The Board directed that the budget be initially calculated using the same amount of tax revenue as in FY04.

Moved by Buch, seconded by Vermedahl, to approve the treasurer's semi-annual report. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to pay \$400.00 to Russell and Ann Kreutner for crop damage and inconvenience pursuant to the agreement entered into between Benton County and Russell and Ann Kreutner for the purchase of a tower site. All members voting aye thereon. Motion carried.

The Board discussed the recycling education flier to be placed in the Livewire and County Market. Supervisor Sanders is continuing to work on the flier with an anticipated insertion date of February 4th, 2004. Supervisor Vermedahl questioned how the highway litter that is picked up by service organizations would be handled stating that the county should continue to encourage roadway clean-up projects.

The engineer reported that the balance in the landfill bank account as of December 31, 2003, was \$43,322.28.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 13, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 9, 2004. All members voting aye thereon. Motion carried.

Representatives of the Emergency Management Association (EMA) met with the Board to discuss the duties of rural addressing currently being done by the emergency management director. The group advised that the EMA has given considerable consideration to those duties, and have concluded that the service would be more efficient and better served if done by the secondary road sign crew. The EMA has determined that the EMA director does not have the time to continue to perform these additional duties. Discussion involved the funding and the work in rural addressing. The county engineer advised that many issues would need to be addressed before he would be comfortable taking on those duties, i.e. funding stream (this is not a legal secondary road expense), time-line for placement of signs (14 days from request would not be guaranteed by his department), replacement of existing signs (signs over 10 years old need to be replaced), etc. Scott Hansen, EMA director, stated that if secondary roads could provide some cooperation with gathering data on new driveways that would eliminate a lot of the duplication of work and save him time and allow him to continue performing the duties. The engineer advised that he believed cooperation could be accomplished between the two departments in an effort to better serve the public.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-2. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-2

BE IT RESOLVED by the Benton County Board of Supervisors that \$2,546.14 be transferred from the Capital Projects Fund to the General Basic Fund.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Andy Resewehr with Cedar Rapids Business Systems met with the Board to discuss the state contract currently in effect with Minolta for digital copiers, office equipment, and printing services. Resewehr advised that Cedar Rapids Business Systems was awarded the contract due to their competitive prices and service. Resewehr stated however that the contract terminates at the end of January, and that he wanted to make contact with as many offices as possible before the end of the month due to the great advantage offered through the contract. Resewehr requested that the Board notify the departments within the county about the offer or provide direction as to how he should proceed in notifying the offices. Supervisor Sanders advised that Resewehr would need to contact each department individually.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 59662 through 60272, for payment. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 15, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Vermedahl, and Buch present. Chairman Sanders called the meeting to order at 7:00 p.m. at the Van Horne Emergency Response Station.

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 13, 2004. All members voting aye thereon. Motion carried.

The Board discussed recycling issues with residents of Van Horne. Concern was expressed over commercial recycling.

The time of 7:15 having arrived, the Board proceeded with opening the quotes for consultant services regarding Phase II of the Communications Tower Project. Elert & Associates was the only company to submit a quote and it was in the amount of \$24,300.00 plus expenses estimated at \$5,175.00. Moved by Vermedahl, seconded by Buch, to defer any decision regarding the consulting services until the communications committee has the opportunity to review the proposal and make recommendations. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-3. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-3

WHEREAS, the Board of Supervisors has been advised that the treasurer has changed from a warrant system to a checking system; and

WHEREAS, the auditor has advised that formal action of the Board is required to change to a checking system,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that pursuant to Iowa Code 331.402(2)e, the county auditor is authorized to issue checks in lieu of warrants. All checks shall be charged directly against a bank account controlled by the county treasurer.

Dated this 15th day of January 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 20, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 15, 2004. Both members voting aye thereon. Motion carried.

Mike Beumer, Weed Commissioner, presented four quotes for chemicals for the weed department for 2004. Quotes were as follows: Ag-Zone - \$50,103.50, Linn Coop Oil Company - \$44,427.00, Farmer's 4-County Coop - \$41,690.00, and Fisher Feed & Fertilizer - \$40,408.75. Moved by Buch, seconded by Vermedahl, to award the 2004 chemical bid to Fisher Feed & Fertilizer at a cost of \$40,408.75. Both members voting aye thereon. Motion carried.

The weed commissioner updated the Board on road clearing efforts being done by his department.

Moved by Buch, seconded by Vermedahl, to approve a farm exemption in the NW1/4 of the NE1/4 of 3-84-9 requested by David Pollock as the applicant is actively engaged in a farming activity. Both members voting aye thereon. Motion carried.

Scott Lewis of Waste Management met with the Board to discuss recycling issues. Lewis questioned if any fines had been issued due to the lack of recycling. Supervisor Vermedahl advised that he was not aware of any at this time. Lewis explained that he is aware why Benton County passed the ordinance; however he was concerned that his customers did not view his company in a very good light because of the recycling. Waste Management has incurred additional expenses to implement the recycling and subsequently have had to increase rates creating a difficult situation. Lewis stated that he would request that the Board consider repealing the ordinance or at the minimum to relax some of the requirements. Lewis stated that the Board passed an ordinance that caused the haulers to become the "garbage police" and their customers do not view Waste Management well. Lewis stated that the customers are extremely upset that they have to pay for recycling in addition to waste pick up. Lewis was seeking guidance from the Board as to address the issues. Lewis stated that allowing 5% of recycling in the garbage makes it extremely difficult because it is basically left to the discretion of the hauler. Supervisor Vermedahl stated that the haulers needed to work with the ordinance for a while before any modifications are considered. Vermedahl advised that it was the Board's intention to issue notices instead of fines initially.

Moved by Buch, seconded by Vermedahl, to authorize the vice-chair to sign the final Iowa Department of Transportation construction vouchers for the asphalt-resurfacing project on E44 and V44. Said vouchers are for Manatt's Inc. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the vice-chair to sign the title sheet for the final plans for the bridge replacement project on 65th Street, BROS-CO006(61). Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the vice-chair to sign the title sheet for the final plans for the concrete pavement on E36, BROS-CO006(58). Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the vice-chair to sign the storm water pollution prevention plan for the landfill. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Steve Wheeler as a part-time employee on an as-needed basis at the landfill, effective January 29, 2004, at a wage of \$8.50 per hour. Both members voting aye thereon. Motion carried.

Randy Forsyth presented photographs of a cement building to the board for their review before next Tuesday's meeting.

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

David H. Vermedahl, Vice-Chair

ATTEST: _____
Jill Marlow, Auditor

January 26, 2004

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Vermedahl, and Buch present. Chairman Sanders called the meeting to order at 8:30 a.m.

The Board worked on the FY05 budget.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 27, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Vermedahl, and Buch present. Chairman Sanders called the meeting to order at 9:10 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 20, 2004 and January 26, 2004. All members voting aye thereon. Motion carried.

The Board proceeded with canvassing the Special County-wide Local Option Sales Tax election held on January 20, 2004. Moved by Buch, seconded by Vermedahl, to approve the canvass of votes for said election and to direct the auditor to file the results in the official records of her office. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve claims and payroll numbered 60273 through 60721 for payment. All members voting aye thereon. Motion carried.

The time of 10:30 a.m. having arrived, the Board proceeded with awarding the quote for consulting services for Phase II of the Communications Tower Project. Scott Hansen, Emergency Management Director, Randy Forsyth, E911 Board Chairman, and the county attorney were present. Randy Forsyth advised that the E911 Board may not approve

any additional expenditures for consulting services other than what has already been expended. Forsyth spoke briefly about the need for hiring another consultant. Moved by Vermedahl, seconded by Buch, to accept the quote from Elert & Associates for consulting services on Phase II of the Communications Tower Project. The county attorney asked if there was anything in the proposal that they would guarantee that the system would work? Also, the county attorney asked if a written contract would be signed regarding the acceptance. All members voting aye thereon. Motion carried. The cost of the services is \$24,300.00 plus an additional estimated cost for expenses of \$5,175.00.

Scott Hansen questioned where the funds would come from if the E911 Service Board would not participate in the additional consulting fees. Supervisor Vermedahl stated that he hoped that E911 would agree to continue to participate. Supervisor Sanders stated that he understood that it had been decided as to the division of expenses. It was further questioned however what the county's funding would be if E911 would not participate in the additional costs. Supervisor Vermedahl and Buch stated that the communications tower project would be good for Benton County and that they hoped that everyone would continue to work together. Scott Hansen questioned why the company that filed the complaint about the original consultant didn't bid on the project. The county attorney advised Hansen that if he wanted the answer that he was free to contact the company. Supervisor Buch stated that perhaps the company wanted to bid on the project and therefore did not bid on the consulting services.

Mary Williams presented the MH-DD System Redesign Report to the Board that is currently being considered. Williams explained that the plan could create a consortium of counties with a management entity to oversee the funding of all individuals within the consortium. The report includes additional services such as brain injury, including stroke, and developmental disabilities to the mandated services being provided by counties. The implementation date is approximately six to eight years, with legislation being passed in the current year to begin the process. The report also sets out income guidelines, standard set of core services, and elimination of legal settlement, and various other issues.

Brian Gruhn met with the Board to discuss union negotiations. This portion of the meeting is exempt from open meeting laws.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Alliant Energy to place lines in the county's right-of-way along the Ben-Linn Road and 33rd Avenue, in Fremont Township. All members voting aye thereon. Motion carried.

The Board continued with FY05 budgets. Specific departmental budgets included conservation, recorder, treasurer, auditor, and supervisors.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 28, 2004

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 8:30 a.m.

The Board continued with FY05 budget work, including the general services, sheriff, data processing, and transportation budgets.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 30, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 27th and 28th, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a farm exemption requested by Carrie Yedlik and Mark Pingent for construction of a primary residence on a parcel located in the SW1/4 of the NW1/4 and the W1/2 of the SE1/4 of the NW1/4 of 18-85-9 (Taylor Township) as the owners currently own 54 acres being used for the production of food and fiber as required by the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to direct the chair to sign the Grants to Counties Well Program Application Form, which provides reimbursement to Benton County residents for part of the costs to test, plug, and/or rehabilitate wells in Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a farm exemption requested by Corley Junge and Nick Rinderknecht to place a residence on a parcel located in the SE1/4 of the SE1/4 of 3-83-12 (Kane Township) to be occupied by a family member who is actively engaged in the farming operation as required by the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a farm exemption requested by Dean Franzenberg to construct a residence on a parcel located in the NE1/4 of 26-83-12 (Kane Township) as the applicant is currently involved in a farming operation as required by the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to direct the auditor to conduct a recount of the election results for the City of Shellsburg from the January 20, 2003 election pursuant to a petition filed requesting said recount. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Consent to Sale of Property and Waiver of Notice of Time and Place of Hearing on Petition and Report of Sale regarding the Egge Estate. All members voting aye thereon. Motion carried.

The Board worked on the FY05 budget. The county attorney requested that his budget presentation be changed to Tuesday, February 3, 2004.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 3, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 30, 2004. All members voting aye thereon. Motion carried.

The Board met with the county attorney regarding the FY05 budget request for his department.

The Board met with StopTech Ltd. regarding an alarm system for the courthouse and other facilities. The system has the capability to monitor various types of alarm, including smoke, fire, panic, and motion detectors.

The sheriff met with the Board to discuss their request to cut \$250,000 from his budget asking for FY05. The sheriff advised that after reviewing the budget, he could only cut \$60,000.00.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 5, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Sanders called the meeting to order at 8:30 a.m.

The Board proceeded with work on the FY05 budget, including the mental health, weed commissioner, secondary roads, and sanitary disposal.

The Board also met with the sheriff to review his budget on a line item basis to try to reduce the proposed budget. The Board and sheriff were able to reduce the budget by approximately \$144,000 but not by the needed reduction of \$250,000. The treasurer met with the Board and advised that she could not reduce her budget by the requested \$6,000 but only by \$5,500.

The auditor explained that she was able to reduce the general fund requirements by approximately \$220,000 by shifting insurance costs to their respective funds. Some insurance costs will be allocated to the assessor, secondary roads, sanitary disposal, rural services, mental health, and emergency management.

Moved by Buch, seconded by Vermedahl, to adjourn. All members voting aye thereon at 4:00 p.m.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 6, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 3, 2004 and February 5, 2004. All members voting aye thereon. Motion carried.

Roger Witt met with the Board to discuss allocation of costs to other entities outside of the county's budget authority. Witt explained that the assessor currently pays for part of the equipment and pays for his own software and maintenance. The assessor however does not pay for his e-mail and Internet service. Witt explained that emergency management only utilizes the county's Internet and e-mail service.

Representative Dell Hanson visited with the Board under the public interest portion of the agenda. Hanson spoke briefly about legislative proposals and budgetary issues.

The county engineer spoke about the recycling ban ordinance and the authority of the hauler to fine residents. Parizek advised that several questions had been presented to him regarding whether the city or the hauler responsible for enforcement, and if failing to comply does the city or the resident get fined. The engineer is to request an opinion from the county attorney regarding the ordinance.

The Board discussed snow removal priorities with the engineer. It was explained that the crews attempt to hit the highest traveled roads (based on traffic counts) first.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 10, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 6, 2004. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve claims and payroll numbered 60722 through 61085. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to review the mental health budget. Williams explained that she reviewed her FY04 and FY05 budgets and made various adjustments but that an additional levy will still be required. The Board requested that the auditor make the changes submitted and present the new figures at Friday's meeting.

Moved by Buch, seconded by Vermedahl, to set dates for considerations of Ordinance #45, *An Ordinance Imposing a Local Option Sales and Services Tax Applicable to Transactions within and for Use by the City of Belle Plaine, City of Garrison, City of Keystone, City of Luzerne, City of Mt Auburn, City of Newhall, and City of Van Horne, in Benton County, Iowa* as follows: March 2, 2004 at 10:00 a.m., March 5, 2004 at 10:00 a.m., and March 9, 2004 at 10:00 a.m.. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a contract with Elert & Associates for consulting services for Phase II of the Communications Tower Project at a cost of \$24,300.00 plus expenses. All members voting aye thereon. Motion carried.

There was no discussion regarding the communications tower project other than the Elert & Associates contract.

The county engineer updated the Board on snow removal policies and the status of his department in responding to the latest snow storm.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 13, 2004

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

Scott Hanson, Emergency Management Director, met with the Board to discuss activities taking place in his department. Hanson reviewed his FY05 budget with the Board and the various expenses and revenues, explaining that Alliant Energy provides funding for his department due to the nuclear energy plant. Hanson also spoke about the grants being offered through Homeland Defense.

Ranae Tharp and Dave Coulter of Benton Development Group met with the Board to provide an annual activities update. Discussion centered on the effectiveness of the organization in Benton County. The Board also discussed the web site currently being maintained by Benton Development Group and the possibility of Benton County being included to eliminate the need for a county web site. Mary McLaughlin, Benton County Information Technology Manager, explained that Benton County would require constant updating and assurance of data security. It was determined that Benton Development Group would not be able to host a website for Benton County due to the requirements.

Benton Development Group also discussed three projects that the organization has decided to provide grant funds. They included \$1,000.00 to the Atkins Park project, \$1,000.00 to the Workplace Learning Connection, and \$1,500.00 to the Belle Plaine Historical Society. Moved by Vermedahl, seconded by Buch, to release \$3,500.00 of money designated to be used by Benton Development Group for economic activities. All members voting aye thereon. Motion carried.

The engineer advised that Benton County is being required to install a new fire suppression system in the kitchen at the Cedar Valley Ranch. Quotes for the system were submitted as follows: Iowa Fire - \$1,933.73, Waterloo Fire Extinguisher - \$1,395.50, and Hawkeye Fire - \$1,850.00. Moved by Vermedahl, seconded by Buch, to purchase a UL300 compliant wet chemical fire suppression system for the Cedar Valley Ranch from Waterloo Fire Extinguisher at a cost of \$1,395.50. All members voting aye thereon. Motion carried.

The engineer also discussed the lagoon at the Cedar Valley Ranch. The Department of Natural Resources has determined that corrective action must be taken to bring the lagoon into compliance with regulations. The cost to correct the lagoon would be approximately \$120,000 plus equipment. There will also be a semi-annual testing fee. The option of connecting the Cedar Valley Ranch to the City of Vinton sewer system was estimated to cost approximately \$80,000 if a 2" pipe is installed. Supervisor Vermedahl is to contact the City of Vinton to ascertain if the city would be interested in participating in this type of project.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 16, 2004

The Benton County Board of Supervisors met in special session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Sanders called the meeting to order at 5:30 p.m. at the Benton County Courthouse.

The Board reviewed the FY05 budget.

The Board then moved the meeting to the Farm Bureau office building to meet with representatives of Farm Bureau regarding the FY05 budget.

The Board answered various questions ranging from secondary road projects and maintenance, fund reserves, budget matters, employee health insurance costs, and legislative proposals.

Moved by Vermedahl, seconded by Buch, to adjourn at 8:15 p.m. All members voting aye thereon.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 17, 2004

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

Craig Adamson of Adamson Financial Planning met with the Board to discuss the services his company could offer to Benton County employees. Adamson stated that he offers financial consulting to the employees free of charge with the expectation that they will move their accounts to his company. The Board advised that they require that prospective companies obtain at least ten signatures of employees who may be interested in their product. Supervisor Vermedahl commented that the Board has never had anyone contact them that are not associated with a specific company. Supervisor Vermedahl questioned the Board's culpability relative to offering 457 plans to employees. Adamson advised that we would attempt to obtain ten signatures of interested employees.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the HIPAA Business Associate Agreement for Wellmark Self-funded Accounts. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Continuation of Owners or Producer's Crop Information relative to the 2004 farm program relative to the communications tower property located in Eden Township. All members voting aye thereon. Motion carried.

The Board discussed the alarm system for the courthouse with Scott Hansen, Roger Witt, and Randy Forsyth. Hansen explained that \$25,000 was available through the Homeland Defense grant for security cameras, panic buttons, and associated equipment. The funds could not be used for fire detection equipment. Hansen advised that the more specific he could be with the grant request, the better the application would be. Hansen stated that he could request equipment from specific companies also. Discussion regarding the placement of cameras, the types of cameras, motion detectors, and panic buttons were discussed. The Board discussed the need for cameras monitoring the outside of the building. Discussion was held on the pros and cons for portable panic buttons, and also the problem law enforcement may incur if there was no camera activation to provide information about the situation.

Moved by Buch, seconded by Vermedahl, to set March 12, 2004, at 10:00 a.m. as the time and date for a public hearing on the county's FY05 budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the title sheet for the bridge plan BROS-CO06(59)—8J-06 for the bridge replacement project on 29th Avenue in Canton Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Jeff Bahr effective February 27, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 10, 2004, February 13, 2004, and February 16, 2004. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 24, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 17, 2004. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set March 19, 2004, at 9:15 a.m. as the date and time for a public hearing on a land use change requested by Chuck and Mickey Lovell on Parcel A of the SE1/4 of the SW1/4 of 27-86-10 (Harrison Township). Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance requested by Cyrus Hopkins on parcel located in the N1/2 of the NE1/4 of 4-86-10, as Hopkins is currently engaged in a farming activity. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 61086 through 61449, for payment. Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, the Board proceeded with opening bids on two patrol vehicles. Bids were received as follows:

Shaull & Ullerich – Blairstown – \$18,421 – Chevrolet Impala
State bid: Dewey Ford – Des Moines - \$19,964 – Ford Crown Victoria
Holmes – Clive - \$16,724 – Chevrolet Impala
Craig Griffith Ford – Vinton - \$20,581 – Ford Crown Victoria
Ervin Motor – no vehicle available to meet specifications
Grovert Chevrolet – Newhall - \$17,890 – Chevrolet Impala
Junge Ford – Center Point - \$20,210 – Ford Crown Victoria with slip differential

Moved by Vermedahl, seconded by Sanders, to purchase one Ford Crown Victoria from Craig Griffith Ford in Vinton at \$20,581.00 and one Chevrolet Impala from the state bid at \$16,724.00. The purchase of the Ford was due to the price being relatively the same as other bids submitted and Iowa Code 23A.3 gives preference to local business located within the county. Both members voting aye thereon. Motion carried.

Gary Fordice, Benton County Conservation Executive Director, met with the Board to discuss activities and projects being undertaken in the conservation department.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-4. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-4

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>CE-3303</u> | 20 ton 0.3 miles south of the Black Hawk County line in section 03-86-11 (Cedar Township) on 50 th Street. |
| <u>BE-5250</u> | 20 ton 0.2 miles east of the NW corner of section 36-85-09 (Benton Township) on 61 st Street Lane. |
| <u>PO-5625</u> | 20 ton 0.4 miles west of the Linn County line in section 13-86-09 (Polk Township) on 52 nd Street Drive. |
| <u>PO-4042</u> | 15 ton 0.2 miles south of the NW corner of section 26-86-09 (Polk Township) on 32 nd Avenue. |

Signed this 24th day of February 2004.

BENTON COUNTY BOARD OF SUPERVISOR'S

Jason Sanders, Chairman

David H. Vermedahl

Attest: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-5. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-5

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-4440</u> | 0.4 miles east of the NW corner of section 26-84-11 (Big Grove Township) on 66 th Street. |
| <u>HA-3330</u> | 0.3 miles east of the NW corner of section 22-86-11 (Harrison Township) on 53 rd Street. |
| <u>KA-4016</u> | 0.4 miles north of the SW corner of section 11-83-12 (Kane Township) on 14 th Avenue. |

Signed this 24th day of February 2004.

BENTON COUNTY BOARD OF SUPERVISOR'S

Jason Sanders, Chairman

David H. Vermedahl

Attest: _____

Jill Marlow, Auditor

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 along 28th Avenue between Fremont and Eldorado Townships. Both 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 along 28th Avenue between Fremont and Eldorado Townships. Both members voting aye thereon. Motion carried,

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 27, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 24, 2004. Both members voting aye thereon. Motion carried.

Scott Hansen met with the Board to discuss the proposed courthouse security system. Hansen distributed a list of equipment submitted to the Homeland Security Grant. Hansen also presented a separate list of fire alarm equipment needed. The cost of the security portion of the equipment is \$25,000.00. The equipment includes panic buttons and sixteen cameras and monitors. The cost of the fire protection system uninstalled is estimated at \$18,033.00. The system will require cables to be run throughout the building. It was questioned where the monitors would be placed; however Hansen was unaware of where the monitors would be located. The county attorney commented that he had concerns voiced to him about monitoring of cameras by other offices and individuals. The attorney suggested that the administrator be designated as the county auditor as it is the statutory duty of the auditor to be the keeper of the courthouse. The county attorney also questioned if the district court judge to assure that the courts were in agreement approved the cameras in the courtrooms. Hansen advised that he was not aware if the judges had been consulted. The county attorney also suggested that the various courthouse offices should be consulted as to camera location in their individual offices as well as the actual equipment being viewed. The county attorney recommended installing larger monitors than the 13" size being listed. The county attorney also questioned if bids were obtained for the equipment. Hansen and the Board advised that several bids were requested and that Midwest Alarms bid but stated that they use RC Systems for installation. Hansen stated that there were no guarantees that RC Systems would not get the bid. The Board questioned the need to follow bidding requirements and the county attorney advised that it was his recommendation that potential bidders be contacted.

Carrie Colker with Eastern Iowa Tourism Association (EITA) met with the Board to discuss FY05 funding. Colker explained that EITA is funded through a grant through the Iowa Department of Economic Development with a local match requirement. Colker reviewed various activities that Eastern Iowa Tourism performs. It was explained that Benton County had budgeted to continue membership in EITA; however the County is cutting \$500 from the Benton Development Group (BDG) budget, which is the amount equal to BDG's EITA membership.

Scott Hansen met with the Board regarding ISTE (Intermodal Surface Transportation and Enhancement Act) funding for projects at the Vinton Train Depot. The county has been notified that if there is not any action regarding the two grant applications by March 24th, then the grants will be terminated. Hansen advised that he has been speaking with other members of the Benton County Historical Society regarding the grants. The train depot in Vinton is in need of a new roof. The Board requested that Hansen research the matter further and return with further information regarding the projects.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-6. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

BENTON COUNTY

WHEREAS: Last year, the Iowa Legislature voted to cut state aid to Benton County by \$168,000, after the budget was certified.

WHEREAS: This sudden cut in state aid negatively affected the people of Benton County in the following ways: reducing credits to taxpayers,

THEREFORE, BE IT RESOLVED that Benton County requests that the State Legislature refrain from making additional cuts in state aid to local governments and that the state fully fund property tax replacements.

Dated this 27th day of February 2004.

BENTON COUNTY BOARD OF SUPERVISOR'S

Jason Sanders, Chairman

David H. Vermedahl

Attest: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-6. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #04-7

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2003; 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 40430 | Fund 0010 Function 40440 | \$ 1,480.00 |
| Fund 0010 Function 41410 | Fund 0010 Function 41320 | \$2,000.00 |
| Fund 0010 Function 42320 | Fund 0010 Function 42630 | \$65,000.00 |
| Fund 0010 Function 43320 | Fund 0010 Function 43310 | \$ 20.00 |

SERVICE AREA 8

| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
|---|--------------------------|---------------|
| Fund 0002 Function 80100 (department change) | Fund 0002 Function 80100 | \$79.00 |

SERVICE AREA 9

| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
|--|--------------------------|---------------|
| Fund 0001 Function 92100 Signed this 27th day of February 2004. | Fund 0001 Function 92200 | \$843.00 |

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow

Moved by Vermedahl, seconded by Sanders, to approve 8 hours of vacation carry-over for Bruce Anderson in the weed department. Said carry-over is to be used by June 1, 2004. Both members voting aye thereon. Motion carried.

The Board discussed a proposed policy allowing emergency service volunteers to leave during working hours. Discussion included allowing the volunteer to leave and still collect wages as if at work, driving county vehicles to emergency scenes, workmen's compensation and insurance issues, and pay received by the employee from the volunteer service. The Board is researching the issue further before making any decisions regarding the adoption of a policy pertaining to emergency services volunteers.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 2, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 27, 2004. All members voting aye thereon. Motion carried.

Craig Petersen met with the Board to discuss road maintenance on the Mt. Auburn blacktop when there are snow, ice and frost conditions. Petersen was specifically concerned about the curve near the Jim Rippel residence. Petersen asked if sand could be applied. Supervisor Vermedahl stated that the county has an ordinance regarding snow removal and the application of salt and sand and that the county is required to follow the ordinance.

Moved by Buch, seconded by Vermedahl, to set March 30, 2004, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Mark Jensen on a parcel located in the SW1/4 of the NW1/4 of the SW1/4 of 16-83-9. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, the Board proceeded with canvassing the election held on February 24, 2004. Moved by Vermedahl, seconded by Buch, to approve the canvass of the special county-wide election for a school infrastructure local option sales tax held on February 24, 2004, and to certify the results as official. The auditor is directed to record the results in the official records of her office. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set March 23, 2004, March 26, 2004, and March 30, 2004 at 10:00 a.m. as the dates and time for considerations on proposed ordinance establishing a school infrastructure local option sales tax in Benton County (Ordinance #46). All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for the first consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa, the Board proceeded with the hearing. There was one member of the media present and no one from the public.

Moved by Vermedahl, seconded by Buch, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the first consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa. All members voting aye thereon. Motion carried.

Chad Sands of East Central Iowa Council of Governments met with the Board to discuss a proposal to provide services to update the Benton County Comprehensive Plan. Sands explained the legal requirements for an updated comprehensive plan and the other planning tools that are based on the comprehensive plan. Sands suggested that the contents of the plan should be locally driven, adding that the local residents are aware of the needs of the county. Sands stated that the comprehensive plan could be drafted by a limited number of individuals but that the more public input into the plan, the better the plan will serve Benton County. Sands spoke about the process for drafting an updated comprehensive plan. Sands stated that public meetings would be held around the county and be conducted by ECICOG. The policy is the built around the concerns submitted at the meetings. Then monthly meetings would be held to draft the instrument and then upon completion of the draft more public meetings will be held. After all meetings, then the draft would be given to the Board of Supervisors for a final public hearing and adoption. Sands presented a proposal for ECICOG to provide consulting services to update the comprehensive plan at a cost not to exceed \$15,225.00 with a time-line estimated at 12 months to complete the project. After fully discussing the proposal, it was moved by Buch, seconded by Sanders, to enter into a contract with East Central Iowa Council of Governments to update the Benton County Comprehensive Plan at a cost not to exceed \$15,225.00. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 5, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of March 2, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set March 26, 2004 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Jason Goedken on Parcel A in the NW1/4 of the NW1/4 of 36-86-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Iowa Department of Transportation progress voucher for the bridge project #BRS-CO06(5)-60-06 with Iowa Bridge and Culvert LC. All members voting aye thereon. Motion carried.

The engineer reported that the landfill bank balance on February 29, 2004, was \$45,934.07. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for the second consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa, the Board proceeded with the hearing. There was one member of the media present and no one from the public.

Moved by Vermedahl, seconded by Buch, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the second consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa. All members voting aye thereon. Motion carried.

Moved by, seconded by, to enter into two-year labor agreements between Benton County Secondary Road Department and Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO and between Benton County Sheriff's Department and Chauffeurs, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffeurs & Helpers of America effective July 1, 2004. All members voting aye thereon. Motion carried.

Moved by, seconded by, to adopt Resolution #04-8. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-8

WHEREAS, Benton County has negotiated a change in insurance coverage with the Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO and the Chauffeurs, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffeurs & Helpers of America, effective July 1, 2004; and

WHEREAS, this change requires changing from the current ISAC (Iowa State Association of Counties) health insurance plan; and

WHEREAS, said change also requires changes to Benton County's partial self-funding of health insurance,

NOW, THEREFORE BE IT RESOLVED that Benton County changes to the ISAC Health Insurance Plan 10 effective July 1, 2004.

BE IT RESOLVED that Benton County co-insures the deductible on the ISAC Health Insurance Plan 10 from \$1,000.00 to \$500.00 for a single plan and from \$2,000.00 to \$1,000.00 for a family plan, effective July 1, 2004.

BE IT RESOLVED that the County will not self-insure any other coverage in the insurance effective July 1, 2004.

BE IT RESOLVED that the cost for a single plan shall be paid by Benton County for FY04 and FY05.

BE IT RESOLVED that the cost to the employee shall be \$95.00 per month for a family plan effective July 1, 2004, and shall be \$110.00 per month effective July 1, 2005.

Dated this 5th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to hire Waterloo Fire Extinguisher to wire up the fire alarm system in the kitchen at the Cedar Valley Ranch at a cost of \$209.00. All members voting aye thereon. Motion carried.

The Board recessed at 11:30 to meet with employees to discuss health insurance benefits.

The Board reconvened at 11:50 a.m. to discuss the health insurance benefits with employees. Attorney Brian Gruhn explained that a new health insurance plan had been approved by both of the county's labor unions and that the same insurance plan would be implemented for non-union employees. Gruhn explained that the current health plan would no longer be available on July 1, 2004. He further explained that the employee's deductible, out-of-pocket maximum, and coverage benefits would all be changing.

The Board then returned to the Boardroom at 12:25 p.m. to continue with the meeting.

Moved by Buch, seconded by Vermedahl, to enter into closed session to discuss a client appeal. All members voting aye thereon. Motion carried at 12:30 p.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 12:55 p.m.

Moved by Vermedahl, seconded by Buch, to place the client appeal matter on the March 12, 2004 agenda for further action. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting.

The Board then returned to the courtroom to meet with employees to further discuss the changes in the county's health insurance plan.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 9, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 5, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 61450 through 61710. All members voting aye thereon. Motion carried.

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

Moved by Buch, seconded by Vermedahl, to request an extension to the Benton County Homeowner Assistance Program, Contract #00-HM-106-65 until June 30, 2004, with additional consideration to another extension being done at that time. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for the third consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa, the Board proceeded with the hearing. There was no one present.

Moved by Buch, seconded by Vermedahl, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the third consideration of Ordinance #45, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-9. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-9
ADOPTING ORDINANCE #45

An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Horne, In Benton County, Iowa

WHEREAS, a special election was held in Benton County on January 20, 2004, for the purpose of submitting to the electors of Benton County the question of the imposition of a 1-cent local option sales and service tax; and WHEREAS, the measure was approved by a majority of the voters in certain cities in Benton County, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors as follows:

1. That Ordinance #45 be and is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.

3. This ordinance shall be in effect from and after its adoption and publication as required by law.
Dated this 9th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The county engineer spoke to the Board about a Department of Transportation Entrance Permit near the intersection of Highway 30 and 28th Avenue. The entrance is to the new Grovert Motor site. The DOT is requesting that Benton County apply for the permit instead of Grovert Motors; however the permit states that, "In the future, should this entrance generate sufficient traffic to warrant a need for additional traffic control upon the primary road system costs for these improvements shall be the responsibility of the owner and shall be constructed in accordance with the Department standards. These may include but would not be limited to the constructing of turn lanes and/or signalization." The engineer is to draft an agreement between Benton County and Grovert Motors to address any improvements that may be required in the future.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 12, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of March 9, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the auditor to destroy all records of closed sessions older than one year, with the exception of records relating to employee personnel matters. All members voting aye thereon. Motion carried.

The Board discussed the matter of paying mileage reimbursement to the members of the Board of Supervisors for traveling to and from meetings. Discussion included terminating mileage reimbursement to supervisors for all meetings attended, regular board of supervisors meetings held at the courthouse, and special sessions of the board. Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-10. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-10

WHEREAS, the Board of Supervisors currently receive mileage reimbursement for traveling to and from the courthouse to perform their elected duties; and

WHEREAS, the Board desires to terminate the reimbursement paid when attending regular board meetings held at the courthouse,

NOW THEREFORE BE IT RESOLVED that mileage reimbursement paid to supervisors for attending regular board meetings at the Benton County Courthouse is terminated effective July 1, 2004. Mileage to attend special sessions of the Board of Supervisors held at the courthouse will continue to be reimbursed. All other events, including but not limited to meetings held at other locations, official functions, educational meetings, etc., shall continue to be reimbursed.

Dated this 12th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The Board discussed a policy on allowing employees to leave work to volunteer for emergency services. Supervisor Vermedahl advised that he had contacted various businesses in the City of Vinton regarding their leave policies; however he was unable to obtain anything concrete. Engineer Myron Parizek stated that he spoke with a city employee in the county who advised that when he responds to a fire for several hours he uses vacation pay. The same employee advised that when he worked for a private employer he was expected to make up the time, but eventually the owner believed it was in the community's best interest and did not require his to use leave time. Parizek further advised that he checked with other county engineers across the state. Some counties said no leave is allowed, some allow the employee to leave but he/she is required to use vacation or go unpaid, one county has specific guidelines in each department, and one county required board of supervisor approval on an individual basis. Supervisor Vermedahl questioned allowing employees to leave but only for a maximum number of hours per year. Supervisor Vermedahl stated

that it would be necessary that a policy include language that the county is not responsible for the employee's activities while on a volunteer call and that no equipment of the county could be used in responding to the call other than to return to the employee's personal vehicle. Parizek advised that he has two employees that are members of a volunteer fire department who would like to respond to fire calls during working hours. No decision was made on the issue.

The time of 10:00 a.m. having arrived, and this being the time and date for a public hearing on the county's FY05 budget, the board took up the budget for consideration. The county compensation board's recommendation for elected officials' salaries for FY05 was presented. The compensation board's recommendations for FY05 were as follows: Auditor, Treasurer, and Recorder - \$46,593.88, Attorney - \$71,709.12, Supervisors - \$32,030.01, Sheriff - \$59,689.12. There were two members of Farm Bureau, one member of the media, and six county employees present. Farm Bureau commented that since expenditures exceeded revenue that fund reserves were being depleted and questioned how many years until the reserves were gone. Supervisor Buch stated that the reduction in reserves was due to the Oak Grove Road Project and election equipment, which had funds set aside over a number of years. Questions were asked about the county's tax increment finance district. Deputy Randy Forsyth questioned that reduction in funding for a full-time dispatcher. Forsyth stated that the Board had approved the addition of another position last year, but reduced the funding for the position for next year. Forsyth asked if funds could be shifted between functions within the sheriff's budget to allow for funding of that position. Forsyth commented that the dispatchers answer for all areas of the county and that providing only one dispatcher on a shift is not in the best interest of the public. Supervisor Sanders stated that the only option was to shift money between functions in the sheriff's department or have a budget amendment increasing the spending authority for the sheriff's department. Supervisor Vermedahl commented that the sheriff is the person who will have to make the decision as to what to fund within his department. Forsyth questioned if the position had been eliminated or just the funding. The board responded that there was no discussion about eliminating the position and that the allocation of staff remains the same, but it was the sheriff's decision as to what to fund with the budgeted money. Treasurer Geater asked if the public present had been advised as to the county's reduction in employee health insurance benefits, adding that the Board may view wage increases differently and she wanted the public to be aware. Supervisor Vermedahl stated that the union contracts had been ratified and that health insurance coverage would be changing effective July 1st. The deductible for employees will be \$1000/\$2000 (single/family) with out-of-pocket maximums of \$2000/\$4000 (single/family) and a reduction in coverage of all other benefits currently funded through the county's partial self-funding. Additionally, changes are being made to the coverage on prescription drugs with a 3-tier payment level and with separate deductibles and out-of-pocket maximums. Vermedahl also stated that the employee's contribution was set at \$95.00 per month for a family plan in FY05, and increasing to \$110.00 in FY06. Vermedahl also commented that the labor unions cooperated with the county with this change in coverage. Al Schafbuch commented that he understood that compromise was probably necessary by allowing a little larger wage increase in exchange for the reduction in health insurance. Hearing no further comment, it was moved by Vermedahl, seconded by Sanders, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, to accept the compensation board's recommendation for a 3% increase of wages. Moved by Buch, to reduce the budgets to 2-1/2%, seconded by Sanders. Supervisor Vermedahl commented that the Board should allow at least the same increases that was reached with the unions, and that the non-union people should at the least be compensated as much as union people – stating it is only fair. Supervisor Sanders commented that he would prefer to see a 1-1/2% raise – stating that we have asked people to come in with reduced budget. Vermedahl stated that the budget has been calculated with a 3% raise and that we have increased the financial burden on our employees and the union contract were approved and we agreed to those raises for those people, and if that argument was going to stand up it should have started with those union agreements. Those employees working in non-union positions should be compensated at the same rate. Vermedahl stated that talking to other employers in the area – raised have been between 2-3%. City of Vinton was in the 3% area and private employers are mostly at that same level. Supervisor Buch stated that the Board has not discussed raises. Buch stated that he made the motion to get discussion on the matter and he now knows how the other board members feel. Buch stated that he is not against raises but the only way to get discussion. Mary Ann Blumer stated that when you discuss union contracts there are other issues that union employees get that non-union employees do not, i.e. longevity pay, overtime pay. Blumer stated that the courthouse is looked as a bunch of women who are working for pen money and don't need the money. Blumer stated that she understands that the supervisors are part-time positions and that they may not need the money, but the rest of the employees do need the pay. Blumer stated that the Board's position makes the courthouse employees feel like that they are not as important. Mary McLaughlin stated that the increase for non-union employees averaged about \$82.00 each. McLaughlin stated that additional income to county employees results in more money in the local economy. Blumer stated that the assessor's office received 3% increases and the emergency management director was receiving over 7% in a salary increase for FY05, adding that Sanders was a member of both of those boards. Blumer asked if Buch objected to county employees getting 3% and Buch responded no he was not against 3%. Schafbuch asked if the raises being discussed were only for non-union employees, adding that non-union and union employees should be treated equally. Schafbuch further stated that the Board may wish to look at offering non-union employees the same benefits as the union employees. The treasurer stated that it is difficult to compile a budget when there is no direction as to where wages are going to be set. Buch stated that he opposed not being able to discuss wages until the budget hearing. Schafbuch stated that Black Hawk County sets the wages for non-union employees prior to the budget hearing. McLaughlin stated that the difference between 2-1/2% and 3% would cost the county 14 cents per week. Sanders stated that in response to women working for pen money that he has not received a raise in several years and that he also has bills to pay. Sanders stated that it would be easy to give himself a raise, but that he could not go along with the increases due to the budgets in years to come. Question: Buch – nay, Sanders – nay, and Vermedahl – nay. Motion failed.

Moved by Vermedahl, seconded by Buch, to accept the compensation board's recommendation of 3% salary increases for elected officials in FY05. Buch voting aye, Vermedahl voting aye and Sanders voting nay. Motion carried.

Moved by Vermedahl, seconded by Buch, to grant a 3% across-the-board increase in wages/salaries for non-union employees. Voting aye – Sanders, Vermedahl, and Buch. Nays none. Motion carried.

The treasurer questioned Sanders position on voting nay for compensation board recommendations and aye for the remainder of the employees. Sanders stated that the two groups of wagers were tied together in his opinion

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-11. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-11

BE IT REMEMBERED that on this, the 12th day of March 2004, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of holding a public hearing on the proposed budget for fiscal year 2004-05 as filed with the Board. There was present a quorum as required by law. 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.

The budget was then taken up and considered. The public was provided an opportunity to speak.

The County Compensation Board recommended 3% salary increases for elected officials and said recommendation was approved. The FY05 salaries for elected officials will be as follows:

- County Attorney – \$71,709.12
- County Auditor – \$46,593.88
- County Recorder – \$46,593.88
- County Supervisors – \$59,689.12
- County Treasurer – \$46,593.88
- County Sheriff – \$59,689.12

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY05 budget is hereby adopted.

Dated this 12th day of March 2003.

Benton County Board of Supervisors

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve 22-1/2 hours of vacation carry-over for Penny Applegarth. Said carry-over is to be used by June 30, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a two-year extension to the current contract with Moor's Salvage and Recovery, Inc. to recycle and dispose white goods at the landfill at a cost of \$7.50 per unit. The extension is for FY05 and FY06. All members voting aye thereon. Motion carried.

The engineer discussed the Oak Grove Road project. Parizek stated the Linn County still has the project in their plans.

Moved by Buch, seconded by Vermedahl, to table the hearing on a client appeal until March 26, 2004, at the client's request. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 16, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of March 12, 2004. All members voting aye thereon. Motion carried.

Scott Hansen and Steve Meyer met with the Board to discuss the county's continuity of government plan. Meyer explained that he had been working on the plan, but needed direction from the supervisors as to where operations would temporarily be moved if the courthouse were destroyed. Meyer and Hansen spoke about various scenarios that could affect the continued operation of government and what steps could be taken to mitigate the affects on the operations. The Board requested that Meyer and Hansen research various facilities that would be available to the county in the event of a disaster.

The Board was advised that Tara Hills had erroneously omitted the outdoor service on their application for an alcohol license. It is requested that the Board approve addition of that item on the license application approved on March 8, 2004. Moved by Vermedahl, seconded by Buch, to approve the addition of the outdoor service request to the Tara Hills liquor license application. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for South Slope Cooperative Telephone Company in Eldorado Township along 70th Street and 25th Avenue. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 19, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 16, 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 Chuck and Mickey Lovell, 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 to a non-agricultural single residential use. Hearing all comment and fully discussing the same, it was moved by Buch, seconded by Vermedahl, to approve a land use change on a parcel approximately 2 acres in size, and generally described as being a Parcel A in the SE1/4 of the SW1/4 of 27-86-10. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

March 23, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 19, 2004. All members voting aye thereon. Motion carried.

Jim Milne, representing the Rampton Cemetery Association, met with the Board to discuss damage done to a fence around the cemetery from snow being graded off of the roadway. Milne stated that the road grader was going too fast in his opinion and threw the snow too far. Milne stated that he didn't know the distance of the cemetery fence from the road, but the ditch is level with the road. Milne was requesting that the county pay for the materials and labor for repairing the fence. Supervisor Sanders advised that he would speak with the county engineer. Milne advised that he spoke with the engineer four weeks ago, and as of this date, he still has not heard from the engineer. Therefore, he came to the Board of Supervisors. The Board advised that they would look into the matter but did not indicate if the county would be responsible for the damages.

The Board met with the 2004 Grand Jury about issues affecting the county. Supervisor Vermedahl stated that the number one issue for the past several years has been courthouse security. The Board is currently working with emergency management and accessing funds through a Homeland Security grant. It was stated that fire detection is a large concern due to periods of non-occupancy in the courthouse, with concerns regarding functionality and preserving the décor of the courthouse. The Board also discussed plans for security, including crash buttons. A member of the Grand Jury questioned where the county was at in the grant process. The Board advised that application has been made for the grant funds. Supervisor Buch stated that the county has been approved for funding in the current year. It was questioned about the type of equipment and if cameras would be placed in each office. Supervisor Buch stated that cameras would probably not be placed in every office. A comment was made that just having a camera even if was not hooked up would be a good deterrent. Buch echoed the comment on the need to preserve the courthouse décor. The Board also answered questions about the fire alarm system. Buch advised that it would be installed at the same time as the security system. The Grand Jury further questioned if the alarm system would be installed in 2004. Supervisor Vermedahl stated that it was planned for installation in the 2004 calendar year, but not the 2004 fiscal year. Questions were also raised on the county's ability to re-create records destroyed by fire. The Grand Jury was told that most records are microfilmed and stored off-site and the county is also implementing electronic imaging with off-site storage.

Moved by Buch, seconded by Vermedahl, to approve the checks numbered 61711 through 62271, for payment. All members voting aye thereon. Motion carried.

Supervisor Vermedahl updated the Board on the safety committee comprised of individuals in various departments. Vermedahl stated that he believed that a committee arrangement could serve as a safety coordinator; however it is the insurance company's intent that a single individual be placed in charge of the committee. After discussing the issue and the requirements of the position, it was moved by Vermedahl, seconded by Sanders, to table a decision on appointment of a safety coordinator until the 1:00 safety meeting. All members voting aye thereon. Motion carried.

The Board discussed proposed tax limitation legislation and the affect it would have on Benton County.

The time of 10:00 a.m. having arrived, and this being the time and date for the first consideration of Ordinance #46, An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa, the Board proceeded with the hearing. There were six students present. The Board discussed the ordinance with those present.

Hearing no further comment, it was moved by Vermedahl, seconded by Buch, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the first consideration of Ordinance #46 An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa. All members voting aye thereon. Motion carried.

Scott Hansen met with the Board regarding ISTE (Intermodal Surface Transportation and Enhancement Act) funding for projects at the Vinton Train Depot. The county has been notified that if there is not any action regarding the

two grant applications by March 24th, then the grants will be terminated. Hansen advised that he has learned that the grant for the freight house must be terminated, as the building no longer exists. Hansen also advised that the other grant for improvements to the train depot was still viable and the Benton County Historical Society would like to continue with that grant. Hansen stated that the scope of the original grant (approved in 1996) would change as far as the priority of projects listed. The grant is for \$65,000 with a \$13,000.00 local match requirement and a \$52,000.00 reimbursement. Hansen stated that Historical Society is working on raising the local match. Moved by Vermedahl, seconded by Buch, to continue to support the efforts of the Benton County Historical Society by continuing with the ISTE grant for improvements to the train depot, subject to the Benton County Historical Society raising the required local match. Said local match is to be raised no later than March 23, 2005 and if the local match is not obtained by that date, the grant is to be terminated. All members voting aye thereon. Motion carried.

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

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Poweshiek Water to place utility lines in the county's right-of-way in Kane Township under 15th Avenue. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-12. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-12

Resolution Approving The East Central Iowa Council of Governments *Regional Comprehensive Integrated Solid Waste Management Plan 2004-2010*.

WHEREAS, Chapter 455B.302 of the Code of Iowa states that each city and county of this state shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the adopted hierarchy of solid waste management (so stated in Chapter 455B.301A), and;

WHEREAS, Chapter 455B.306(1) of the Code of Iowa states that all cities and counties shall file with the Iowa Department of Natural Resources a comprehensive plan detailing the method by which those waste reduction and recycling program requirements will be met, and that plan shall be updated consistent with the rules of the Environmental Protection Commission, and;

WHEREAS, an update of the *Regional Comprehensive Integrated Solid Waste Management Plan 2004-2010* has been prepared by the East Central Iowa Council of Governments, and the Benton County Solid Waste Disposal Commission will fulfill its planning requirement through its adoption, and;

WHEREAS, the Benton County Solid Waste Disposal Commission has participated in the preparation and review of the *Regional Comprehensive Integrated Solid Waste Management Plan 2004-2010*, and the Benton County Solid Waste Disposal Commission and the communities it serves are committed to the State of Iowa's waste reduction and recycling goals;

WHEREAS, the Benton County Solid Waste Disposal Commission authorized the Benton County Board of Supervisors to adopt the *Regional Comprehensive Integrated Solid Waste Management Plan 2004-2010* on its behalf at their February 4, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED that the Benton County Board of Supervisors hereby adopts the East Central Iowa Council of Governments *Regional Comprehensive Integrated Solid Waste Management Plan 2004-2010* on behalf of the Benton County Solid Waste Disposal Commission. The Benton County Solid Waste Disposal Commission will make its best effort to put into action the implementation plan and schedule as presented in the plan.

Passed by the Benton County Board of Supervisors at the recommendation of the Benton County Solid Waste Disposal Commission and approved this 23rd day of March 2004.

Recommended by: _____
Ronald R. Buch, Chair, Benton County Solid Waste Disposal Commission

Approved by: _____
Jason D. Sanders, Chair, Benton County Board of Supervisors

Attest: _____
Jill Marlow, Benton County Auditor

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

The Board reconvened at 1:00 p.m. at the Benton County Law Enforcement Center for an educational seminar on workplace safety and accident reporting.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 26, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 23, 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 Jason M. Goedken, 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 Buch, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the NW1/4 of 36-86-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

The Board deferred any discussion and decision on the a leave policy for emergency services workers until the county engineer could be present.

Dave Vermedahl spoke to the Board regarding Cardio Pulmonary Resuscitation training for county employees suggested by the Wellness Committee. The committee would pay for the training but wanted the Board to support the training by allowing employees to be trained during working hours. Moved by Buch, seconded by Vermedahl, to authorize training during working hours, as to be determined by the wellness committee but not to exceed two sessions. All members voting aye thereon. Motion carried.

The Board opened quotes for a new furnace in the Governor Sherman building as follows: Hessianus Comfort Pro – Rudd UGRH-06 - \$1,650.00, Vinton Plumbing & Heating – Carrier 58MCA - \$1,528.00 and Janitrol GMGM - \$1,258.00, and Edwards Plumbing & Heating – Rheem - \$1,785.00. Moved by Buch, seconded by Sanders, to award the quote to Vinton Plumbing & Heating for a Janitrol furnace at a cost of \$1,258.00. Sanders and Buch voting aye thereon. Vermedahl abstained due to a possible conflict of interest. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for the second consideration of Ordinance #46, An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa, the Board proceeded with the hearing. No one was present.

Hearing no further comment, it was moved by Vermedahl, seconded by Buch, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the second consideration of Ordinance #46 An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa. All members voting aye thereon. Motion carried.

Roger Witt met with the Board to discuss the current phone system in the courthouse. Witt advised that the current system can no longer be repaired by moving cards within the system. Witt stated that the system can continue to be repaired by purchasing refurbished cards as the new cards are no longer produced, however refurbished cards are not very available. Witt also explained that the batteries used in the system are no longer available. Witt told the Board that the county could purchase an uninterrupted power supply so that if a battery dies the system will still operate. The Board directed Witt to obtain prices for a replacement phone system so that the Board can begin budget for the replacement.

The Board reviewed the bids for lawn care. Quotes were received as follows: Nature's Corner Lawn Care - \$391.50 (three applications) and C & D Lawn Care (four applications) - \$458.75 Moved by Buch, seconded by Sanders, to award the quote to Natures Corner at a cost of \$391.50. Sanders and Buch voting aye. Vermedahl abstained due to a possible conflict of interest. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve utility permit for La Porte City Telephone Company to place utility lines in the county's right-of-way along 12th Avenue and 51st Street Dr. in Bruce Township, Section 8. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for La Porte City Telephone Company to place utility lines in the county's right-of-way along 17th Avenue and 52nd Street in Cedar Township, Section 18. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to table action on a utility permit requested by Joseph Rabe to place a manure/sewer line along 22nd Avenue between the Cedar Valley Dairy and 76th Street in Leroy and St Clair Townships. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to recess until 12:30 p.m. All members voting aye thereon. Motion carried.

The Board reconvened at 12:30 p.m.

Moved by Buch, seconded by Vermedahl, to enter into closed session to discuss a client appeal. All members voting aye thereon. Motion carried at 12:35 p.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 1:10 p.m.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 30, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 26, 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 Mark Jensen, 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 two single residential uses. The applicant is requesting the change to allow for a new residence for him and to add an apartment in the existing shop facility for his son's 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 a Part of the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 of 16-85-9 (Fremont Township) for a new single residential house which includes a single residential family-occupied apartment in an existing shop building. All members voting aye thereon. Motion carried.

Gary Fordice updated the Board on activities in the conservation department. Fordice reported that the conservation board approved vacation carry-over of 80 hours for both Karen Phelps and Scott Bahmann. The conservation board approved the hire of Ryan Rotter and Larry Steffen as seasonal part-time employees, at a wage of \$8.50 per hour with an increase to \$9.00 per hour effective July 1, 2004. Fordice spoke about a donation from Pheasant's Forever of a no-till drill that will be available to the public on a rental basis. He also discussed fire-fighting training that two of the employees undertook so that conservation can perform controlled burns of prairie grasses.

Moved by, seconded by, to adopt Resolution #04-13. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**RESOLUTION #04-13
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 14, 2003; 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 40430 | Fund 0010 Function 40420 | \$ 1000.00 |
| Fund 0010 Function 40440 | Fund 0010 Function 40420 | \$ 1000.00 |
| Fund 0010 Function 41410 | Fund 0010 Function 41320 | \$ 265.00 |
| Fund 0010 Function 43320 | Fund 0010 Function 43310 | \$ 10.00 |
| SERVICE AREA 8 | | |
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0002 Function 80000 (Dept 76) | Fund 0002 Function 80100 (Dept 74) | \$ 61.00 |
| Fund 0002 Function 80000 (Dept 76) | Fund 0002 Function 80100 (Dept 78) | \$ 3858.00 |
| Fund 0002 Function 80000 (Dept 76) | Fund 0002 Function 80000 (Dept 73) | \$ 3131.00 |

Dated this 30th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-14. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

Resolution #04-14

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from March 30, 2004, through the completion of the project.

From US Highway 30 thence south 500 feet along 28th Avenue in Eldorado and Fremont Townships.

Signed this 30th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The time of 10:00 a.m. having arrived, and this being the time and date for the third consideration of Ordinance #46, An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa, the Board proceeded with the hearing. No one was present.

Hearing no further comment, it was moved by Buch, seconded by Vermedahl, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the third consideration of Ordinance #46 An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-15. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**RESOLUTION #04-15
ADOPTING ORDINANCE #46**

An Ordinance Imposing a Local Option Sales and Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa

WHEREAS, a special election was held in Benton County on February 24, 2004, for the purpose of submitting to the electors of Benton County the question of the imposition of a 1-cent school infrastructure local option sales and service tax; and

WHEREAS, the measure was approved by a majority of the voters in certain cities in Benton County, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors as follows:

4. That Ordinance #46 be and is hereby adopted.
5. The Auditor is directed to publish said ordinance as required by law.
6. This ordinance shall be in effect from and after its adoption and publication as required by law.

Dated this 30th day of March 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 2, 2004

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

Moved by Vermedahl, seconded by Buch, to allow the use of the courthouse lawn for National Prayer Day between 12:00 noon and 1:00 p.m. All members voting aye thereon. Motion carried

Moved by Vermedahl, seconded by Buch, to approve the minutes of March 30, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to hire Don Merchant, effective April 12, 2004, at a wage of \$8.50 per hour, and Bob Beyer, effective April 19, 2004 or April 26, 2004, at a wage of \$8.75 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-16. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**RESOLUTION #04-16
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, 2003, 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 20, 2004 to June 5, 2004, for Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loose Strife.

Group 2. By June 1, 2004 for Canadian Thistle, Russian Knapweed, Buckhorn, Wild Mustard and Buckthorn. 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 2nd day of April 2004.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to authorize the weed commissioner to place an advertisement in the newspapers regarding ditch spraying for 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Shane Higgins as a medical examiner investigator for Benton County. Sanders and Vermedahl voting aye thereon. Motion carried. (Buch had temporarily left the meeting)

Moved by Vermedahl, seconded by Buch, to approve the sheriff's and auditor's quarterly reports for the period ending March 31, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chairman to sign the contract and contractor's bond with Iowa Bridge & Culvert, LC for a bridge deck replacement project #BHS-CO06(58)—63-06 on E36. All members voting aye thereon. Motion carried.

Representatives of Cedar Valley Dairy met with the Board and requested approval to place a manure pipeline in the county's right-of-way north from the dairy approximately 1-1/2 miles. The manure, if pumped, would allow the dairy to access ground north of the creek for manure application. County Engineer Parizek commented on the possible liability exposure to the county. Parizek also stated that the Department of Natural Resources requires licensing and permitting of the manure hauler, adding that a certificate of insurance is also required by the county for a utility permit and one has been submitted. Parizek also added that there is a question as to how the Department of Natural Resources (DNR) would react to this relative to the manure management plan filed with the state, and whether a construction permit would be required by the DNR. Relative to the utility permit application, the county engineer believed that the proposed pipe would be adequate based on sizing for sewer systems. The applicants advised that the railroad has already given approval for a line to go under the railroad. George Axmear commented that this proposal would be a much safer way to transport manure than conventional means (trucking). Supervisor Buch questioned if any other counties allowed pipelines in their right-of-ways, and Axmear responded that one county, he believed to be Dickinson, did not allow manure pipelines due to potential liability. The engineer advised that he checked with other counties and didn't find many that had this type of request. Buch questioned if adjacent property owners were contacted about placing the lines on private property. There was no response. Axmear advised that the pipeline would be monitored at all times during pumping and that pumping does not occur continuously. Vermedahl stated that he understood that it would make sense to run a pipeline down the ditch versus hauling manure over the roadway, but there are issues that need to be answered prior to approval. Some of the Issues Vermedahl referred to included separation distance between sewer and water lines, allowing private lines in a public right-of-way, and DNR compliance. The engineer stated that the Department of Transportation views this type of pipeline as a utility; however an attorney with the Iowa State Association of Counties questioned whether a private line could be placed in a public right-of-way. The supervisors advised that although the proposal makes sense, that research would have to be done to determine if legally the county can allow the project. Axmear stated that his concern is that he has approval from the railroad and someone available to bore under the railroad now, and asked if they could proceed with that portion. Joe Rabe stated that he did not believe even that part of the project could be done without using the public right-of-way. The supervisors advised that they would try to get answers as quickly as possible but that consultation with legal counsel was necessary. Moved by Vermedahl, seconded by Buch, to table the request for a utility permit until a legal opinion can be obtained. All members voting aye thereon. Motion carried.

The County Attorney David Thompson briefly met with the Board regarding the Cedar Valley Dairy placing a manure pipeline in the ditch. Thompson stated that he needed to research the matter but echoed the concerns regarding the legal ability to place private lines in the public right-of-way. Thompson was also concerned about the liability exposure that the county would have. The county attorney added that the public should have an opportunity to comment on this matter. Thompson stated a written proposal should be prepared and submitted by the Dairy including any DNR requirements. The county engineer advised that the request was being treated as a utility permit. Vermedahl commented that this procedure of piping manure through a pipeline could alleviate some of the odor problems for Blairstown. Axmear questioned whose opinion on this issue would finally matter. The county attorney stated that he was legal counsel for Benton County and that his opinion is the final opinion. The county attorney requested that any permits or applications already filed or granted to the Dairy would be helpful in his research. Thompson also stated that he believed that reasonable notice should be given to the public and allow for time to comment. The manager of the Dairy (Tellinghuisen) stated that he has been managing the facility for approximately 1-1/2 years and had not received a complaint. Thompson advised that he believed that the public should have the opportunity to comment, but that the legal question should be answered first. The county attorney requested specifications on the type of pipe to be used. Axmear questioned if

anyone was aware of the economic value this project will have. Supervisor Buch stated that he understood as a farmer and that he would take manure applications if he could, but the county has to research and act legally. Thompson stated that economic indicators would show that home values and development in Blairstown have plummeted.

John Mitchell met with the Board to discuss issues regarding road maintenance. Mitchell stated that this past winter the maintainer went approximately 30-35 mph and hit a mailbox and threw it into the ditch even though there wasn't any snow on the road. Another incident occurred when a county driver almost hit an electric pole. Mitchell stated that the county's roads are "going to pot" and whatever the road program is it isn't working, adding that the crowning of the roads isn't working. Mitchell stated that the roads are soft on the sides and continue to get wider. Mitchell questioned why ditches are being dug so deep. Parizek stated that the dirt from the ditches is used to build the road up allowing it to be higher than the fields so that more snow can accumulate in the ditches. Mitchell commented on the holes in the roads and the amount of rough stuff left. Mitchell asked if the county could go to a system of not putting rock on roads that need less and then putting more gravel on other roads, building the roads up that way, instead of using the dirt and loose rock. Mitchell also commented on the speed of the county workers when mowing the weeds along the roads. Mitchell asked what other jobs the operator does between maintaining and weed mowing. Parizek advised that operators put in ditches and various other duties. Mitchell requested that an experimental project be done on the road by Pete's Hill's Addition by scarifying the road and then tearing it up and putting decent rock on it. Mitchell summarized by stating that the problem is the roads themselves.

The engineer spoke to the Board regarding a sewer line running from the Cedar Valley Ranch to the City of Vinton's sewer plant and eliminating the lagoons. The engineer advised that the City of Vinton was interested in the proposal and that delegates from the City were going to speak to the landowner regarding easements for the sewer line. According to Vermedahl, the City representatives contacted the landowner and he appeared to be receptive to some of the proposals. Vermedahl also stated that cost estimates are still being developed.

The county engineer spoke to the Board about dust control and the application of MC-70. The engineer presented cost estimates for the county to apply the dust control. Moved by Vermedahl, seconded by Buch, to approve a dust control program for 2004 consisting of two applications of MC-70 for 400' at a total cost of \$450.00, and .80 for each additional foot. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 6, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of April 2, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set April 30, 2004, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Don Mullinex on a parcel located in the NE1/4 of the SW1/4 of 32-85-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to table action on a request for a farm exemption to the Benton County Agricultural Land Preservation Ordinance submitted by Lloyd Spratte in the SW1/4 of the NW1/4 of 32-86-10 to allow for further investigation in the height restrictions surrounding the Vinton airport. All members voting aye thereon. Motion carried.

The county engineer spoke about the Department of Resources' "Notice of Violation" concerning landfill operations. The DNR did a site inspection and found the following concerns: Open burning of litter, intermediate and daily cover of material, litter located on the site, grading and ponding, erosion, need for designated areas for disposal during inclement weather, depositing solid waste at the toe of the working face, renewal application for the permit, storage of shingles and associated paperwork, and use of ground wood waste. The county engineer advised that he is currently addressing or has addressed the concerns.

The county engineer reported that the balance in the landfill account as of March 31, 2004 was \$47,780.27.

Moved by Buch, seconded by Vermedahl, to approve the five-year Iowa Department of Transportation Secondary Road Construction Program for Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt the Iowa Department of Transportation Secondary Road Budget for FY05. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss the client appeal hearing held in March 2004. Williams questioned if she needed to return to the Board with the county attorney's opinion regarding the issues in the appeal. The Board advised that the appeal was done, but that any changes to the county's ordinances or procedures should be placed on the Board's agenda for discussion.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 9, 2004

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 6, 2004. Both members voting aye thereon. Motion carried.

Lloyd Spratte requested a farm exemption to the county's land use ordinance. Spratte currently owns approximately 70 acres that will consist of 35 acres of pasture and 35 acres of hay. Spratte's request is to allow for construction of a residence. Moved by Buch, 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 SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of 32-86-10. Both members voting aye thereon. Motion carried.

Nancy Good representing Virginia Gay Public Health Nursing met with the Board to present a bioterrorism plan for their review. The plan sets forth directives to be followed by Benton County in the event of a bioterrorism incident. Moved by Buch, seconded by Sanders, to adopt the Public Health Bioterrorism Plan as presented. Both members voting aye thereon. Motion carried.

The Board discussed replacing locks on the Governor Sherman Building. After discussing the matter, it was moved by Buch, seconded by Sanders, to leave the locks currently installed. Both members voting aye thereon. Motion carried.

Dave Thompson met with the Board to provide an opinion on the legality of placing a manure pipeline in the county's right-of-way requested by Cedar Valley Dairy. Chris Christiansen was present as well as two members of the news media. The county attorney explained that he has neither been approached from the Dairy nor has he received no information from them since last Friday's meeting. Thompson advised that he does not have a final opinion yet due to the complexity of the issue. Thompson advised that he is getting assistance from another attorney in Des Moines, so as to provide a well researched opinion. Thompson stated that he does not have a definitive answer as to the legality of allowing a private enterprise to utilize the county's right-of-way, but added that the county's permit process would not apply in this situation due to the Dairy not being a legally defined public utility. Thompson also stated that other issues should be considered and researched, i.e. liability and past history of the business. The county attorney advised that the Board should table the matter until full resolution could be obtained on all of the issues. Sanders echoed that a precedent would be set and that full consideration to all aspects should be given. Moved by Buch, seconded by Sanders, to table any action of the request to place a private manure line in the county's right-of-way until the county attorney has completed all research regarding the various issues pertaining to this type of request. Both members voting aye thereon. Motion carried. The county engineer advised that the Department of Natural Resources has stated that they may require that the master matrix be followed if placement of the line is in a public right-of-way, but if on private property it may be a construction permit procedure.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 13, 2004

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 9, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 62272 through 62466 for payment. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 20, 2004

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 13, 2004. All members voting aye thereon. Motion carried.

Ron Moore met with the Board to again discuss a risk management audit. Moore stated that his services provided for a review of the county's current insurance coverage relative to liability and property and recommendations. Moore commented that it was his belief that Benton County owed it to the constituency to have an audit done to determine where insurance coverage may be lacking. Moore added that if the County could not find ways to save money through his audit services, then he would not charge for the service. It was suggested that Moore give a presentation to the Heartland Insurance Risk Pool (HIRP) Board, since all counties in the Pool have the same type of coverage and changes would have to be implemented through the HIRP Board. Supervisor Vermedahl commented that if the county does proceed with the audit, then the Board needed to find the funds to pay for the audit or in the alternative, Moore could give a presentation to the HIRP board and have them decide as to whether to audit the services. Moved by Buch, seconded by Vermedahl, to direct Moore to the HIRP board for consideration of the audit services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to allow an open enrollment for the flexible medical spending account due to a change in the county's health insurance effective July 1, 2004. The enrollment period will be from May 10th through June 20th, 2004 and be effective July 1, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Iowa Department of Natural Resources' 3-year Renewal Permit for the landfill. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into an agreement with French-Reneker & Associates for engineering services for concrete testing and consulting on the E36 resurfacing project. The services are to be billed on an hourly basis. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Ken Erickson as a season part-time employee with secondary roads, retroactive to April 19, 2004, at a wage of \$8.75. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in sections 24 and 25 of Leroy Township. All members voting aye thereon. Motion carried.

The Board discussed the Cedar Valley Ranch lagoon and the needed repairs or connecting to the City of Vinton's sewer system. The county engineer stated that his initial research indicated that a line could be installed with a grinder pump for approximately \$80,000.00. However, the City of Vinton is now researching extending services east of town and hired a consultant to draft a proposal for placing a sanitary disposal line for future expansion into that area, including service to the Cedar Valley Ranch. The engineer stated that his original estimates for repairing the lagoon were in the area of \$120,000.00. The city has requested cooperation between the city and the county with the costs of the proposed sanitary disposal line. Supervisor Vermedahl commented that future maintenance costs of the lagoon would no longer be required if the county accessed the city's sewer system. The engineer advised that if the county connected to the city, there would still be some costs in eliminating the lagoons; however the cost to eliminate the lagoons would be much less than repairing them. The Board directed the engineer to contact the City and negotiate the proposal further.

Supervisor Vermedahl commented that he had received a phone call from Rick Voss regarding Cedar Valley Dairy running manure disposal hoses in the county's right-of-way and through the county's culverts. The county engineer advised that the Board had previously approved the placement of temporary hoses in the right-of-way.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 22, 2004

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl and Buch present. Vice-Chairman Vermedahl called the meeting to order at 10:30 a.m. at Wildcat Park south of Urbana.

The Board attended the dedication of a new entrance to Wildcat Park and the ceremony acknowledging the parties involved in the donation of property and other materials to the park.

Recognition and plaques were given to John Tuthill of Wendling Quarries, Tony Manatt of Manatt's, Anita O'Gara representing the Natural Heritage Foundation, and R.J. Meyer for their contributions to the park's improvements.

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

David H. Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Auditor

April 23, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 20, 2004 and April 22, 2004. All members voting aye thereon. Motion carried.

Roger Bistline, Harrison Township Trustee, met with the Board to discuss a fencing dispute in Harrison Township involving Paul Lee. The Board referred Bistline to the county attorney for advice.

Moved by Vermedahl, seconded by Sanders, to set May 14, 2004, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Poweshiek Water and located in the NW1/4 of the SE1/4 of 13-83-11. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign a letter of support for the Garrison Fire Department's application for a USDA grant for fire fighting equipment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve wage increases for the following employees in the sheriff's department: Mary Rogers - \$11.02 effective May 6, 2004 and William Thorman - \$12.24 effective April 17, 2004. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Renewal License for On-Premise Liquor, Wine or Beer for Outdoor Service and Sunday Sales Privilege for the Watkins Community Athletic Association. Both members voting aye thereon. Motion carried.

The county engineer spoke to the Board regarding the placement of a temporary embargo on 30th Avenue Drive between 61st Street Lane and 64th Street. Heavy truck traffic is currently utilizing this specific road and due to the numerous frost boils, it has had an adverse effect on the roadway. The engineer added that he will contact Big Timber about the use of the road and ask them to voluntarily use a different route; however the engineer stated that if an embargo is needed it would only be for vehicles heavier than a school bus, adding that agricultural equipment is exempt.

The engineer spoke with the Board about dust control on the roads to Rodger's Park. The Board had received complaints about the amount of dust being created from park traffic. The engineer advised that he had conducted traffic count studies and found that the amount of traffic coming from the west was heavier on the weekends and the traffic from

the east was heavier during the week and in essence equaling out. The engineer advised that he would agree that a stop sign could be installed but that dust control would be quite costly as the county would need to apply dust control consistently across the county regarding park roads. The Board requested that the engineer place a stop sign at the intersection stopping traffic coming from the east.

The Board spoke with the engineer regarding garbage dumped at the Mt Pleasant Cemetery. The engineer advised that Detective Phippen regarding the matter had contacted him. However, the engineer advised that this was not on a secondary road and therefore he needed to determine who would pay for the cleanup. The Board requested that the engineer contact the township trustees about the cleanup.

The Board spoke to the engineer regarding a recycling advertisement that indicates that glass is recyclable. A hauler contacted the Board stating that the recycler will not accept glass. The engineer advised that glass can be recycled but is not required. The engineer also stated that some recyclers do take glass while others may not. Supervisor Sanders suggested that Benton County state in future advertisements that glass is not banned at the landfill.

The auditor and engineer spoke to the Board regarding destruction of paper records. The auditor advised that she spoke with Linn County about shredding ballots and other documents. She advised that Linn County currently has the capability of shredding large amounts of documents and that she would like to pursue an arrangement with them for shredding services. The engineer advised that due to the recycling ban, the documents could no longer be placed in the landfill as done in the past. The engineer stated that there are companies in Cedar Rapids that will do confidential document shredding; however it was his belief that Linn County could probably provide the service at a cheaper rate. The Board told the auditor to continue working with Linn County to reach an agreement for shredding the documents.

John Mitchell met with the Board to discuss the maintenance of the roadway near his residence. The sheriff, county attorney, and county engineer were present. Mitchell presented a bag containing mud and grass as evidence of the poor maintenance, stating that the maintainer had gone by and scraped the dirt from the shoulders of the road. The county attorney advised that an incident that had occurred on April 20, 2004, involving Mr. Mitchell and the County had been given to his office for a charging decision, and that any county employee should not respond to anything regarding the incident. The county attorney further advised Mitchell that he should leave the board meeting and consult with an attorney. Mitchell stated that he had come to speak and proceeded speaking with the Board. Mitchell stated that he had used a harrowgator and made a couple of passes on the county's roadway making it "just beautiful". However, on Tuesday, he met the maintainer on the same mile of road that he had dressed up and the maintainer had scraped down 2-3 inches into mud and brought the material into the middle of the road. Mitchell stated that met the maintainer at the corner, and added that he was so mad that he picked up a chunk of sod and walked up to the maintainer. The maintainer operator opened the door up just so far and Mitchell threw the dirt clod into the cab of the maintainer. Mitchell stated that he would do it again in a heartbeat, adding if he gets charged with anything, things will get worse. Mitchell stated that he will be speaking with an attorney, stating that the County and the maintainer operator are harassing him and taking revenge. Mitchell spoke about past issues regarding the maintenance of the road and actions of the maintainer operator. The county attorney thanked Mitchell for sharing his viewpoint and no further discussion was held.

The county attorney spoke to the Board about a deed for the DeWalt Cemetery located in 35-85-10. The Stewart Memorial Methodist Church is deeding the cemetery over to the county or possibly the township trustees. The county attorney is meeting with the Pioneer Cemetery Commission next week and requested that the county table action on accepting the deed until he discusses the matter with the commission. Moved by Vermedahl, seconded by Sanders, to table any action until next Friday. Both members voting aye thereon. Motion carried.

The county attorney met with the Board to discuss the need to retain legal counsel regarding a potential civil matter. The county attorney stated that based on the information he had reviewed; it was his opinion that legal counsel does not need to be retained at this time; however there that may change in the future. Moved by Vermedahl, seconded by Sanders, to follow the county attorney's advice and delay hiring outside legal counsel regarding a potential civil matter regarding grant funds. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-17. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

Resolution #04-17

SUBORDINATION AGREEMENT

WHEREAS, Kevin 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 Bartlett now wish to enter into a loan/mortgage transaction with Citicorp Trust Bank;

AND WHEREAS, Citicorp Trust Bank will not enter into such loan/mortgage transaction unless the Benton County agrees to subordinate it's Forgivable Loan Agreement as above identified, to Citicorp Trust Bank;

NOW, THEREFORE, the 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 Citicorp Trust Bank, 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: _____
Jason Sanders, Chair, Board of Supervisors

ATTEST: _____
Jill Marlow, County Auditor

Roger Witt presented a quote from Hessenius Comfort Pro to replace the air conditioning unit in the information services office. The quote provides a fresh air intake eliminating the need to run the air conditioner during the winter

months and eliminating the current air handling system and replacing the air conditioner. The Board requested that additional quotes be obtained before a decision is made.

The sheriff met with the Board to discuss disposal of office equipment currently housed in his storage area. The Board advised that the treasurer was trying to obtain parts for some of the pieces and if successful, she will then utilize some of the equipment.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 27, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 23, 2004. All members voting aye thereon. Motion carried.

Gary Fordice, Benton County Conservation Executive Director, updated the Board on conservation activities. Fordice reported that 32 season passes have already been issued for the 2004 camping season, work continues on the formation of a Benton County Conservation Foundation, and the condition of the boat ramp on the Cedar River north of Vinton. Fordice questioned the plans on surfacing the road going north on 22nd Ave Dr. by Bill's Body Shop to Rodger's Park. The supervisors advised that the county had offered to split the cost of surfacing that road with the adjacent property owners; however it was understood that the property owners were not interested in the cost sharing at this time.

Moved by Vermedahl, seconded by Buch, to approve claims and payroll numbered 62692 through 63053, for payment, and to amend the minutes of April 13th 2004, to reflect the ending check number was 62691. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 7.5 hours of vacation carry-over for Tony Janney in the county attorney's office. Said vacation is to be used by August 1, 2004. All members voting aye thereon. Motion carried.

Richard Grovert met with the Board to request that the county provide additional rock and grading at Youngville Café.

Moved by Buch, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(c) to discuss potential litigation. All members voting aye thereon. Motion carried at 10:35 a.m.

Moved by Buch, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 11:40 a.m.

Moved by Buch, seconded by Vermedahl, to retain Carl Salmons as an attorney in the potential litigation regarding a Community Development Block Grant matter. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 30, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of April 27, 2004. All members voting aye thereon. Motion carried.

Wayne Newton of Newton Feedlot, Inc. submitted an application for a farm exemption on a parcel located in the south ½ of 11-82-5 (Leroy Township) to allow for a manufactured home, which is to be used as a farm office. Moved by Vermedahl, seconded by Buch, to approve a farm exemption on a parcel located in the S1/2 of 11-82-5 to allow for a manufactured home to be used as a farm office. 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 Don Mullinex, 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. Comments were heard from adjacent property owners relevant to water backing up onto their properties due to the construction of a pond, fencing, access, and dirt siltation. The Board advised that fencing agreements are the responsibility of the landowners. The county sanitarian advised the a landowner cannot raise the elevation of water on someone else's property without written easement, but that it was a civil matter and not under the county's jurisdiction. 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 a Part of the NE1/4 of the SW1/4 of 32-85-9 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to award the quote for a low ambient control unit and fresh air duct work in the Information Services Department to Hassenius Comfort Pro at a cost of \$500.00. All members voting aye thereon. Motion carried. A quote was also received from Edwards Plumbing & Heating for \$785.00.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Jason D. Schott from the sheriff's department effective May 3, 2004, with the final seven days being paid as vacation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-18. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-18

WHEREAS: the Board of Supervisors is empowered under authority of Sections 321.236 and 321.255 of the Code of Iowa to designate any secondary road intersection under their jurisdiction as a STOP intersection and to erect STOP signs at one or more entrances to such intersection, and

WHEREAS: the sign placement of these "T" intersections would mold these intersections into Benton County's present system of regulatory signs, and

WHEREAS: present traffic would be better served if one approach were made the STOP approach at each of these "T" intersections.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that for the safety and convenience of the traveling public, STOP signs be placed at the following locations.

1. NW Corner Section 7 T85N R10W.
2. SW Corner NE¼ NE¼ Section 11 T85N R11W.

Passed and approved this 30th day of April 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-19. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-19

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 4, 2004, through the completion of the project.

From the NW corner of Section 15-T84N-R9W thence east approximately ½ mile to the WCL of Shellsburg along 64th Street (E36) in Canton Township.

Signed this 30th day of April 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The Board discussed the formation of a committee to plan for the courthouse's 100th anniversary in 2005.

Moved by Buch, seconded by Vermedahl, to decline acceptance of the deed to a cemetery in 35-85-10 (Dewalt Cemetery) as the cemetery is to be deeded to Taylor Township instead of Benton County. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 4, 2004

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

Moved by Buch, seconded by Vermedahl, to authorize the destruction of ballots and election materials as permitted by law for the regular 2003 school and city elections and the 2002 primary election. All members voting aye thereon. Motion carried.

Robert Leslie of Alternative Risk Services spoke with the Board via telephone (speaker phone) about the damage to the fence at the Rampton Cemetery. Alternative Risk Services provides adjustment services for Benton County's insurance carrier. The fence along the road was damaged during the winter due to snow allegedly being bladed onto it. Leslie stated that he was unable to determine if Benton County caused the damage to the fence by viewing pictures provided. Supervisors Buch and Vermedahl advised that it was their belief that Benton County caused the damage while maintaining the road during the winter. The Board further stated that secondary roads should be responsible for repairing the damaged fence.

The Board discussed the legal matters involving Poweshiek Water, East Central Iowa Council of Governments (ECICOG), and Benton County regarding funding of a Community Development Block Grant. The County has retained outside counsel to represent Benton County pursuant to the county attorney's advice. It was questioned whether the county's attorney should attend interviews that were being held between Poweshiek and ECICOG and exchange insurance information. The county attorney advised that the county's counsel should be present and information exchanged.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by South Slope Telephone to place utility lines in the county's right-of-way in 27-82-10. All members voting aye thereon. Motion carried.

The county engineer spoke to the Board about a contractor currently working in Black Hawk County that provides dust control on rural roads. The product is much heavier than MC-70 and should last much longer; however, the cost is about three times greater than MC-70. The engineer stated that once the property owner discontinued the dust control product, it would be the property owner's responsibility to return the road to a gravel surface at his/her expense.

The Board spoke with the engineer concerning the Rampton Cemetery fence. The Board advised that estimates should be obtained to repair the fence including an estimate for repair done by the county's bridge crew.

Walt Kollmorgen, Veterans Affairs Director, met with the Board to discuss the purchase of a computer and related equipment. Kollmorgen stated that he had money available in his budget but wanted to make sure the supervisors were in agreement with the purchase plans. The Board stated that they had no concerns about the purchase.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 7, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of April 30, 2004 and May 4, 2004. All members voting aye thereon. Motion carried.

Curt Duffield did not appear before the Board to discuss land use issues.

The Board discussed possible members for the Courthouse 100th Anniversary committee. No action was taken.

Moved by Vermedahl, seconded by Buch, to authorize the auditor to hand write a check in the amount \$20581.00 payable to Craig Griffith Ford Inc. for a vehicle for the sheriff's department. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account was \$53,733.97 on April 30, 2004.

The engineer provided an update on the recycling program and its success. Waste tonnage has dropped from 2410.72 tons in the first quarter of 2003 to 1931.87 tons in the first quarter of 2004.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 11:10 a.m.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

May 11, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 7, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve claim and payroll checks numbered 63054 through 63445, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set the following dates for hearings on land use changes:

Regis & Frances Stallman – June 4, 2004 at 9:30 a.m. – in the NE1/4 of the SE1/4 of 14-82-9

Donald & Margaret Steffensen – June 4, 2004 at 9:15 a.m. – in the E1/2 of the NE1/4 of the NE1/4 23-85-9.

All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director and Dave Thompson, County Attorney, met with the Board to discuss services and placement of a current client. Several issues have surfaced over the past year regarding the client's financial situation and his/her eligibility for services from Benton County. The county attorney advised that the county

should continue to pay for services and proceed with legal action to recoup the costs if necessary. The county attorney recommended that a conservator be appointed for the client, but added that someone would have to be willing to serve in that capacity. Thompson further stated that some counties allow social service employees to serve as conservators. Moved by Vermedahl, seconded by Buch, to request the county attorney to ask that a conservator be appointed in this matter, and that the social services director be allowed to serve in that capacity. All members voting aye thereon. Motion carried.

Further, it was moved by Vermedahl, seconded by Buch, to direct the social services director to continue to pay for the client's services at the level paid prior to March 1, 2004, and that Benton County take the necessary legal action to recoup any amounts due and owed to Benton County from the client if the matter cannot be resolved otherwise. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Alliant Energy to place utility lines in the county's right-of-way in section 30 of St. Clair Township along 22nd Ave. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve and authorize the chair to sign the contract and bond for Project #STP-S-CO06 (60)-5E-06 with Manatt's Inc. for the concrete paving project on county road E36. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the contract and bond for Project #BROS-CO06 with Taylor Construction, Inc. for bridge replacement on 65th street. All members voting aye thereon. Motion carried.

The Board was updated on the status of Sunrise Dairy placing manure lines in the county's right-of-way. The county attorney advised that the Dairy has not provided him with the needed documents for him to finalize his opinion. The county engineer advised that Sunrise Dairy is continuing with engineering plans to place the lines on private property.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 14, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 11, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set the following dates for land use hearings: June 8, 2004 at 9:15 a.m. requested by Joe and Rochelle Graf on Parcel A in the NE1/4 of the SW1/4 of 2-85-9 and June 4, 2004 at 9:45 a.m. requested by Randy Scheel on parcel located in the NW1/4 of the NW1/4 of 30-85-11. 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 Poweshiek Water Association, 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 place a 500,000-gallon water tower on a property east of Van Horne. The site has a favorable review except for the soil has a 100 CSR (corn suitability ratio). Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and specifically the CSR requirement as the location is necessary due to the elevation and the load bearing potential of the soil, noting that any change in location may affect the load bearing potential, and further the use is needed for water flow to Van Horne, and that a large tower will eliminate the need for several smaller needs and subsequently more land, and the tower will serve residents in Big Grove, Union, Eldorado, Kane, and Homer Townships as well as Van Horne, and the change in use is for the overall public good. Further that the Board approves a land use change on approximately a 200-foot by 200 foot (.92 acres) generally described as being a Part of the NW1/4 of the NE1/4 of 13-83-11 (Union Township) for a water tower. All members voting aye thereon. Motion carried.

The land use administrator presented a request from Ronald and Sharalyne Albright for a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance in the SE1/4 of the SE1/4 in 2-85-10. Albright currently owns 37 acres and the property is currently be used in a corn/soybean rotation. The applicants will rent the property for continued farm use. Moved by Vermedahl, seconded by Buch, to grant a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance and allow for the construction of a home in the SE1/4 of the SE1/4 of 2-85-10. All members voting aye thereon. Motion carried.

Mike Schooley met with the Board to present a 457 plan for their consideration. The county currently has a 457 plan that has been amended over the years, but desire to replace the plan with a more current plan. Schooley advised that changes in 2001 allowed for employees to rollover their 457 money into IRA's. Schooley advised that the Board should have the Plan reviewed by legal counsel; however he would meet with Bob Moen and review the proposed plan for additional comment. Moen represents another 457 Plan provider for the county.

The sheriff requested that the Board enter into a 28E Agreement for continuation of the multi-jurisdictional narcotics task force. The agreement is between Benton, Buchanan, Fayette, Delaware, Oelwein and Independence. Supervisor Vermedahl requested that the county's insurance carrier review the agreement before the Board takes any action.

The Board discussed designating a local doctor or clinic to perform all initial assessments of employee work related injuries. Supervisor Vermedahl stated that he would speak with members of the medical community and return to the Board with additional information.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way under 76th Street between sections 9 and 16 of Florence Township. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 18, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 14, 2004. All members voting aye thereon. Motion carried.

Cindy Kaestner and Cathy Kane of Abbe Center met with the Board to review services being provided in Benton County and to Benton County residents. Abbe Center currently maintains a full-time office in Benton County, with one day in Belle Plaine. Kaestner reviewed the costs of providing the services in Benton County with the Board and the number of residents being served. Kaestner reported that the percentage of Benton County clients being served compared to Abbe's total clients has increased approximately .5 % to 8.5 % this year. The total number of Benton County clients served so far in FY04 has ranged between 208 and 252 per month. The number of Benton County clients seen since FY98 has increased from 373 to 543 in FY03. Kaestner explained the funding sources for the services being provided, including Medicaid and county funds. Kaestner explained why it was necessary for Benton County to provide modified block funding versus a fee-for-service, stating that a pure fee-for-service would result in approximately a \$143,364 shortfall in revenue which is primarily due to Medicaid, Medicare and insurance losses. If the county were to eliminate the block funding, then a modified fee-for-service could be implemented otherwise a full-time office in Benton County would not be possible.

The Blairstown Demo Derby Days submitted an application for a beer. This item was placed on the agenda with only 22 hours notice. However, the event is to be held before the end of the month and due to the time needed to obtain the permit through the State of Iowa, the Board agreed to take action. Moved by Vermedahl, seconded by Buch, to approve a Beer Permit for Blairstown Demo Derby Days. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Federal Crop Information form for the landfill property that is being rented to Larry Sturtz. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 25, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 18, 2004. All members voting aye thereon. Motion carried.

The Board discussed a citizen request for an engine brake ordinance. The Board discussed the possibility of adopting an ordinance in specific areas of the county to address specific problems.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 63446 through 63818, for payment. All members voting aye thereon. Motion carried.

The county auditor discussed the recycling trailers used by the rural residents. Marlow stated that she believed that the current trailers are difficult for shorter and some elderly people to use due to the height of the trailers. The Board advised that recycling dumpsters were to be implemented and the engineer stated that he had eight dumpsters that he needs to place decals on and they will be ready for use.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-20. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-20

Whereas, it has been proposed to expand the current Rural Area Interdiction Detail Multi-Jurisdictional Narcotics Task Force; and

Whereas, it shall be known as the Rural Area Interdiction Detail (RAID); and

Whereas, the parties shall include the Police Departments of the cities of Independence and Oelwein and the Sheriff's Departments of Buchanan, Benton, Fayette and Delaware counties.

THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors agree to enter into a 28E Agreement between Benton County and the Police Departments of the Cities of Independence and Oelwein and the Sheriff's Departments of Buchanan, Benton, Fayette and Delaware Counties for the establishment and expansion of the Rural Area Interdiction Detail Multi-jurisdictional Narcotics Task Force and to authorize the Chairperson to sign said agreement.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve a change in the employment status of Sherri McGowan from full-time administrative secretary to full-time communication officer. The change in status is effective June 1, 2004 at the wage of \$12.41 per hour until successful completion of the 40-hour communication course required by the State of Iowa. The wage will increase to \$14.30 per hour for a base wage during the remaining retraining and re-certification. Upon successful completion of all retraining and re-certification, her wage is to increase to \$15.33 per hour as allowed by the union contract. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way under 22nd Avenue between Leroy and St. Clair townships. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Iowa Department of Transportation's invoice for printing charges for \$59.85. All members voting aye thereon. Motion carried.

The Board discussed flood damage to Benton County's secondary roads over the weekend. The engineer advised that he had crews out checking roads after the storms and several bridges had been closed until repair or further inspection could be done. Emergency Management personnel also spoke about procedures for notifying Secondary Roads and the protocol for closing roads due to damage. Emergency Management stated that they were unaware that Secondary Roads were surveying the roads for damage, so they dispatched ham radio operators to do the same. The board also discussed the availability of sand bags and sand with emergency management. The emergency management commission has decided to provide the bags to residents; however the sand would need to be provided by the county, city, or the resident. Discussion included the possibility of the county hauling sand to the residents, a central pick-up location for sand, or have prior arrangements with private sand haulers that could be contacted and deliver sand at the expense of the landowner.

Mary Halstead, Transportation Director, notified the Board that two part-time drivers resigned and that she would be replacing those employees.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 28, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 25, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-21. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-21

IT IS RESOLVED By the Benton County Board of Supervisors that \$141,122.22 is transferred from the TIF Fund to the Debt Service Fund.

Dated this 28th day of May 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded Buch, to defer action on the request for sponsoring a Community Development Block Grant for Poweshiek Water Association to extend water lines in the northwest part of Benton County known at project 2A. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-22. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-22

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2003; 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 1

Amended To

Fund 0001 Function 10100
Fund 0002 Function 15000

Amended From

Fund 0001 Function 10600
 Fund 0001 Function 15400

Amount

\$ 28,030.00
\$ 1,000.00

SERVICE AREA 6

Amended To

Fund 0011 Function 62000
Fund 0011 Function 62000
Fund 0001 Function 62000

Amended From

Fund 0001 Function 62100
Fund 0001 Function 63100
Fund 0001 Function 63100

Amount

\$ 89.00
\$ 211.00
\$ 22.00

SERVICE AREA 4

Amended To

Fund 0010 Function 43320
Fund 0010 Function 42720
Fund 0010 Function 42320
Fund 0010 Function 41420
Fund 0010 Function 41410
Fund 0010 Function 41310
Fund 0010 Function 40440
Fund 0010 Function 40430
Fund 0010 Function 40420

Amended From

Fund 0010 Function 42630

Amount

\$ 20.00
\$16,350.00
\$37,620.00
\$ 46.00
\$ 95.00
\$ 1,130.00
\$ 1,461.00
\$1,978.00
\$6,047.00
\$64,747.00

INTERFUND TRANSFERS

Fund 0001 (General Basic) from Fund 1500 (Capital Projects)

\$ 2,547.00

Dated this 28th day of May 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve the Recorder's quarterly report for the period ending March 31, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the labor agreement between Benton County Secondary Roads and the Public, Professional & Maintenance Employees Local Union 2003 for the period 2004-2006. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 4, 2004

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 28, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set June 30, 2004, as the date and time for a hearing on a land use change requested by Donald Cashman on a parcel located in the south 2/3 of the E1/2 of the SW1/4 of 12-84-11. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to participate in the FY05 State of Iowa's Grant-to-Counties program for water and well testing. 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 Margaret Steffensen, 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 single residential use. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres on a parcel generally described as being a Part of the E1/2 of the NE1/4 of the NE1/4 of 23-85-9 (Benton 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 Regis and Francis Stallman, 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 single residential use. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres on a parcel generally described as being a Part of the NE1/4 of the SE1/4 of 14-82-9 (Florence 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 Randy Scheel, 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 single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately three acres on a parcel generally described as being a Part of the NW1/4 of the NW1/4 of 30-85-11 (Jackson Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to allow Vinton Unlimited to use the courthouse lawn on Thursday, June 24, 2004, for the city's celebration. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Jarrod Hendricks as a part-time seasonal employee at secondary roads, starting June 7, 2004, at a wage of \$8.75 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way under 27th Avenue Drive in Section 36 of Harrison Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-23. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-23
INTERFUND LOAN

BE IT RESOLVED by the Benton County Board of Supervisors that an interfund loan of \$271.88 be made from General Basic to Debt Service, and said loan is to be repaid by the end of FY04.

Dated this 4th day of June 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Hayley Rippel, Deputy Auditor

The Board briefly discussed the county's participation in sandbagging efforts by private individuals in the unincorporated areas of Benton County. The Board did not take any action pending further discussions with the county engineer and the emergency management director.

The Board discussed in length the establishment of a fee at the landfill gate for uncovered loads of waste material. The Board reviewed the current Litter Control Ordinance and a list of fees being charged by surrounding counties. It would be required that all loads of waste delivered at the landfill by commercial haulers and county/city residents, and any load not covered would be subject to a gate fee. Moved by Buch, seconded by Vermedahl, that a \$10.00 fee be imposed at the landfill gate for uncovered loads, and that the county engineer is directed to draft a resolution for the Board's approval officially imposing said fee and publishing the same. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

June 8, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 4, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 63819 through 64319 (checks 64009 through 64131 were voided) for payment. 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 Joe and Rochelle Graf, 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 single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres of Parcel A in the SE1/4 SW1/4 and the NE1/4 SW1/4 all located in 2-85-9 for a single residential use. Further, said

approval for a change in land use is specific to the area of the parcel located in the southwest corner that has an approximate CSR of 40. All members voting aye thereon. Motion carried.

Amy Peterson with East Central Iowa Council of Governments met with the Board to discuss the continuation of the current Down Payment Housing Assistance program. There is currently funding left for one home; however the grant was to be completed by the end of the current fiscal year and was not budgeted in FY05. Peterson stated that a new grant may be available to the county later in the year, but Benton County could not apply until the current grant was closed. Moved by Buch, seconded by Vermedahl, to terminate the current grant and that the Iowa Department of Economic Development be advised that such action is being taken in anticipation of reapplying for grant funds in the fall, and due to a required budget amendment should the county continue with the current grant. All members voting aye thereon. Motion carried.

Gary Wandling met with the Board and the engineer to discuss a fee for uncovered loads arriving at the county landfill. Wandling advised that he had traveled to other area landfills and found that gate fees were in place for uncovered loads. Wandling was requesting the implementation of a fee with hopes of eliminating some of the garbage that falls and/or blows off of vehicles while enroute to the county's landfill. The county attorney advised that it was within the legal authority for the Board to implement such fee. However a resolution should be drafted wherein definitions of "covered load" were set forth, as well as the amount of the fee. The Board requested that the county auditor draft a resolution for consideration by the Board regarding covered load fees at the landfill.

Daniel Hahn and Gary Wandling discussed the odor being created by the Cedar Valley Dairy and Sunrise Beef. Hahn asked what the county could do for him due to the deterioration in quality of life and property value depreciation due to the odor. Hahn stated that his property has devalued anywhere from thirty to fifty percent, and that his house is filled with the odor from the facilities. Hahn continued that the businesses should not be allowed to expand their herd size until the odor problems were addressed. Wandling asked if the Board had granted any utility permits to either company, and if the Board was requested to grant a utility permit if stipulations could be attached stating that the herd size could not increase. The Board advised that research would have to be done into attaching stipulations but that it was their initial thoughts that none could be. The Board also commented that control of the facilities was under the State and the county's hands were basically tied; however the gentlemen could speak with the county attorney regarding possible nuisance complaints.

Moved by Buch, seconded by Vermedahl, to approve a utility permit Interstate Light and Power to place utility lines in the county's right-of-way along W24 in Fremont and Florence townships. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account as of May 31, 2004 was \$58,151.65.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 11, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 8, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to direct the chair to sign the contract and bonds with Taylor Construction Inc. of New Vienna, Iowa for the bridge replacement project on 29th Avenue between sections 17 and 18 of Canton Township, Project #BROS-CO06 (59)-8J-06. All members voting aye thereon. Motion carried.

The county engineer discussed the wage of the new engineering technician position in his office. The engineer recommended that the position be started at \$15.00 to \$15.50 per hour. Moved by Vermedahl, seconded by Buch, to authorize the engineer to offer a starting wage for the engineering technician position at a range of \$15.00 to \$15.50. All members voting aye thereon. Motion carried.

The engineer spoke about the transfer of jurisdiction of farm-to-market extensions in cities with populations under 500. Benton County will begin maintaining the farm-to-market streets in Garrison, Luzerne, and Mt. Auburn. The road use tax allocated for the affected roads originally received by the cities will be transferred to Benton County. Alternatively, the county can enter into 28E Agreements with the affected cities wherein the city continues with maintenance on the road in part or in full and the county passes the funds on to the city. Otherwise on July 2, 2004, the county will be responsible for maintaining those specific roads and the road use tax funds will be redirected to the county. The Board discussed maintenance of lighting and sidewalks along the roads, and requested that the engineer investigate agreements with the cities regarding the same.

The county engineer spoke to the Board about the status of the Cedar Valley Ranch Lagoon and connecting to the City of Vinton sewer system. It was unclear what the current position of the City was and the Board requested that city representatives meet with the Board regarding the matter.

The county engineer reported that he has not done much regarding the Oak Grove Road project other than reviewing computer software to assist with modeling, engineering, and calculating the project.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

June 15, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 11, 2004. All 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 June 8, 2004, Primary Election, the Board proceeded with the canvass. Having reviewed all results and finding no corrections, it was moved by Buch, seconded by Vermedahl, to approve the canvass of the June 8, 2004 Primary Election. The results as recorded in the official election record in the auditor's office are hereby certified. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Law Enforcement Contract between Benton County and the City of Luzerne for the period beginning July 1, 2004 and ending June 30, 2006. The contract is for an average .5 hours of coverage per week at a cost of \$468.00 per year. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve cigarette permits for Benton Golf Club, Inc. d/b/a Tara Hills and Kimm's Mini Mart for the year beginning July 1, 2004 and ending June 30, 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the East Central Iowa Council of Governments and Benton County Transportation FY05 Transit Purchase of Service Contract. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-24. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-24

A RESOLUTION ESTABLISHING A FIVE DOLLAR COUNTY ENFORCEMENT SURCHARGE

WHEREAS, counties enforce the criminal laws passed by the State of Iowa, provide the county attorneys who prosecute criminals, and even provide the courtrooms where the criminal cases are tried, but do not receive any of the criminal fine money, which all goes to the State of Iowa; and

WHEREAS, in an attempt to begin to address this inequity the 2004 Iowa Legislature passed House File 2569, which provides that if a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff, the court shall assess a five dollar county enforcement surcharge for each applicable violation, with the surcharge going to the county general fund of the county where the citation was issued; and WHEREAS, section 9 of House File 2569 requires that for this county enforcement surcharge to go into effect in a given county, the Board of Supervisors must adopt an enacting resolution;

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that the Board adopts a five dollar county enforcement surcharge pursuant to House File 2569, with the surcharge to be assessed as of July 1, 2004.

PASSED and APPROVED this 15th day of June 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve a handwritten check in the amount of \$16,724.00, payable to Holmes Auto Group, for a 2004 Chevrolet Impala. This approval will allow the sheriff's department to take delivery of said vehicle. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 18, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 15, 2004. Both members voting aye thereon. Motion carried.

Roger Witt met with the Board to discuss the courthouse phone system. Witt advised that another logic board failed and that the boards continue to be harder and harder to find due to the age of the system. Witt stated that the current Partner Plus System could be upgraded at an approximate cost of \$3,800.00 to \$4,000.00 dollars, which would provide for voice messaging and additional extensions and lines. This would allow the treasurer's office to be on the same phone system as other offices and provide transfer capabilities. The treasurer stated that she would purchase the

required phone equipment from her current budget if the Board decided to upgrade the system. Moved by Vermedahl, seconded by Sanders, to upgrade the current Partner Plus phone system and to include the treasurer's office in the system. Further, data processing and the sanitarian should be added to the phone system when possible. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Marg Bergert from Benton County Transportation retroactive to May 31, 2004. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Bob Daniels from the Benton County Pioneer Cemetery Commission, effective immediately. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-25. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #04-25
New Hire in Secondary Roads

WHEREAS, the Benton County Secondary Roads Department has a desire to create and fill a position in the engineering division of the department, and

WHEREAS, this newly created position is an Engineering Technician, and

WHEREAS, the Benton County Engineer has narrowed the applicants to one.

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that John Cody Hager be hired to fill the position at a wage of \$15.00 per hour starting on June 28, 2004, and

BE IT FURTHER RESOLVED that the wage increases to \$15.25 per hour on January 1, 2005.

Dated this 18th day of June 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Hayley Rippel, Deputy Auditor

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Harrison and Taylor Townships. Both members voting aye thereon. Motion carried.

The county engineer provided an update on the bridge project in Luzerne. The current bridge that goes over the Union Pacific Railroad needs to be replaced at an approximate cost of \$1.5 million. Parizek handed out a 28E agreement that has been drafted for consideration by the City of Luzerne and Benton County wherein costs would be shared between the two entities and the railroad. Parizek advised that he was presenting the agreement to the Luzerne at their next council meeting. The Board requested that the matter be placed on a future agenda for further consideration.

Barb Greenlee spoke with the Board about the animal control officer. Greenlee questioned who had authority and what the procedure was for calling out the animal control officer. Greenlee also commented that the Board should consider appointing a county veterinarian. The Board advised that matter needed to be placed on the agenda for further discussion.

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

Jason Sanders, Chairman

ATTEST: _____

Hayley Rippel, Deputy Auditor

June 22, 2004

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

Moved by Vermedahl, seconded by Buch, to approve checks numbered 64320 through 64807 for payment. All members voting aye thereon. Motion carried.

The Board met with representatives from Watkins, East Central Iowa Council of Governments, Poweshiek Water, USDA, Emergency Management, the county engineer, and the county sanitarian, to discuss the progress of the wastewater disposal project in Watkins. The county received a community development block grant to assist Poweshiek water with construction of a wastewater facility in Watkins, however the Board was advised that several issues had arisen that were impeding the progress of the project. The type of facility to be constructed had been an issue between Poweshiek Water and the USDA, but the representatives advised that issue had been resolved and that a recirculating gravel treatment system would be constructed. The other issue is several residences being located in a flood plain and that Benton County does not participate in the National Flood Insurance Program. The Board was informed that federal grant money cannot be used to service any facility or residence located in a flood plain if the governmental entity did not participate in the flood insurance program. Participation in the program would require a survey of homes constructed after 1976 in a flood plain and possibly establishing flood plain elevations. It was suggested that Benton County meet with representatives from the National Flood Insurance Program for more information. Supervisor Sanders agreed to arrange such a meeting.

The Board also discussed Poweshiek Water's request to apply for a community development block grant to assist with providing water in northwestern Benton County. Supervisor Vermedahl questioned if all hold harmless agreements would remain in any administrative and/or subrecipient contracts with Benton County. Poweshiek Water advised that it was their intention that the hold harmless agreement remains in any subrecipient contract. East Central Iowa Council of Governments was not able to advise if the hold harmless clause would remain in the administrative contract. Supervisor Vermedahl stated that it was his belief that Benton County should require the hold harmless clauses otherwise not enter into any contract or apply for the grant. Vermedahl stated that he would contact the executive director of East Central Iowa Council of Governments regarding the matter. The Board did not take any action at this time.

Moved by Buch, seconded by Vermedahl, to appoint Ilene Kreider to the Benton County Pioneer Cemetery Commission to fill the unexpired term ending December 31, 2006. All members voting aye thereon. Motion carried. Supervisor Vermedahl added that he would like to see an application procedure for future board members.

The treasurer requested that the Board abate taxes on uncollectable grain tax on parcels 260-00550 and 260-00551. Supervisor Buch requested that the treasurer make additional attempts to collect the tax before taking board action.

Moved by Vermedahl, seconded by Buch, to approve the change in position of Melissa Woodley from full-time correctional officer to full-time office secretary. Woodley's new position is effective June 22, 2004, at a wage of \$11.45 per hour as set forth in the union contract. Woodley will be entitled to any raise negotiated by the union on July 1, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the law enforcement agreement between Benton County and the City of Van Horn, providing for 780 hours of coverage at a cost of \$14,040.00 per year. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the 2004-2006 labor agreement between Benton County Sheriff's Department and Chauffeurs, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffeurs & Helpers of America. All members voting aye thereon. Motion carried.

The county auditor requested authority to negotiate an agreement with an employee regarding Section 125 benefits due to changes in current benefits on July 1st. Moved by Buch, seconded by Vermedahl, that the auditor be given authority to negotiate an agreement between Benton County and an employee regarding Section 125 benefits and payroll deduction, if requested by the employee. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way along 72nd Street in sections 24 and 25 of Fremont Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Iowa Department of Transportation universal voucher for Ament, Inc. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-26. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-26
JOINT PUBLIC SERVICE AGREEMENT
BRIDGE CONSTRUCTION PROJECT NO. BRS-4600(601)—60-06
FHWA NO. 007440

WHEREAS, under Chapter 28E of the Code of Iowa, the City of Luzerne, and Benton County, Iowa may, as public agencies, enter into an agreement with a public agency which is a political subdivision of the State of Iowa, such as a city and/or another county governing body, to cooperate in such a way as to provide joint services to their constituents and to cooperate in other ways of mutual advantage; and

WHEREAS, it is deemed to be in the best interest of Benton County, the City of Luzerne, and of their respective citizens, that the County and City jointly undertake to provide for replacement of the Union Pacific Railroad Bridge, FHWA Number 007440. The structure is located on Luzerne Street (County Route V44) within the Corporate Limits of City of Luzerne. The City hereby requests the assistance of Benton County to provide certain necessary services related to such project for which the City assumes appropriate responsibilities.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. The County shall provide under this 28E Agreement, through its engineering department and/or City acquired qualified engineering consultants, certain services for the replacement of Bridge Number 007440 located approximately 200 feet south of the NW Corner of Section 19, T-82N, R-11W. These services shall include the design survey, design engineering, acquisition plats for use of the City to purchase right-of-way within the Corporate Limits, contractual administration, resident engineering, and construction inspection.
2. All services provided under this 28E Agreement shall be performed in a good and workmanlike manner in accordance with appropriate standards of the Iowa Department of Transportation for the design and construction of public improvements and shall comply with all statutes, codes, ordinances, rules, and regulations applicable thereto.
3. The City of Luzerne shall be the lead local agency for carrying out this project. The City and the County shall pay one hundred percent (100%) of the non-eligible project costs. This agreement is contingent on the eligible project costs qualifying for 80% reimbursement from the City Bridge Construction Fund.

4. All engineering services provided during construction shall be administered by Benton County through its engineering department and/or City acquired qualified engineering consultants, which shall be responsible for all procedural and substantive matters relating thereto. The Benton County Engineer shall determine when, in his judgment, performance is complete and shall thereafter recommend to the County and the City that the project be finally accepted. All engineering services being provided by Benton County and/or approved qualified consultants, including surveying, design services and construction inspection, shall be considered eligible items for reimbursement under the bridge replacement program. All project expenses shall be paid out of Benton County's Farm-to-Market account. The City shall reimburse Benton County for their portion of the construction and engineering costs, over a period not to exceed five (5) years. This reimbursement shall be submitted to the Benton County Engineer's Office for deposit in the local Secondary Road fund or the County's Farm-to-Market account, as directed by the County Engineer.
5. The City of Luzerne shall provide such services as necessary to apply for, receive, and administer program funds for payment of construction of this project, as stated in Agreement No. 6-03-HBRR-10, between the City of Luzerne and the Iowa Department of Transportation. Such services are expected to include Council actions and project approvals, transmittal of letters, payment request, receipt of program funds, and similar materials all prepared by others. The City shall be responsible for right-of-way purchases within the City Limits and reimbursement of project costs as stated in 4 above. Right-of-way purchases shall be considered an eligible item for reimbursement under the bridge replacement program.
6. The City of Luzerne shall apply for and upon receiving city bridge replacement funds, agrees to contribute the total of the construction program funds reimbursed from the funding program (80% of construction cost) toward replacement of the existing bridge. The City shall reimburse Benton County for the appropriate costs as approximated in the Attachment A to this agreement. The actual reimbursement amounts shall be based on actual contract costs.
7. Responsibility for claims and liability: The City shall indemnify and save harmless the County from all claims and liability due to negligence of members, agents or employees of only the City. The County shall indemnify and save harmless the City from all claims and liability due to negligence of members, agents or employees of only the County.

EXECUTION OF AGREEMENT

The parties hereunto shall approve this 28E Agreement by resolution of their respective Board or Council, which shall authorize the execution of this agreement. It shall then be filed in the Office of the Iowa Secretary of State and the Office of the County Recorder of Benton County, in accordance with Chapter 28E, Code of Iowa. This agreement shall become effective when recorded with the County Recorder and shall remain in effect until all terms are fully satisfied or it is terminated as provided by law. This agreement shall not relieve any party of any obligation or liability imposed upon it by law except to the extent that the actual and timely performance during the term of the contract may be offered in satisfaction of the obligation or responsibility.

This is the entire agreement among the parties, and it may be amended only in writing. The laws of the State of Iowa shall apply to this contract of agreement.

All parties to this agreement shall cooperate with each other to the fullest extent possible in order to facilitate and carry out the provisions of this agreement.

DATED THIS 22nd DAY OF June 2004..

BENTON COUNTY BOARD OF SUPERVISORS:

CITY OF LUZERNE, IOWA

Board Chair

Mayor

ATTEST:

ATTEST:

Benton County Auditor

City Clerk

The Board discussed a proposed resolution regarding imposing a fee for uncovered load delivered to the landfill. The proposed resolution imposes a \$10.00 fee on all uncovered loads, however the Board requested that the draft be modified to include a \$20.00 fee for commercial vehicles and that a commercial vehicle definition be added. They also directed that an effective date of August 1, 2004 be incorporated into the resolution and that another draft be presented at the next board meeting for consideration.

An individual met with the Board regarding the thistles in several locations around Urbana. The Board advised that they would contact the weed commissioner to address the matter.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

June 30, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 18, 2004 and June 22, 2004. All members voting aye thereon. Motion carried.

Jerry Petermeier met with the Board to ask if the County would be interested in the original pinnacle ball off of the courthouse. The original pinnacle ball had been removed in 1996 when the cupola was restored. Petermeier stated that his wife, Ruthann, had retrieved the ball from the junk pile at D & S Sheetmetal who was restoring the cupola. Petermeier stated that the ball had been cleaned and a stand made by Leonard Geater. Moved by Vermedahl, seconded by Buch, to graciously accept the donation of the pinnacle ball from the Petermeiers, with recognition to Leonard Geater for his contribution. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss provider contracts for FY05. Williams explained the services provided by each provider and the rates being requested for FY05 with comparisons to FY04. Moved by Vermedahl, seconded by Buch, to approve the following provider rates for FY05:

Scenic Acres – RCF - \$45.00/day; Hope Haven – RCF - \$44.73/day and Work Activity - \$32.20/day; Goodwill Industries, Waterloo – Work Services - \$31.58/day, Supported Employment - \$28.22/hour, Supported Community Living - \$23.72/hour, Enclave - \$5.64/hour; Goodwill Industries, Cedar Rapids – Enclave - \$9.74/hour, Work Activity - \$27.78/1/2 day, Supported Employment - \$47.68/hour, Sheltered Work - \$14.35/1/2 day, Job Placement - \$47.68/hour; Goodwill Industries, Iowa City – Sheltered Work - \$16.27/1/2 day, Work Activity – individual 1:1 - \$31.06 per hour, Work Activity – Group 1:2 to 5 - \$32.07/hour, Supported Employment - \$46.69/hour, Supported Community Living - \$45.34/hour, Enclave \$11.17/hour; Genesis Development – Supported Community Living - \$32.79/hour, Supported Employment \$36.49/hour; ASAC – substance abuse treatment related to commitment post hearing - \$33.51/day; Mercy Medical Center – Mental Health/Substance Abuse treatment related to commitment pre-hearing - \$385.00/day, Mental Health/Substance Abuse treatment related to commitment post hearing - \$425.00 /day, Dual Dx Outpatient - \$23.00/hour; Cedar Centre Psych Group – Initial Evaluation - \$236.00, Testimony/initial hearing - \$100.00, Daily Care – ¼ hour - \$75.00, Daily Care – ½ hour - \$111.00/hour, discharge plan – no charge; 1st Resources – CSALA - \$20.41/hour; Adults, Inc. – Sheltered Work - \$35.16/day, Adult Day Care - \$41.64/day, Supported Community Living - \$25.63/hour, Supported Employment - \$37.63/hour; Systems Unlimited – Non-vocational 1:5 - \$8.50/hour, Vocational 1:1 - \$17.94/hour, RCF - \$96.11/day; Abbe Center for Community Care – RCF - \$90.76/day, PMI-\$125.33/day; REA, Inc. – Supported Employment - \$42.33/hour, Sheltered Work - \$36.07/day, Transportation - \$22.84/round trip, Work Activity - \$52.40/day; Cedar Valley Ranch – RCF-\$61.45/day, Respite - \$61.45/day – Work Activity - \$3.00/hour; Linn County MHDD Services - \$6.00/month; Mediapolis Care Facility – RCF - \$72.00/day; Options of Linn County – Work Activity intense - \$41.15/ ½ day, Work Activity - \$27.16/ ½ day, Sheltered Work - \$19.85/ ½ day, Enclave - \$12.15/hour, Supported Employment - \$51.38/hour; Community Care Inc. - \$RCF - \$70.90/day, PMI - \$110.24/day, Sheltered Work - \$30.61/day, Transportation - \$10.84/round trip; REM Development Services – Work Activity - \$60.12/day, Work Activity - \$34.61/ ½ day; Abbe Center Community Mental Health - \$198,565.00 annually.

Terry Johnson met with the Board to provide an update on the status of Genesis Development. Johnson commented that the organization continues to increase services in Benton County as well as other locations around the state. Johnson updated the Board on the services being provided to Benton County clients.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Donald Cashman, 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 on one acre. It was stated that the parcel size is 26 acres; however the applicants did not seek a farm exemption but rather requested that a variance be granted. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance on approximately one acre generally described as being located in the S2/3 of the E1/2 of the SW1/4 of 12-84-11, for a single residential use. All members voting aye thereon. Motion carried. Supervisor Vermedahl noted for the record that consideration was given to the applicants' intention to have horses and other agricultural related uses making the change consistent with the overall use of the area.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-27. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-27
REPAYING INTERFUND LOAN

WHEREAS, the Benton County Board of Supervisors authorized a loan in the amount of \$271.88 through resolution #04-23 on June 4, 2004, and
WHEREAS, the Board now desires to repay the General Basic Fund,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$271.88 loaned to the Debt Service Fund from the General Basic Fund be repaid.
Dated this 30th day of June 2003.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Several interested persons representing a rural subdivision referred to as Longview Estates (not legal title) located southeast of Shellsburg met with the Board to discuss various issues. The group voiced concerns regarding the rural addressing system, stating that currently there are three rural addresses that only are differentiated by the suffix "Lane", "Drive", and "Trail". These addresses are all within close proximity to each other and are causing numerous difficulties with the regard to service and postal deliveries and also emergency services response. The rural addressing coordinator stated that he was aware of the issue but under the current ordinance there was no provisions for varying the system. The group questioned why their subdivision road could not have it's own distinct name and numbering versus the current lot numbering. Again, the rural addressing coordinator stated that was all the was allowed in the current ordinance, adding that he has advised the Board of Supervisors on various occasions that changes needed to be made to the ordinance. Issues were discussed concerning paving the gravel road that accesses the subdivision. The engineer stated that a similar project was done with Beau Chene Estates with the developer paying half of the costs. However, the individuals present did not believe that they should have to pay for the road improvement, stating that the values on their residences would increase providing for more taxes over the long run. There were also concerns voiced regarding the availability of rural water and rural sewer. The Board advised that the group would have to contact Poweshiek Water Association if they were interested in rural water and the only involvement of Benton County in rural water systems was to apply for grants on behalf of the provider. The Board also advised that there were no current plans for rural sewer systems in Benton County. The group also discussed the notification process for increased property valuations, which result in higher taxes. The assessor stated that equalization notices were published in the official newspapers of Benton County as well as the Livewire. Several persons stated that they did not receive any of those publication and wondered if Benton County had a website. The auditor advised that the county is currently developing a website but she did not know the completion date. In summary, the individuals requested that Benton County change it's rural addressing system to accommodate unique addresses in subdivisions and provide a paved road or in the alternative lower the taxes on the properties. The Board agreed to review the rural addressing ordinance; however the county was not planning on paving the road within the next five years.

Moved by Buch, seconded by Vermedahl, to approve utility permits for South Slope Cooperative Telephone Company to place utility lines in the county's right-of-way along and under 68th Street in section 35 of Eden Township. All members voting aye thereon. Motion carried.

The county engineer presented bids he received on a road grader as follows (prices shown are the net difference after trade-in):

Altorfer Inc. – Caterpillar 140H VHP - \$157,891.00
Caterpillar 143H VHP - \$178,436.00
Martin Equipment of IA-IL, Inc. – John Deere 770CH-II - \$139,875.00
John Deere 772 CH-II - \$166,525.00
Road Machinery & Supplies Co. – Komatsu GD655-3 - \$141,787.00
Spreitzer, Inc. – Volvo G720B - \$127,000.00
Volvo G726B - \$142,000.00

The engineer advised that he would like to test the Volvo unit prior to making a recommendation to the Board. The Board advised that after the test run, that the engineer should return with his recommendation.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-28. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-28

ESTABLISHING A FEE FOR UNCOVERED LOADS DELIVERED TO THE BENTON COUNTY SOLID WASTE FACILITY

WHEREAS: The Benton County Board of Supervisors has been authorized by the Benton County Landfill Commission to administer activities at the Benton County Solid Waste facility ("landfill"); and

WHEREAS: It has been found that debris has been blowing and falling off vehicles transporting waste to the landfill; and

WHEREAS: The debris is creating a hazard and nuisance and the county is enduring additional expenses to retrieve this debris; and

WHEREAS: By having all loads transported to the landfill either covered or secured will reduce and/or eliminate the amount of debris along the roadways; and

WHEREAS: The Benton County Board of Supervisors has determined that a fee should be imposed on all loads of waste being delivered to the landfill that are not covered or secured,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that

A fee of \$10.00 per load for cars, pick-ups, or trailers and \$20.00 per load for commercial vehicles be imposed on waste being delivered to the landfill that is not covered or secured.

Further, for purposes of this resolution the following definitions are hereby established:

Waste is defined as any material being delivered to the landfill for disposal, including but not limited to construction material, hazardous waste, garbage, metal, and white goods.

Covered is defined as a tarp or other material securely tied to prevent waste from falling or flying out of the vehicle.

Secured is defined as a method of strapping or tying down waste to prevent it from falling or flying out of the vehicle.

Commercial Vehicle is defined as any person or firm hauling waste to the landfill for pay.

IT IS FURTHER RESOLVED that the fee for uncovered loads will be effective August 9, 2004.

Signed: June 30, 2004

Benton County Board of Supervisors

Chairperson

Attest: _____
Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-29. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-29

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2003; 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 3 | | |
|--------------------------|--------------------------|---------------|
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0001 Function 32000 | Fund 0001 Function 32100 | \$ 1200.00 |
| Fund 0001 Function 34000 | Fund 001 Function 31100 | \$ 2291.00 |
| SERVICE AREA 9 | | |
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0001 Function 92100 | Fund 0001 Function 92200 | \$ 500.00 |
| SERVICE AREA 6 | | |
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0001 Function 61100 | Fund 0001 Function 61000 | \$3,781.00 |
| Fund 0011 Function 60100 | Fund 0011 Function 62000 | \$ 21.00 |
| Fund 0001 Function 64100 | See Resolution #03-54 | \$ 619.00 |
| SERVICE AREA 4 | | |
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0010 Function 40420 | | \$ 7,500.00 |
| Fund 0010 Function 40430 | | \$ 1,000.00 |
| Fund 0010 Function 40440 | | \$ 900.00 |
| Fund 0010 Function 41220 | | \$ 6,500.00 |
| Fund 0010 Function 41410 | | \$ 1,300.00 |
| Fund 0010 Function 42220 | | \$ 10,000.00 |
| Fund 0010 Function 42320 | | \$ 25,000.00 |

| | | |
|--------------------------|--------------------------|---------------|
| Fund 0010 Function 42650 | | \$ 4,500.00 |
| Fund 0010 Function 43220 | | \$ 2,000.00 |
| Fund 0010 Function 43320 | | \$ 100.00 |
| | Fund 0010 Function 42500 | \$58,800.00 |
| SERVICE AREA 7 | | |
| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
| Fund 0020 Function 71300 | Fund 0020 Function 71200 | \$ 5,000.00 |
| Fund 0020 Function 71400 | Fund 0020 Function 71200 | \$40,000.00 |
| Fund 0020 Function 72100 | Fund 0020 Function 72000 | \$35,000.00 |

Dated this 30th day of June 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

**RESOLUTION # 04 – 30
APPROPRIATIONS**

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2004, 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. For purposes of this resolution all departments relating to elections are considered one department. Appropriations for the Pioneer Cemetery Commission are set forth in Section 6, below.

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, 2004.

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 2004-2005 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 2004-2005 budget year.

Section 6. The appropriation for the Pioneer Cemetery Commission is set at \$5,000.00 and said funds are to be appropriated from the county general fund. Donations received by the Pioneer Cemetery Commission during FY05, in addition to donations received in previous years which remain unspent, are appropriated at the time said donations are received. However, the total appropriation for the Pioneer Cemetery Commission, including both county funds and donations, shall not exceed \$10,000.00 in FY05.

Section 7. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2005.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 30, 2004, the vote thereon being as follows:

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Resolution #04-31

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 2005.

| | |
|------------------------------|--------------|
| 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 | \$ 3,000,000 |
| 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 30th day of June, 2004.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

Attest: _____
Jill Marlow, Auditor

**RESOLUTION #04-32
FY05 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 2004-2005 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, 2004, 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 | \$ 113,646.00 |
| General Basic | General Supplemental | \$1,280,000.00 |
| General Basic | Conservation Land Acquisition | \$ 0.00 |
| Rural Services Basic | Secondary Road | \$1,272,803.00 |
| Rural Services Basic | Sanitary Disposal | \$ 180,800.00 |
| Sanitary Disposal | Closure/Post Closure | \$ 50,000.00 |

Section 2. The auditor shall order a transfer each quarter of fiscal year 2004-2005 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. 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 30, 2004, the vote thereon being as follows:

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

RESOLUTION #04-33

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 2005:

| | |
|---------------------------------------|------------|
| 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 30th day of June, 2004.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

Attest: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve the following wages and salaries for FY05 and to certify the same to the county auditor. All members voting aye thereon. Motion carried.

BENTON COUNTY FY2005 Wages

SUPERVISORS

| | | |
|-----------------|-------------|----------|
| Ron Buch | \$32,030.01 | per year |
| David Vermedahl | \$32,030.01 | per year |
| Jason Sanders | \$32,030.01 | per year |

AUDITOR'S OFFICE

| | | |
|---|-------------|----------|
| Jill Marlow, Auditor | \$46,593.88 | per year |
| Delane Kalina | \$37,275.10 | per year |
| Hayley Rippel | \$30,286.03 | per year |
| Brenda Sutton (50% Auditor and 50% Election) | \$34,945.40 | per year |

TREASURER'S OFFICE

| | | |
|------------------------------|-------------|----------|
| Kelly Rae Geater, Treasurer | \$46,593.88 | per year |
| Kimberly Staab | \$37,275.10 | per year |
| Michele Sauer | \$32,615.72 | per year |
| Melinda Schoettmer | \$27,956.33 | per year |
| Rosemary Sackett | \$20,687.55 | per year |
| Joy McGowan | \$23,687.55 | per year |
| Ruth Schwarzkopf (part-time) | \$8.50 | per hour |
| Nancy Jorgensen (part-time) | \$8.50 | per hour |
| Kristin Hopper (part-time) | \$7.21 | per hour |

RECORDER'S OFFICE

| | | |
|------------------------|-------------|----------|
| Betty Wright, Recorder | \$46,593.88 | per year |
| Sharon Stueck | \$37,275.10 | per year |
| Nancy Good (part-time) | \$ 10.63 | per hour |

ATTORNEY'S OFFICE

| | | |
|----------------------------------|-------------|----------|
| David Thompson, Co Attorney | \$71,709.12 | per year |
| Anthony Janney, Asst Co Attorney | \$60,952.75 | per year |
| Mary Ann Blumer | \$31,827.00 | per year |
| Betty Stone (part-time) | \$15.12 | per hour |
| Diana Johnson (part-time) | \$10.63 | per hour |

MH-MR-DD RELIEF OFFICE

| | | |
|--|-------------|----------|
| Mary Williams, Director (5% Relief and 95% MH-DD Service) | \$39,047.30 | per year |
| Carol Zander (full-time) (25% Relief and 75% MH-DD Service) | \$10.61 | per hour |
| Donna Gordon (part-time) (25% Relief and 75% MH-DD Service) | \$ 8.49 | per hour |

DATA PROCESSING DEPARTMENT

| | | |
|--------------------------|-------------|----------|
| Mary McLaughlin, Manager | \$48,076.71 | per year |
| Roger Witt | \$35,229.52 | per year |

VETERANS AFFAIRS

| | | |
|-----------------------------|------------|----------|
| Walter Kollmorgan | \$9,537.87 | per year |
| Ervin Glinsmann (part-time) | \$55.00 | per day |

COURTHOUSE MAINTENANCE

| | | |
|-----------------|-------------|----------|
| Rick Bramow | \$30,596.36 | per year |
| Dennis Thompson | \$28,957.27 | per year |

DISASTER SERVICES

| | | |
|-----------------|-----------------------------|-----------|
| Robert Spangler | Scott E. Hansen \$43,992.00 | per year |
| | \$85.00 | per month |

SOCIAL SERVICE MAINTENANCE

| | | |
|-----------------|---------|----------|
| Beverly Baldwin | \$ 8.27 | per hour |
|-----------------|---------|----------|

SANITARIAN-LAND USE

| | | |
|---|-------------|----------|
| Marc Greenlee, Administrator (40% Sanitarian and 60% Land Use) | \$50,809.62 | per year |
| Barbara Greenlee (62-½% Sanitarian and 37 ½% Land Use) | \$31,827.00 | per year |

TRANSPORTATION DEPARTMENT

| | | |
|------------------------|-------------|----------|
| Mary Halstead, Manager | \$32,781.81 | per year |
|------------------------|-------------|----------|

| | | | |
|---------------------------------|---------|--|----------|
| Dana Burmeister (full-time) | \$11.67 | | per hour |
| Marjorie Bergert (part-time) | \$ 9.55 | | per hour |
| Leo Brummer (part-time) | \$ 9.55 | | per hour |
| Cletus Friedman (part-time) | \$ 9.55 | | per hour |
| Catherine Wilkinson (part-time) | \$ 9.55 | | per hour |
| E. Duane Eldred (part-time) | \$ 9.55 | | per hour |
| James Fuller (part-time) | \$ 9.55 | | per hour |
| Eloise Harvey (part-time) | \$ 9.55 | | per hour |

SHERIFF

| | | | |
|-----------------------------|-------------|--|----------|
| Kenneth Popenhagen, Sheriff | \$59,689.12 | | per year |
|-----------------------------|-------------|--|----------|

| | | | |
|---------------------|--------------------|------------------|---------------------|
| Chief Deputy | <u>Annual Base</u> | <u>Longevity</u> | <u>Total Annual</u> |
| Randall Forsyth | \$50,735.75 | \$374.40 | \$51,110.15 |

Matrons part time

| | | | |
|------------------|---------|--|----------|
| Brenda Hackbarth | \$10.32 | | per hour |
| Mary Rogers | \$10.32 | | per hour |
| Sadja Sondag | \$10.32 | | per hour |

Contract Typing part time

| | | | |
|------------|---------|--|----------|
| Tina Ehrig | \$10.63 | | per hour |
|------------|---------|--|----------|

SECONDARY ROADS

Administration

| | | | |
|----------------------------------|-------------|--|----------|
| Myron Parizek, Engineer | \$72,731.91 | | per year |
| Nickolas Rissman, Asst. Engineer | \$43,775.00 | | per year |
| John Cody Hager, Engineer Tech. | \$15.00 | | per hour |
| Elaine Bolton, Office Manager | \$30,766.10 | | per year |
| Penny Applegarth | \$21,748.45 | | per year |

Management

| | | | |
|----------------|--------------------|------------------|---------------------|
| | <u>Hourly Base</u> | <u>Longevity</u> | <u>Total Hourly</u> |
| Daniel Higdon | \$16.46 | \$0.20 | \$16.66 |
| Morris Higgins | \$16.46 | \$0.30 | \$16.76 |
| Pam Gorsch | \$12.21 | per hour | |

WEED COMMISSION

| | | | |
|------------------|---------|----------|------------------|
| Michael Beumer | \$15.17 | \$0.05 | \$15.22 per hour |
| Bruce Anderson | \$15.02 | \$0.05 | \$15.07 per hour |
| Robert Beyer | \$ 8.75 | per hour | |
| Donovan Merchant | \$ 8.50 | per hour | |

SHERIFF UNION

Administration

| | | | |
|--------------------------------------|---------|--------|------------------|
| Jackie Michael, Office Administrator | \$15.17 | \$0.05 | \$15.22 per hour |
| Melissa Woodley, Office Secretary | \$11.78 | | \$11.78 per hour |

Full Time Deputies

| | | | |
|-------------------|--------------------|------------------|---------------------|
| | <u>Hourly Base</u> | <u>Longevity</u> | <u>Total Hourly</u> |
| Michael Ferguson | \$18.90 | \$0.18 | \$19.08 |
| John Austin | \$18.41 | \$0.18 | \$18.59 |
| Mark Johnson | \$17.90 | \$0.10 | \$18.00 |
| John Lindaman | \$17.44 | | \$17.44 |
| Ronald Tippett | \$17.44 | | \$17.44 |
| Christopher Rider | \$17.44 | | \$17.44 |
| Mark Phippen | \$17.94 | | \$17.94 |
| Jerry Michael | \$17.94 | \$.05 | \$17.99 |

Dispatcher/Jailer (Full-time)

| | | | |
|-------------------|--------------------|------------------|---------------------|
| | <u>Hourly Base</u> | <u>Longevity</u> | <u>Total Hourly</u> |
| Dorothy Wild | \$15.77 | \$0.18 | \$15.95 |
| Susan Nelsen | \$15.36 | \$0.10 | \$15.46 |
| Dawn Dunkelberger | \$14.74 | \$0.05 | \$14.79 |
| Kyla Davis | \$13.51 | \$0.05 | \$13.56 |
| Sherri McGowan | \$14.74 | \$0.18 | \$14.92 |
| William Reese | \$14.74 | \$0.05 | \$14.79 |
| Michael Merino | \$13.51 | \$0.05 | \$13.56 |
| Martin Halstead | \$12.59 | | \$12.59 |
| Timothy Petersen | \$12.59 | | \$12.59 |
| Russell Denison | \$12.59 | | \$12.59 |

Dispatcher/Jailer (Part-time)

| | | | |
|---------------------|---------|--|----------|
| Kimberly McCullough | \$13.51 | | per hour |
| Michelle Thomson | \$12.59 | | per hour |
| William Thorman | \$12.59 | | per hour |
| Jeremy Fisher | \$12.59 | | per hour |

Reserve Peace Officer (part time)

| | | | |
|---------------|---------|--|----------|
| Gary Benson | \$15.46 | | per hour |
| Dan Benson | \$15.46 | | per hour |
| Russell Glime | \$15.46 | | per hour |
| Gene Clerkin | \$15.46 | | per hour |
| Larry Feaker | \$15.46 | | per hour |
| James Rich | \$15.46 | | per hour |

Food Service/Janitorial

| | | |
|-------------------------------|---------|----------|
| Terri Higdon (full-time) | \$12.94 | per hour |
| Doris Trefz (full-time) | \$12.49 | per hour |
| Bonnie Ehlinger (part-time) | \$12.49 | per hour |
| LaDonna Fairbanks (part-time) | \$11.33 | per hour |
| Mary Rogers (part-time) | \$11.33 | per hour |
| Sadja Sondag (part-time) | \$10.12 | per hour |

DEA Assistant

| | | |
|------------|---------|----------|
| Sara Olson | \$10.30 | per hour |
|------------|---------|----------|

SECONDARY ROADS UNION

| | <u>Class</u> | <u>Base</u> | <u>Longevity</u> | <u>Total</u> |
|---------------------|--------------|-------------|------------------|--------------|
| Jack Hopper | VID | \$15.60 | \$0.30 | \$15.90 |
| Roy Staab | VG | \$15.19 | \$0.30 | \$15.49 |
| Roger Junge | IVD | \$15.08 | \$0.30 | \$15.38 |
| Lyle Bolton | IVC | \$15.01 | \$0.25 | \$15.26 |
| Daniel Carroll | VG | \$15.19 | \$0.25 | \$15.44 |
| Brian Hartz | IC | \$13.87 | \$0.25 | \$14.12 |
| Larry Christianson | IVD | \$15.08 | \$0.25 | \$15.33 |
| Roger Calvert | IVD | \$15.08 | \$0.25 | \$15.33 |
| Michael Benson | IVD | \$15.08 | \$0.20 | \$15.28 |
| William Garbers Jr. | IVC | \$15.01 | \$0.20 | \$15.21 |
| Dennis Hamlett | IVD | \$15.08 | \$0.20 | \$15.28 |
| Marvin Andrews | VG | \$15.19 | \$0.20 | \$15.39 |
| Roger Sturtz | IVC | \$15.01 | \$0.20 | \$15.21 |
| Anthony Behounek | VD | \$15.24 | \$0.15 | \$15.39 |
| Randall Sherwood | IVD | \$15.08 | \$0.15 | \$15.23 |
| John Mayhew | VG | \$15.19 | \$0.15 | \$15.34 |
| Thomas Johnson | IVC | \$15.01 | \$0.15 | \$15.16 |
| Michael Gardemann | VIC | \$15.19 | *\$.25+ \$.15 | \$15.59 |
| Mark Kelty | IIID | \$15.01 | \$0.15 | \$15.16 |
| John Beck Jr. | IVD | \$15.08 | \$0.15 | \$15.23 |
| Michael Myers | IVD | \$15.08 | \$0.10 | \$15.18 |
| Richard Meyer | ID | \$15.01 | \$0.10 | \$15.11 |
| Mark Wessling | IVC | \$15.01 | *\$.25+ \$.10 | \$15.36 |
| Scott McLaughlin | VID | \$15.60 | \$0.05 | \$15.65 |
| Scott Gladson | IVD | \$15.08 | \$0.05 | \$15.13 |
| Steve DeWitt | IVD | \$15.08 | \$0.05 | \$15.13 |
| Marc Merchant | VG | \$15.19 | \$0.05 | \$15.24 |
| Joshua McGowan | IVD | \$15.08 | \$0.05 | \$15.13 |
| Douglas Kearns | VD | \$15.24 | \$0.05 | \$15.29 |
| Don Burkey | VD | \$15.24 | \$0.05 | \$15.29 |
| Charles Johnston | VG | \$15.19 | \$0.05 | \$15.24 |
| William Grimm | VD | \$15.24 | | \$15.24 |
| Daniel McKenna | VD | \$15.24 | | \$15.24 |
| Kenneth Bahr | IVD | \$15.08 | | \$15.08 |
| Jeff Winsor | VG | \$15.19 | | \$15.19 |
| Matthew Cherveney | IIIC | \$15.01 | | \$15.01 |
| Mark O'Brien | IVD | \$15.08 | | \$15.08 |

(* Landfill License)

Kenneth Erickson (part-time) \$8.75 per hour

Steve Wheeler (part-time) \$8.50 per hour

Jarrod Hendricks (part-time) \$8.75 per hour

ASSESSOR'S OFFICE

| | | |
|--------------------------|-------------|----------|
| Larry Andresen, Assessor | \$50,833.00 | per year |
| Diane Buckingham | \$37,054.00 | per year |
| Janice Sarchett | \$35,901.00 | per year |
| Danelle Yeager | \$21,500.00 | per year |

CONSERVATION

| | | |
|-----------------------------------|-------------|----------|
| Gary Fordice, Director | \$40,170.00 | per year |
| Karen Phelps, Naturalist | \$25,750.00 | per year |
| Kraig Myers, Hannen Park Ranger | \$25,720.00 | per year |
| Scott Bahmann, Rogers Park Ranger | \$30,900.00 | per year |
| Jon Geiger, River Park Ranger | \$28,799.00 | per year |
| Everett Leonard, Maintenance | \$28,799.00 | per year |
| Ryan Rotter (part-time) | \$9.00 | per hour |
| Larry Steffen (part-time) | \$9.00 | per hour |

The Board reviewed the appointment of Don Martin as Civil Rights Coordinator for Benton County pursuant to the county's policy. No change was noted.

Moved by Vermedahl, seconded by Buch, to approve the law enforcement agreements with the City of Walford, the City of Norway, and the City of Atkins. All three agreements were for \$9,360.00 for 520 hours of coverage. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 6, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 30, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set July 30, 2004 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Paul Pate on a parcel located in a Part of the NW1/4 of the NE1/4 of 25-85-10. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to maintain membership in Eastern Iowa Tourism for FY05. All members voting aye thereon. Motion carried.

Gary Fordice met with the Board to provide an update on conservation activities. Fordice commented that conservation incurred substantial damage due to the flooding and was eligible to receive over \$50,000 in assistance from FEMA. Fordice also stated that he is monitoring the quality of water at the lakes and wells in the parks. Fordice also updated the Board on the Benton County Conservation Foundation being created, stating that the status is pretty much the same as last month. Fordice reported that Craig Myers, Hannen Park Ranger, has submitted his resignation.

Randy Forsyth and the county attorney met with the Board regarding the purchase of a prefabricated building for the communications tower site. The county's consultant contacted Forsyth that he was reviewing a prefabricated building and although he had not completed his review, it was his opinion that the building would meet, if not exceed the county's requirements. The consultant advised that the building would probably be half the cost of constructing a new facility. The building has been in use for approximately five years and is priced at \$22,000.00 - \$24,000.00, including a generator. The building is currently sixty miles outside of New Orleans. He stated that the building should have a physical inspection before any decisions are made; however the consultant would like to know the Board's intent with regard to the building. The consultant has an office in Dallas, Texas and it may be possible to have an engineer from that office inspect the building. The facility is pre-wired for single phase. Supervisor Vermedahl stated that he believed the Board should further investigate purchasing the building. It is estimated that shipping would be in the range of \$4,000.00, with an additional \$5100.00 to load it. This does not include the costs to unload the building and set it once it arrived at the tower site. Supervisor Vermedahl questioned if insurance was included in the costs. The consultant advised that the costs of the transportation company and the craning company for loading included insurance. The consultant is to research the cost of having one of their Dallas office employees physically inspect the building. The county attorney cautioned the Board to make sure all negotiated costs is in writing and that the county was assured that the building was in fact owned by the company claiming ownership. Supervisor Vermedahl stated that he believed the consultant and his company should do all of the legwork relative to purchasing the building. The county attorney advised that bidding would not be required for the purchase of the constructed building; however, bidding would need to be completed on any construction work for preparing and setting the building on the site, except for work done by the county. The county attorney stated that unloading the building from the truck would not be subject to bidding requirements.

Carol Schellhase asked the Board about the possibility of establishing a private cemetery on private property. The Board directed Schellhase to the county attorney for direction.

The Board met with Mary Halstead to discuss personnel matters. Halstead requested that the Board go into closed session pursuant to Iowa Code 21.5 (i). Moved by Buch, seconded by Vermedahl, to enter into closed session. All members voting aye thereon. Motion carried at 10:35 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 10:45 a.m.

Moved by Vermedahl, seconded by Buch, to take the necessary action regarding the employee matter discussed in closed session, and to further direct the auditor to draft the necessary paperwork as discussed and authorize the chair to sign said document upon completion. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the auditor's and sheriff's quarterly reports for the period ending June 30, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Plan Authorization to Bind Coverage regarding the county's insurance carrier, Heartland Insurance Risk Pool. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 9, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 6, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve law enforcement contracts with the City of Garrison for 156 hours of coverage at \$2,808.00 per year and the City of Keystone for \$4,680 for 260 hours of coverage. All members voting aye thereon. Motion carried.

Randy Forsyth and Eric Benson met with the Board to discuss inspection of a prefabricated building to house the radio equipment at the communications tower. The consultant has given a quote to inspect a building located near New Orleans at a cost not to exceed \$2,000.00, including all expenses. Benson advised that two crane companies have viewed the facility regarding removing the building from the site and placing it on a truck. The cost to unload after arriving at the site is estimated to be \$1,200.00 depending on the time involved.

Moved by, seconded by, to adopt Resolution #04-35. Sanders, Vermedahl, and Buch voting aye. Nays none. Motion carried.

RESOLUTION #04-35

WHEREAS, Iowa Code 331.554(7) provides for the cancellation of outstanding warrants; and

WHEREAS, the Benton County Auditor has requested that outstanding warrants issued prior to July 1, 2002, be cancelled,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following warrants be and are hereby cancelled. Each warrant shall be credited to the fund upon which the warrant was drawn. Further, a person may file a claim with the auditor for the amount of the cancelled warrant within five years from this date, and upon showing of proper proof that the claim is true and unpaid, the auditor shall issue a warrant drawn upon the fund from which the original cancelled warrant was drawn.

General Basic Fund

| | | | |
|---------|--------|-------------------|---------------------------|
| 7/01/01 | #11754 | \$ 11.62 | Milne, William |
| 8/01/00 | #20657 | \$370.63 | Lucent Technologies, GEM |
| 8/01/00 | #20691 | \$ 43.75 | Virginia Gay Hospital |
| 8/1/01 | #26669 | \$249.01 | USI Inc |
| 12/1/01 | #28861 | \$ 18.98 | Farm Plan |
| 4/23/02 | #42697 | \$ 48.00 | Baker Paper Co., Inc. |
| 5/21/02 | #43494 | \$ 26.00 | Dept of Natural Resources |
| 5/21/02 | #43594 | \$137.32 | Qwest |
| 5/21/02 | #43626 | \$169.82 | United States Cellular |
| | | <u>\$1,075.13</u> | |

General Supplemental Fund

| | | | |
|---------|--------|----------------|-----------------------|
| 9/1/00 | #21063 | \$ 24.40 | Dallas County Sheriff |
| 1/01/01 | #23274 | \$ 11.92 | Ronald Ray Rommann |
| | | <u>\$36.32</u> | |

Assessor Fund

| | | | |
|----------|--------|-----------------|-----------------------------|
| 8/01/01 | #26641 | \$100.00 | Department of Revenue |
| 12/01/01 | #28762 | \$ 20.07 | Worldcom Technologies, Inc. |
| | | <u>\$120.07</u> | |

Grand Total: \$1,231.52

This resolution adopted on the 9th day of July 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve a cigarette permit for Garden Gate Market for the year ending June 30, 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the appointment of Dr. Mark Dearden as a Benton County Deputy Medical Examiner. All members voting aye thereon. Motion carried.

The Board discussed the problems being incurred by rural residents located in subdivisions with rural addressing. Nancy Coughlin, Palo Postmaster, Laura Myers and Jerry Patterson, Randy Forsyth, and Scott Hansen were present. Discussion included creating different street names for private roads in subdivisions and unique house numbers.

The Board created a committee to continue to review the ordinance consisting of Jason Sanders, Randy Forsyth, Scott Hansen, and residents of Longview Estates subdivision. The committee is to return to the Board with additional recommendations.

Kelly Geater met with the Board to discuss the air conditioning in her north office. The unit is approximately 3 years old and is not able to keep the room cool. After checking with the vendor, the treasurer was advised that the unit was too small for the office. The vendor has offered to take the unit on a trade-in and install a larger unit for approximately \$2,000.00. The unit placed in the auditor's office was approximately \$4,000.00 and is a central type air-conditioner. The Board requested that quotes be obtained for replacing the unit.

The engineer met with the Board and recommended that the county purchase a Caterpillar road grader. Bids for road graders were presented to the Board on June 30, 2004. At that time, the engineer requested an opportunity to view the Volvo equipment. The engineer advised that he had tested a Volvo and prior issues with Volvo equipment had been addressed and that Volvo had provided a guaranteed buy-back should the county determine the unit is not performing to expectations. Moved by Vermedahl, seconded by Buch, to award the bid to Sprietzer, Inc. for a Volvo G726B road grader at a cost of \$142,000.00. All members voting aye thereon. Motion carried.

The engineer spoke with the Board about repair and replacement issues relative to the boilers and hot water heaters at the Cedar Valley Ranch. The engineer advised that he gave authority to Young Plumbing & Heating to repair the domestic hot water heater due to the safety, health, and welfare of the residents before bringing to the Board. The cost is approximated at \$14,000.00. The engineer is going to further research the boiler issues.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

July 13, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 9, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Purchase of Service Agreement between Associates for Behavioral Healthcare and Benton County, for the following services and rates: Initial Evaluation - \$150.00, Medical Testimony/Initial Hearing - \$160.00, Daily Care - \$50.00/day, Discharge Plan - \$100.00. The agreement is for the period July 1, 2004 through June 30, 2005. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board regarding the inspection of a prefabricated building located near New Orleans. The building, if purchased, would be placed at the communications tower site for housing radio equipment. Moved by Buch, seconded by Vermedahl, to hire CCG Consulting, Inc. of Baton Rouge, Louisiana, to provide an inspection of the building at a cost not to exceed \$700.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve Law Enforcement Agreements with the City of Blainstown for 780 hours coverage at \$14,040.00 annually, and the City of Newhall for 780 hours of coverage at \$14,040.00 annually. All members voting aye thereon. Motion carried.

The Board discussed the idea of a county keg registration ordinance. The Community Health Action Partnership located in Keokuk County, Iowa, is appealing to all counties in Iowa to pass either a countywide keg registration ordinance or support a statewide initiative for keg registration. The ordinance would require that all kegs be given a unique number and assigned to each purchaser. This will enable law enforcement to track down the purchaser of a keg if needed. The goal is to reduce the amount of underage drinking and impact the amount of binge drinking. The Board requested that the ordinance be reviewed by the county attorney.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 64808 through 65222, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a Utility Permit for Qwest Communications to place utility lines in the county's right-of-way along 25th Ave Drive in section 3 of Taylor Township. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account in Blainstown as of June 30, 2004 was \$65,903.81 with an outstanding check of \$64,851.75.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

July 20, 2004

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 13, 2004. Both members voting aye thereon. Motion carried.

Richard Grovert met with the Board to discuss disposal of material left at Youngville after the cabins were burned. Grovert requested that the county take care of the removal and disposal. The Board advised that they would speak with the county engineer regarding the matter.

Grovert also spoke to the Board about his disapproval of the fine assessed against the current owner of Becker Auto Salvage for having junk on agricultural land when directly across the road is used machinery on agricultural land.

The Board considered the purchase of a pre-constructed building to be used at the radio communications tower site. The building is located in Franklin, Louisiana. The Board hired CCG Consulting, Inc. to conduct an independent inspection of the building and the report submitted by the consulting firm reported no problems with the building. The Board spoke with the county's consultant on the overall communications tower project and it was the consultant's recommendation that the county purchase the building. Moved by Buch, seconded by Sanders, to enter into a Sale Agreement between Benton County and TDW, Inc. for the purchase of a pre-constructed building located in Franklin, Louisiana at a cost of \$22,999.00. Terms of the purchase are 50% down and 50% on delivery or by August 30, 2004 whichever comes first. The building is sold as is, where is, with no warranty. The county is responsible for all shipping and related expenses. Title remains with the seller until final payment. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the treasurer's semi-annual report. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #04-36. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #04-36

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from July 19, 2004, through the completion of the project.

From the NW corner of Section 19-T84N-R9W thence east approximately 1 mile to the NE corner of Section 19-T84N-R9W along 65th Street in Canton Township.

Signed this 20th day of July 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

Ronald R. Buch

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Buch, seconded by Sanders, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way under 71st Street Lane in Fremont Township. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the application by the Belle Plaine Ambulance for the Adopt-a-Highway Program along E66/V40 (Old Highway 131). Both members voting aye thereon. Motion carried.

The Board spoke with the county engineer regarding the request to remove the debris from the Youngville Café. The engineer advised that he would look into the matter.

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

Jason Sanders, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

July 27, 2004

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 20, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 65414 through 65766, for payment (65414 was voided). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Vinton Unlimited's request to use the courthouse lawn on July 31, 2004, for Vinton's Cat & Dog Days. All members voting aye thereon. Motion carried. The conservation board accepted the resignation of Kraig Myers, the current Hannen Park Ranger effective August 12, 2004, and hired Ryan Rotter as his replacement.

The Board spoke via telephone with Bill Cappuccio of the Department of Natural Resources regarding the Flood Insurance Program (FIP). Benton County does not currently participate in the Flood Insurance Program and therefore is not able to provide federal assistance to certain areas. Cappuccio explained the National Flood Insurance Program and the State Flood Insurance Program. He advised that the Department of Natural Resources requires a permit for all development and will provide all technical assistance needed. He stated that the county would not incur any costs with the program, that surveying is not required, and the county will only have to adopt an ordinance and enforce the regulations to participate in the program. Participation will allow for federal assistance in flood areas. He explained that

agricultural uses are not exempt under the FIP and require permitting the same as any other development in the flood plain.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 30, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 27, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 24, 2004, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Delbert and Phyllis Holman on a parcel located in a Part of the SW1/4 of the NW1/4 of 36-86-9. 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 Paul and Velma Pate, 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 Buch, seconded by Vermedahl, to allow a change from the original application for a change from two acres to three acres, and to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance on approximately three acres on a parcel generally described as being located in a Part of the NW1/4 of the NE1/4 of 25-85-10 (Taylor East) for a single residential use, Supervisor Vermedahl reminded the applicants that they are moving to a rural area with farming activities, no city water and sewer, and no paved road. The applicants advised they were aware of those conditions. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a law enforcement agreement with the City of Mt. Auburn providing for 26 hours of coverage per year at an annual cost of \$468.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a change in employment status of Jeremy Fisher from part-time to full-time correctional officer at the Benton County Sheriff's Department, effective July 24, 2004. All members voting aye thereon. Motion carried.

The auditor spoke with the board regarding the county issuing a letter regarding non-issuance of a "certificate of occupancy" being required by the major lending companies. Major mortgage companies are requiring a certificate of occupancy, which in essence states that the structure complies with all building codes, and is suitable for occupancy. Benton County has not adopted building codes in the unincorporated area of the county and therefore cannot issue a certificate of occupancy. Marc Greenlee, Land Use Administrator, stated that his office has been contacted on numerous occasions over the past year regarding the issuance of a letter stating that no certificate of occupancy is issued for structures in the unincorporated areas of the county, but he did not believe that he had the authority to issue such a document. Moved by Vermedahl, seconded by Buch, to request the auditor to draft a letter regarding the non-issuance of a certificate of occupancy and request that the county attorney review said draft. Upon approval of the county attorney, the letter is to be brought back to the board for final approval. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss a client appeal on a denial of general assistance. Moved by Buch, seconded by Vermedahl, to enter into closed session pursuant to 21.5(1)(a). All members voting aye thereon. Motion carried at 9:50 a.m.

Moved by Buch, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 10:35 a.m.

Moved by Vermedahl, seconded by Buch, that action regarding the client appeal be deferred to August 6, 2004, as allowed by the county's ordinance. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to designate the county engineer as the FEMA authorized representative for Benton County Secondary Roads. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 6, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 30, 2004. All members voting aye thereon. Motion carried.

Renae Tharp with Benton Development Group requested that the Board release \$7400.00 for grants approved by BDG. The grants were as follows: \$3,400.00 to Blairstown, \$2,000 to Newhall Lions, and \$2,000.00 to Mt Auburn Youth Council. Moved by Buch, seconded by Vermedahl, to release \$7,400.00 to Benton Development Group as requested. Both members voting aye thereon. Motion carried.

Renae Tharp also spoke about the creation of a Benton County Community Foundation. Tharp advised that BDG intends to move forward with the creation of a Benton County Community Foundation. The State passed legislation that will provide gambling revenue to certain counties through community foundations. Jill Marlow, Auditor, stated that she has been attending meetings on the legislation and advised that county government cannot serve as the community foundation; however she had contacted an attorney to begin drafting the necessary legal work to create a foundation in anticipation that a group would be organized to serve on the foundation's board. Marlow's opinion was that the community foundation was much broader than economic development and a diverse group including education, legion, religion, etc. would be appropriate. Tharp advised that BDG would create a sub-group to serve on the board of a community foundation with representation from BDG on that board. Supervisor Vermedahl explained how other foundation boards are comprised and suggested that the attorney meet with BDG and others so insure that the documents are drafted to allow the flexibility needed to create a diverse board to oversee the foundation. The State has given an October 1st deadline for the foundations to apply for the gambling revenues.

Moved by Buch, seconded by Vermedahl, to uphold the decision of the Benton County Social Services Director to deny services relative to the client appeal hearing held on July 30, 2004 due to the client not meeting the eligibility guidelines set forth in Benton County Ordinance #3. Both members voting aye thereon. Motion carried.

Don Martin spoke with the Board regarding the brush dump stating that people as far away as Urbana are able to use the dump. Martin stated that no other brush dumps are in the surrounding area. Martin stated that the facility is run in accordance with DNR regulations and is expensive to operate. Martin stated that the city's budget is approximately \$26,000 with \$14,000 is for wages. Vinton has prohibited non-residents from using the brush site; however during the disaster it has been opened to all county residents. The City has been receiving complaints that the brush area is not open enough hours and the City needs additional funding and is requesting that Benton County contribute financially and then the facility will be open to all county residents similar to the dog pound. The City is requesting that the county contribute \$13,000.00. The matter was placed on the August 10th agenda for a decision.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Coon Creek Telephone to place utility lines in the county's right-of-way in various locations in Iowa Township. Both members voting aye thereon. Motion carried.

The county engineer requested that the board approve the purchase of a used 1996 Caterpillar end loader at a cost of \$57,600.00 from Altorfer Machinery. The engineer advised that he has been searching for a used end loader for a while and this machine has been the best value. Moved by Buch, seconded by Vermedahl, to approve the purchase of a Caterpillar end loader Model 924F at a cost of \$57,600.00 from Altorfer Machinery. Both members voting aye thereon. Motion carried.

The engineer reported that the landfill account was at \$8,017.64 on July 31, 2004.

The engineer spoke about the Pigman Triathlon being held on August 15th, 2004. The event will run north of Shellsburg to the Oak Grove Church then west into Vinton on the county home road instead of going west of Shellsburg as usual do to the closed road.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-37. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

Resolution #04-37

BE IT RESOLVED by the Benton County Board of Supervisor that the taxes due for collection 04/04 is fully abated on parcel #440-07250 pursuant to Iowa Code 445.63.

Dated this 6th day of August 2004.

Benton County Board of Supervisors

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to enter into the Subrecipient Agreement for Federally Funded Project with Poweshiek Water Association relative to Community Development Block Grant Contract #03-WS-040. Both members voting aye thereon. Motion carried.

SUBRECIPIENT AGREEMENT FOR FEDERALLY FUNDED PROJECT

THIS CONTRACT, made and entered into this ____ day of _____, 2004 by and between **BENTON COUNTY, IOWA**, (hereinafter called the "Local Government"); and, **POWESHIEK WATER ASSOCIATION**, (hereinafter called "the Subrecipient") WITNESSETH THAT:

WHEREAS, Local Government, at the request of the Subrecipient, has applied to the Iowa Department of Economic Development for a grant of federal funds from the U.S. Department of Housing and Urban Development pursuant to Title I of the Housing and Community Development Act of 1974 and Chapter 23 of the Iowa Administrative Code to: **Install, own and operate a wastewater collection system and treatment facility in the unincorporated community of Watkins**; and,

WHEREAS, the Local Government has been awarded a grant of funds as aforesaid in the amount of **\$109,000** subject to the condition that the subrecipient provide a local matching contribution in the amount of **\$535,450**; for a total project cost of \$644,450.

WHEREAS, the parties hereto desire to make a written agreement with respect to said funds and the implementation of the project to which they pertain;

NOW, THEREFORE, the parties hereto have agreed to the terms and conditions as hereafter stated:

Section 1. Matching Funds. The Subrecipient shall expend the sum of \$ 535,450 of its own funds constituting 100 % of the local matching contribution for the construction of a wastewater treatment facility in Watkins, IA. These funds shall be used along with CDBG funds to pay all bills incurred (with the exception being CDBG grant administration). Outstanding bills shall be paid in the following manner, if at all practicable:

17% CDBG funds;
83% Match funds;

In order to aid the Local Government in satisfying all state requirements in regards to the keeping of records, the subrecipient shall file with the East Central Iowa Council of Governments (hereinafter called the " administrator") copies of all bills to the administrator's office by the 10th of each month. Bills will be prepared and submitted to the Local Government by the 15th of every month. While compiling the bills, the administrator will determine the amounts to be paid from each source according to the percentages described herein. The subrecipient will be notified by the administrator as to the amount needed from the outside source.

When the Local Government receives the CDBG funds requested of the Iowa Department of Economic Development, the Local Government shall deposit such funds into the Local Government's Community Development Account. The Local Government shall transfer payment for administration of the Community Development Block Grant to the administrator, and the remainder to the subrecipient. The subrecipient shall then pay all bills to be covered by CDBG as well as outside funds, calculated at the above percentages. The subrecipient shall keep accurate records as necessitated by the above requirements.

Section 2. Construction Contracts and Services. The subrecipient shall, for the purpose of constructing the aforesaid proposed project, proceed forthwith to engage the services of an architect/engineer, adopt plans and specifications, and award construction contracts in accordance with the laws and regulations of the State of Iowa and of the United States. Procurement is subject to the final concurrence of the Local Government and the Iowa Department of Economic Development.

Section 3. Administration. The administration of the CDBG Contract **#03-WS-040** and all transactions involving the expenditure of any of the grant funds within the scope of said contract shall be the sole prerogative of the [Local Government] carried out in such manner as it deems appropriate and consistent with Title I of the Housing and Community Development Act of 1974 and 261--Chapter 23 of the Iowa Administrative Code.

Section 4. Property Ownership. Any and all improvements or property, real or personal, constructed, installed, or acquired pursuant to this contract shall be and remain the property of the Subrecipient. If, from the date funds are first spent for the property until five years after closeout of the Local Government's grant the use or planned use of the property is proposed to be changed, then the subrecipient shall notify the Local Government of the proposed change. The Local Government shall contact the Iowa Department of Economic Development for instructions on how to proceed. If the Subrecipient proceeds with a use determined by the IDED to be inconsistent with the use of the CDBG funds, the Subrecipient shall reimburse the Local Government and the Local Government shall reimburse the IDED in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds.

Section 5. Proposed Project. The Subrecipient shall grant access to the premises and Subrecipients' program records for the Local Government and its contractors to perform such required functions consistent with the CDBG contract as the Local Government shall deem appropriate.

Section 6. Excess Costs. It is agreed that if the amount of the lowest responsible bids received for construction of the aforesaid project, plus the estimated cost of professional services and a reasonable reserve for contingencies exceeds the balance of grant funds and local funds committed to as stated in Section 1 of this agreement, all bids shall be rejected and the project redesigned so as to keep the maximum cost of the project less than the balance of grant and local funds. It is further agreed that if the construction of said project results in contractual liability of the Local Government in an amount greater than said grant funds, the Subrecipient shall reimburse the Local Government for such excess costs.

Section 7. Indemnification. The Subrecipient shall hold the Local Government and its officers and employees harmless from any and all claims, losses, damages or liability whatsoever resulting from or arising out of this contract or the project to which is pertains.

Section 8. Unallowable Costs. If Local Government determines at any time, whether through monitoring, audit, closeout procedures or by other means or process that the Subrecipient has expended funds which are unallowable, the Subrecipient will be notified of the questioned costs and given an opportunity to justify questioned costs prior to Local Government's final determination of the disallowance of costs. If it is Local Government's final determination

that costs previously paid by the Local Government are unallowable under the terms of the Agreement, the expenditures will be disallowed and the Subrecipient shall repay to Local Government any and all disallowed costs.

Section 9. Events of Default. The following shall constitute Events of Default under this Agreement:

- a. **Material Misrepresentation.** If at any time any representation, warranty or statement made or furnished to the [Local Government] by, or on behalf of the Subrecipient in connection with this Agreement or to induce the [Local Government] to make a grant to the Subrecipient shall be determined by the [Local Government] to be incorrect, false, misleading or erroneous in any material respect when made or furnished and shall not have been remedied to the [Local Government]'s satisfaction within thirty (30) days after written notice by the [Local Government] is given to the Subrecipient.
- b. **Noncompliance.** If there is a failure by the Subrecipient to comply with any of the covenants, terms or conditions contained in this Agreement.
- c. **Agreement Expiration Date.** If the Project, in the sole judgment of the [Local Government], is not completed on or before the Agreement Expiration Date.
- d. **Misspending.** If the Subrecipient expends Grant proceeds for purposes not described in the CDBG application, this Agreement, or as authorized by the [Local Government].
- e. **Insurance.** The following provision shall apply to Activity Number(s) 01. If loss, theft, damage or destruction of any substantial portion of the property of the Subrecipient occurs for which there is either no insurance coverage or for which, in the opinion of the [Local Government], there is insufficient insurance coverage.

Section 10. Notice of Default. Local Government shall issue a written notice of default providing therein a fifteen (15) day period in which the Subrecipient shall have an opportunity to cure, provided that cure is possible and feasible.

Section 11. Remedies upon Default. If, after opportunity to cure, the default remains, Local Government shall have the right, in addition to any rights and remedies available to it to do one or both of the following:

- a. exercise any remedy provided by law;
- b. require immediate repayment of up to the full amount of funds disbursed to the Subrecipient under this Agreement plus interest.

Section 12. Miscellaneous. Neither party to this contract shall assign its rights and obligations hereunder without the prior written authorization of the other party. This contract shall be governed by the laws of the State of Iowa. In the event any provision of this contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof. The terms and conditions of this contract may be amended only by written instrument executed by both parties and, when necessary, with the concurrence of the State of Iowa, Department of Economic Development. Such amendments include any deviation from the recipient program schedule, or other terms and conditions provided for by the Iowa Department of Economic Development contract number **03-WS-040** which is by this reference incorporated herein and made a part hereof of this Subrecipient agreement.

Section 13. Federal Laws. By virtue of the federal funding provided for under this agreement, the parties hereto shall be bound by and adhere to all applicable federal laws, rules, policies, orders and directions, including by way of specification but not limited to the following:

- a. The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 and implementing regulations; Executive Order 11063; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d-1), and the Americans with Disabilities Act, as applicable (P.L. 101-336, 42 U.S.C. 12101-12213); and related Civil Rights and Equal Opportunity statutes; and regulations which supplement these laws and orders.
- b. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (24 U.S.C. 794).
- c. The requirements of Executive Order 11246 and the regulations issued under the Order at 41 CFR Chapter 60.
- d. The requirements of Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701.
- e. The requirements of Executive Orders 11625, 12432, and 12138. Consistent with responsibilities under these Orders, the provider must make efforts to encourage the use of minority- and women-owned business enterprises in connection with activities funded under this part.
- f. The maintenance of books, records, documents and other such evidence pertaining to all costs and expenses incurred and revenues received under this contract/subagreement to the extent and in such

detail as will properly reflect all costs, direct and indirect, of labor, materials, and equipment, supplies, services, and other costs and expenses of whatever nature, for which payment is claimed under their contract/subagreement as specified in 261--Chapter 23, Iowa Administrative Code and OMB Circular A-102.

- g. At any time during normal business hours and as frequently as deemed necessary, the parties heretofore shall make available to the Iowa Department of Economic Development, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this contract/subagreement and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment, and all other matters covered by this contract/subagreement.
- h. Others as applicable.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives.

LOCAL GOVERNMENT: _____

By: _____ Date: ____ / ____ / ____

Attested By: _____ Date: ____ / ____ / ____

SUBRECIPIENT: _____

By: _____ Date: ____ / ____ / ____

Attested by: _____ Date: ____ / ____ / ____

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-38. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

**RESOLUTION #04-38
PROCUREMENT POLICY**

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for Benton County related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 24 CFR; Part 85.36.

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
 - 1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:

- (a) A complete, adequate and realistic specification or purchase description is available.
 - (b) Two or more responsible bidders are willing and able to compete effectively for Benton County's business; and
 - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
2. When sealed bids are used for a procurement under a grant, the following requirements apply:
 - (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
 - (b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
 - (c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
 - (d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of Benton County indicates that such discounts are generally taken.
 - (e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals is generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
 1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
 3. Benton County shall have a method for conducting evaluations of the proposals received and for selecting awardees.
 4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
 5. Benton County may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
 1. The item is available from only a single source;
 2. After solicitation of a number of sources, competition is determined inadequate;
 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. The awarding agency (IDED) authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Department of Economic Development).
- E. Benton County will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the Iowa Department of Economic Development.

CONTRACT PRICING

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Benton County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

Benton County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Passed and adopted this 6th day of August, 2004.

Benton County Board of Supervisors

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The county treasurer met with the Board to discuss air conditioning in her office. The treasurer obtained quotes from several businesses about installing a different type of air conditioning system and also replacing the current style with larger units. Supervisor Vermedahl advised that he wanted to speak with Vinton Plumbing and Heating regarding the current system prior to making a decision.

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

David H. Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

August 10, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 6, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 65767 through 66142, for payment. Both members voting aye thereon. Motion carried.

Amy Peterson of East Central Iowa Council of Governments met with the Board to discuss various programs available for housing assistance. The Board requested that Peterson meet with Renae Tharp of Benton Development Group for coordination through that board. Tharp and Peterson, after meeting with the BDG board, will return with a recommendation.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-39. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #04-39
TAX ABATEMENT

WHEREAS, the City of Vinton took ownership of parcel #240-69350, and
WHEREAS, the prior owner paid the City of Vinton \$522.00 towards the property taxes due in 2004/2005, and
WHEREAS, the total tax bill for the parcel was \$726.00, and
WHEREAS, the City has requested that \$204.00 of the tax be abated,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$204.00 of the taxes due for the 2003 assessment year on parcel #240-9350 is abated as authorized under Iowa Code 445.63.

Dated this 10th day of August, 2004.

Benton County Board of Supervisors

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Don Maas met with the Board to request dust control be applied to a two-mile stretch of gravel road located between Highway 30 and 75th Street on 32nd Avenue. Mass stated that approximately 50 houses currently use that road and there is a large amount of dust being generated. Mass also asked if the property owners paid for the original application of oil and chips, if the county would be willing to maintain the dust control thereafter. Mass commented that safety issues are a concern due to the large amount of dust. The county engineer advised that a chip and seal application

would not hold up on that road and it would be a maintenance nightmare. The engineer stated that past experience of applying chip and seal on rock roads without a base would ultimately result in the surface being torn out in eighteen months. Maas stated that it would have been nice if the subdivisions had been placed on a hard surfaced road, but they were not and that the residents would be willing to share in the cost. The engineer gave a rough estimate of \$160,000.00 to upgrade the road and apply seal coat. Maas asked if there was something else that could be done besides upgrading the road to that extent. The Board explained that maintenance was not the factor in considering the request, but providing a base to hold the road surface was the major consideration. Maas reiterated the concerns of the residents that someone would get killed due to the dust. Maas stated that they understood it was a gravel road when they located there, but so many additional residences have been built in the area that the road usage has increase dramatically. The Board advised that whatever they would do it would have to be applied consistently across the county. Maas requested the Board take his request under consideration.

The county engineer updated the Board on the status of the Oak Grove Road project. The engineer advised that he and his staff continue to work on the project, but did not provide a detailed update.

Don Martin, Vinton City Coordinator, returned to the Board to continue the discussion regarding the county's involvement in the expenses for operating the city owned brush site. Martin had requested that the county consider funding part of the operation allowing all county residents to utilize the site. Supervisor Buch commented that by providing an area in the northern part of the county for brush, may keep the wood product out of the landfill and ultimately reduce the county's expenses there. Moved by Buch, seconded by Vermedahl, to cooperate with Vinton and provide \$7,000.00 annually in funding for the Tree Trimming, Burning, and Compost Facility located in Vinton, said funding is to be paid quarterly. Both members voting aye thereon. Motion carried.

The county engineer discussed Cedar Valley Farms' request to place a buried manure line in the county's right-of-way. The dairy is planning on placing buried manure lines on private property; however they will need to go under the county roadway in two locations. The engineer advised that he had initially planned to handle the request as a utility permit, but nothing was finalized at this time. The board requested that agreements from other counties be obtained relative to similar requests for their review.

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Auditor

August 13, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, and Vermedahl. Supervisor Sanders absent. Vice-Chairman Vermedahl called the meeting to order at 8:30 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 10, 2004. Both members voting aye thereon. Motion carried.

Randy Forsyth presented the bids for loading, moving and unloading pre-fab building for communications tower. Moved by Buch, seconded by Vermedahl, to hire Maxim Crane for \$5690.00 plus \$355.00 per hour over 8 hours. A bid was received from Lafette Steel for \$6370.00 plus \$300.00 per hour over 8 hours. Both members voting aye thereon. Motion carried.

Petersen Trucking from Dysart bid \$5200.00 for trucking building. Landstar Carrier Group from Jacksonville, FI bid \$5781.00 plus \$350.00 per hour if; not ready to load at the time they get there. Two other bids were received but were both higher the Landstar Carrier Group. Information is with a TDW representative. Moved by Buch, seconded by Vermedahl to approve the bid from Petersen Trucking to move the pre-fab building from Louisiana to Communication Tower site. Both members voting aye thereon. Motion carried.

The only proposal received for unloading the building was from Coonrod Wrecker and Crane Service from Cedar Rapids. The bid was for \$295.00 per hour. Moved by Buch, seconded by Vermedahl to approve the bid of Coonrod Wrecker and Crane Service. Both members voting aye thereon. Motion carried.

Randy also discussed the trenching work to install electricity to building that will be needed when it gets here. The board advised Randy to get quotes and present them at a later date.

Moved by Buch, seconded by Vermedahl to adjourn the meeting. Both members voting aye thereon. Motion carried.

Dated this 13th day of August, 2004.

Benton County Board of Supervisors

David H. Vermedahl Vice-Chairman

Ronald R. Buch

ATTEST: _____

Delane Kalina, Deputy Auditor

August 17, 2004

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

Moved by Vermedahl, seconded by Sanders, to set the following dates for hearings on land use change requests:

Jimmie Fuehrer – September 7, 2004 at 9:45 a.m. on a parcel located in the SE1/4 of the NE1/4 of 14-85-9

Bill Vannevel – September 7, 2004 at 9:15 a.m. on a parcel located in the SE1/4 of the NE1/4 of 9-82-12

Ronald Jarrett – September 7, 2004 at 9:30 a.m. on a parcel located in the NW1/4 of the NE1/4 of 31-83-9

Both members voting aye thereon. Motion carried.

The Board reviewed the application for a farm exemption to the Benton County Agricultural Land Preservation Ordinance submitted by Kenneth L. Andorf and Terri L. Andorf. The Andorfs requested the exemption to allow them to construct a new residence in the NW1/4 of the NW1/4 of 30-85-11. The parcel would be a part of the Andorf's 175-acre farming operation. A new driveway will need to be constructed. The applicants advised that the existing building site would be split off but they have no intentions of developing a residential subdivision. Moved by Vermedahl, seconded by Sanders, to approve a farm exemption to the Benton County Agricultural Land Preservation Ordinance on a parcel located in the NW1/4 of the NW1/4 of 30-85-11 for a residential purpose as requested by Kenneth and Terri Andorf. The applicants are to share the cost with Benton County for the installation of a new driveway on a 50/50 basis. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Veterans Affairs' quarterly reports for the periods ending 12-31-2003, 3-30-2004, and 6-30-2004. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a 5-day Liquor License and Sunday Sales Permit for the Blairstown Lions Club. Both members voting aye thereon. Motion carried.

Clifton Hyde met with the Board to discuss the sealcoat placed on 33rd Ave. Drive. Hyde advised that the material is not holding up and the road is in worse condition than it was prior to the county applying the material. Hyde did state that the county had recently applied sand, which helped the problem. Hyde also stated that there are potholes that create a hazard when vehicles try to avoid them due to their proximity to hilltops. The engineer advised that he is no longer using the material.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Alliant Energy to place utility lines in the county's right-of-way between sections 11 and 12 of Leroy Township (21st Street). Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way along and across 59th Street in Benton Township. Both members voting aye thereon. Motion carried.

The engineer updated the Board on the resurfacing project on E36 west of Shellsburg. It is estimated that material crushing will take approximately three weeks and concrete poured in October.

The Board proceeded with opening bids for resurfacing the road to the county landfill. Bids were received as follows:

Cessford located in LeGrand, Iowa - \$174,850.50

L.L. Pelling located in North Liberty, Iowa - \$149,777.00

Moved by Vermedahl, seconded by Sanders, to award the bid for the road-resurfacing project to county landfill to L.L. Pelling at a cost of \$149,777.00. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a contract for client services with Crest in Cedar Rapids, Iowa. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

August 24, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 13, 2004 and August 17, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to amend the minutes of August 6, 2004, to include the following: "Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-38A. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

Resolution #04-38A

WHEREAS, the Benton County Board of Supervisors took formal action on July 29, 2003 regarding the reduction in funding of elderly and disabled credits by the State of Iowa for the 2003/2004 collection year; and WHEREAS, the Board of Supervisors agreed to fund 50% of the difference of the elderly and disabled credit shortage between the 2001 & 2002 levy years; and

WHEREAS, said difference was paid from the county general fund in the amount of \$11,475.00; and

WHEREAS, the State of Iowa has now allocated additional funds for elderly and disabled credit; and

WHEREAS, the Board of Supervisors believes the additional funds should be used to reimburse Benton County,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the additional funding received from the State of Iowa in the amount of \$3,909.83 for elderly and disabled credit for the 2002 levy year and collected in 2003/2004, be used to reimburse a portion of the funds paid by Benton County. Said funds are to be deposited in the county general fund.

Dated this 6th day of August, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor"

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 Delbert and Phyllis Holman, 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 five acres for a single residential use. Supervisor Vermedahl questioned the need for a change on five acres when historically the Board only approved changes on one to two acres. Greenlee stated that he did not see any problems with allowing a change on five acres. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance on approximately five acres generally described as being located in the NW1/4 of the SW1/4 of 36-86-9 for a single residential use. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 66143 through 66502, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-40. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-40

WHEREAS, the Benton County Board of Supervisors adopted Resolution #04-31 establishing official depositories; and WHEREAS, Citizen's Bank has been changed to Midwest One Bank & Trust, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #04-31 is amended to reflect the deletion of Citizen's Bank, Belle Plaine and the addition of the following:

Midwest One Bank & Trust

Belle Plaine

\$ 5,000,000

All other aspects of the original resolution adopted on June 30, 2004, remain in full force and effect.

Dated this 24th day of August, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-41. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-41

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from August 23, 2004, through the completion of the project.

From US Highway 218 near the NW corner of Section 16-T84N-R10W thence east 7.5 miles to the WCL of Shellsburg along 64th Street (County Road E36) in Eden and Canton Townships.

Signed this 24th day of August, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-42. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-42

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from August 30, 2004, through the completion of the project.

From the NW corner of Section 17-T84N-R9W thence south one (1) mile to the SW corner of Section 17-T84N-R9W along 29th Avenue in Canton Township.

Signed this 24th day of August, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve a permit allowing Rick Pickering to place a private water-line under 69th Street in Kane Township with the understanding that the applicant is responsible for any restoration required to the county right-of-way as a result of the boring. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the request of the Central Lutheran School – 8th Grade class to participate in the Adopt-A-Road Litter Removal Program along W24 (old Highway 201). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-43. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

Benton County, Iowa
Resolution of support
for a method of Secondary Road and Farm-to-Market Road Use Tax allocation
as proposed by the Secondary Road Fund Distribution Advisory Committee
per Section 312.3C of the Code of Iowa.

Whereas, the former method of determining inter-county allocations of Secondary Roads and Farm-to-Market Road Use Tax revenues, known as the Quadrennial Needs Study, was discontinued by SF 2192, 2002 Iowa Acts, and,

Whereas, the Secondary Road Fund Distribution Advisory Committee, pursuant to the mandate of Iowa Code Section 312.3C, has developed and recommended a new method known as the "Factor Breakdown Method", and,

Whereas, after due study, Benton County has determined that the proposed method will provide a base level of funding for all counties, and will allow for the allocation of funds to shift as population, system size, and traffic change, and,

Whereas, the proposed method has been endorsed by the Executive Boards of the Iowa County Engineers Association and the Iowa State Association of County Supervisors,

Now Therefore, Be it Resolved that Benton County, Iowa hereby endorses the adoption of the Factor Breakdown Method by the Legislature as presented by the Secondary Road Fund Distribution Advisory Committee, to become effective in FY 2007 and be phased in over a five-year period.

Recommended:

County Engineer

Date

Approved:

County Supervisor

Date

County Supervisor

Date

County Supervisor

Date

Attested:

County Auditor

Date

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

August 27, 2004

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

Moved by Buch, seconded by Vermedahl, to accept the resignation of Lyle Bolton effective September 30, 2004. Both members voting aye thereon. Motion carried.

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

Moved by Buch, seconded by Vermedahl, to approve the vacation carry-over request of Randy Forsyth for "up to 10 days". Both members voting aye thereon. Motion carried.

Supervisors Sanders arrived at 9:40 a.m.

Moved by Vermedahl, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5(1)(c). All members voting aye thereon. Motion carried at 9:55 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 10:30 a.m.

Moved by Vermedahl, seconded by Buch, to hire Carl Salmons to negotiate the sub recipient agreement with Poweshiek Water Association to the maximum advantage of Benton County. All members voting aye thereon. Motion carried.

Renae Tharp updated the Board on the creation of the Benton County Community Foundation. Tharp advised that the Benton Development Group board took formal action to associate with the Northeast Iowa Community Foundation. Vermedahl questioned how the board of the Benton County Community Foundation will be appointed. Tharp advised that Benton Development Group (BDG) appointed an initial BDG committee to appoint other board members. Vermedahl stated that John Fischer had agreed to draft by-laws for the new foundation pro bono; however it was his understanding that Benton Development Group had decided that they didn't need any formal documents governing the board. Vermedahl stated that Benton Development Group needed to contact John Fischer and advise that they no longer wanted to use his generous donation of services. Vermedahl reiterated his belief that there needed to be formal procedures in place for how the future boards are appointed.

Lynn Arthur, Mt. Auburn city councilman, asked the Board and county engineer about the possibility of Mt. Auburn being given one of the recycling trailers once the new dumpsters are in place. The engineer advised that there should be a trailer available for Mt. Auburn.

Moved by, seconded by, to adopt Resolution #04-44. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

Resolution #04-44

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2004 budget on March 10, 2003; 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 9

| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
|--------------------------|--------------------------|---------------|
| Fund 0001 Function 92100 | | \$ 1000.00 |
| Fund 0002 Function 92100 | | \$ 9,217.00 |
| | Fund 0002 Function 92000 | \$10,217.00 |
| Fund 0002 Function 92000 | Fund 0002 Function 92100 | \$49,013.00 |
| Fund 0011 Function 91000 | | \$ 1,362.00 |
| | Fund 0011 Function 92100 | \$ 5,948.00 |
| | Fund 0011 Function 92200 | \$ 1,497.00 |
| Fund 0011 Function 92000 | | \$ 6,083.00 |
| Fund 0060 Function 92100 | Fund 0060 Function 92000 | \$ 298.00 |

Dated this 27th day of August 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 31, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 27, 2004. All members voting aye thereon. Motion carried.

Gary Fordice, County Conservation Executive Director, met with the Board to provide an update on activities of the conservation department. Fordice reported that he is working with his board to try and reduce electric costs by relocating the naturalist's office temporarily during the winter months, caulking windows, and installing additional insulation. Fordice also stated that the conservation board would like to meet with the supervisors to discuss budget issues relative to allowing revenues generated by conservation to be amended into the expenditure budget. Fordice advised that he is currently working on cost analysis regarding additional services and facilities provided by Benton County Conservation.

Mike Kelly met with the Board to request that a letter of support be provided by the supervisors designating the Lincoln Highway as a scenic byway. Moved by Vermedahl, seconded by Buch, to authorize the chairman to sign the following letter of support. All members voting aye thereon. Motion carried.

We, the Benton County Board of Supervisors, fully support the Lincoln Highway Association's efforts to have the Iowa section of the Lincoln Highway designated as a *Scenic Byway*. The Lincoln Highway has been and continues to be an invaluable part of Benton County's transportation system and heritage. Benton County is home to three premier Lincoln Highway sites: Sankot's Garage (listed on the National Historic Register), Preston's Garage in Belle Plaine and the Youngville Café at the intersection of Highway 218 and U.S. 30. These sites, as well as the Benton County section of the Lincoln Highway (U.S. Highway 30) continues to be of interest locally, regionally and nationally. We believe that designating the Iowa portion of the Lincoln Highway as a *Scenic Byway* will assist in preserving the legacy of the nation's first transcontinental highway – a highway that played an integral role in the development of commerce and tourism in Benton County and the communities along its east-west route. Thank you for your efforts to bring about the *Scenic Byway* designation for the Lincoln Highway.

Moved by Vermedahl, seconded by Buch, to set September 17, 2004, at 10:00 a.m. as the time and date for a public hearing on a Petition to Attach to Poweshiek Water Association for sections 19 through 36 in Big Grove and Homer Townships. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a statement of non-issuance of certificate of occupancy. Costs of providing the certificate is left to the discretion of the department providing said documents. Supervisor Vermedahl stated that he is opposed to charging for the document. All members voting aye thereon. Motion carried. The statement is as follows:

BENTON COUNTY
STATEMENT OF NON-ISSUANCE
OF CERTIFICATE OF OCCUPANCY

Benton County has not currently adopted building codes and does not perform inspections of structures located in the unincorporated area of the county. Therefore, Benton County does not issue a certificate of occupancy for said structures. Further, Benton County does not guarantee that any structure complies with any building codes and does not accept any liability, express or implied, regarding such structure.

If the property is located within the corporate limits of any city situated in Benton County, you are directed to contact that city regarding this matter.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way under 25th Avenue in Harrison Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way under 54th Street Trail in Polk Township. All members voting aye thereon. Motion carried.

The engineer requested permission to send three secondary roads employees to out-of-state training for the new Volvo equipment. The training will take place in Ontario, Canada with a chartered bus transporting employees from various counties around the state. The training will last for several days with costs for motel rooms and a portion of the chartered bus. The Board requested that the engineer get an estimate of the costs and return to the Board on Friday.

The Board proceeded with drawing lots to determine the position of non-partisan candidates on the general election ballot. The lots were as follows: Agricultural Extension - #1 Dan Voss, #2 Allan Merchant, #3 Zelda Sackett, #4 Judi Hertle, #5 Jacquelin Daggy; for Soil & Water Conservation - #1 Robert Ritscher and #2 Harold Cassens.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 3, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 31, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve Vinton Unlimited's request to use the courthouse lawn on October 6, 2004 for the Motor Iowa event. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to suspend the taxes on parcel #170-10850 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the contract and contractor's bond with L.L. Pelling Co. for the asphalt-resurfacing project on the road going to the landfill. All members voting aye thereon. Motion carried.

The county engineer reported to the Board that he did not have additional information regarding sending three employees to Ontario, Canada for training on Volvo equipment.

Mary Williams spoke with the Board regarding the county's action to discontinue finding placements for involuntary hospitalizations. Williams stated that if the county performs the duties, she is concerned about the extra hours required by county staff and the county's liability. Supervisor Vermedahl proposed a meeting with state legislators, the county attorney, and other county staff.

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

September 7, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 3, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set October 1, 2004, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Judy Carter on Parcel B of the NW1/4 of the NW1/4 of 33-82-12. 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 Bill Van Nevel, 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 Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately one acre generally described as being a Part of the SE1/4 of the NE1/4 of 9-82-12 (Iowa 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 Ronald R. Jarrett and Candice Jarrett, 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 single residential use. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the NE1/4 of 31-83-9 (Fremont 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 Jimmie Fuehrer, 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 single residential use. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately one acre generally described as being a Part of the SE1/4 of the NE1/4 of 14-85-9 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the destruction of election materials relating to the General Election 2002 and the special elections held in January 2004 and February 2004, as authorized by law. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 66503 through 66672, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-45. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-45
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$1,500.00 from the General Basic Fund to the Community Development Block Grant (CDBG) fund.

Dated this 7th day of September 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 10, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 7, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the VFW's request to use the courthouse lawn on September 11, 2004 at 7:30 p.m. for a "Remembrance Ceremony" of September 11, 2001. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set October 1, 2004 at 9:30 a.m. as the time and date for a public hearing on a land use change requested by Scott Fish on Parcel A of the SE1/4 of the SW1/4 of 21-84-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 60-1/2 hours of vacation carry-over requested by Sherri McGowan, a dispatcher in the sheriff's department. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to request that the property owned by Benton County, commonly known as the Vinton Dog Pound, located in Section 22 of Taylor Township, be annexed into the City of Vinton. The auditor is directed to notify the City of Vinton. All members voting aye thereon. Motion carried.

The treasurer spoke about the status of air conditioning in her office. Vermedahl reported that he spoke with Kent Stufflebeam about the current units and their inability to cool the room. Stufflebeam advised that the number of employees and computer equipment has increased since the original units were sized resulting in more heat being generated in the office. The treasurer was directed to research placing an additional unit in the office versus replacing all of the current equipment.

The county engineer reported that the bank balance for the landfill account was \$17,142.21 on August 30, 2004.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Household Hazardous Waste Regional Collection Center Service Agreement with Cedar Rapids/Linn County Solid Waste Agency, retroactive to July 1, 2004 through June 30, 2006. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 17, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 10, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set October 12, 2004 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Bill Keller on a parcel located in the SW1/4 of the NW1/4 of 7-85-10. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to certify the FY04 cost allocation plan prepared by Maximus. All members voting aye thereon. Motion carried.

The Board discussed their renewal into the Heartland Insurance Risk Pool (HIRP). Supervisor Vermedahl stated that the HIRP Board is requesting that all counties discuss whether their counties intend to renew their membership. Vermedahl stated it was his recommendation that Benton County continue membership in the insurance group. Moved by Vermedahl, seconded by Buch, to advise Heartland Insurance Risk Pool that Benton County intends to renew their membership, pending any changes to the re-insuring agreements currently being drafted. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Keystone Communications Company to pace utility lines in the county's right-of-way in Union Township along 71st Street and 17th Avenue, in Monroe/Jackson Townships along 60th Street and 16th Avenue. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for South Slope Cooperative Telephone Company to place utility lines in the county's right-of-way in Eldorado Township Sections 8 and 9, along 70th Street. All members voting aye thereon. Motion carried.

The county engineer spoke with the Board about the request from Cedar Valley Dairy Farm to bore a six inch pipe under 77th Street in Leroy Township. The engineer presented a proposed agreement for the Board's review that could be entered into between the parties. A sample permit from Webster County was also provided. The engineer advised that he spoke with the DOT about their procedures regarding this type of request, and the DOT advised that it is their preference that manure be transported through pipelines versus trucks. The DOT also requires insurance to address any spills that may occur and a hold harmless agreement. Supervisor Sanders clarified that this particular permit would only provide for the county's permission and not the Department of Natural Resource's permission relative to crossing Prairie Creek. Sanders also questioned the life expectancy of the pipe. The engineer advised that this is the same type of pipe being used by Poweshiek Water and that replacement would not be Benton County's expense. Sanders also questioned if the permit would completely hold Benton County harmless from all counts. Supervisor Vermedahl stated that the permit would only hold Benton County harmless for construction purposes and not operation. Supervisor Vermedahl asked if the county could require that the operation be monitored whenever it is operating. Vermedahl also stated that a certificate of insurance should be provided annually, with limits set by the county, and that the county is held harmless. The limits should be \$1 million minimum and should also cover the perils of pollution. The county should be added as an additional insured. Vermedahl stated that the Board's action on this matter is establishing future policy for the county. The Board requested that the engineer review the agreement with the county attorney.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on a Petition to Attach Land to Poweshiek Water Association filed with the Benton County Auditor on August 26, 2004, the Board proceeded with the hearing. Notice of the hearing had been published in the South Benton Star Press on September 8, 2004. The supervisors had received a copy of the petition from the county auditor as required by law. Jim Magdefrau and Steve Meyer representing the media, Sally Lovig and JoHelen Whitaker of Poweshiek Water Association were present. There were no members of the public present. There was no written comment received. Lovig displayed a map showing Poweshiek Water Association's current district and the areas being attached. The chair declared the hearing closed. Hearing no public objection to the attachment, and finding that allowing the attachment would be in the best interest of the public, it was moved by Vermedahl, seconded by Buch, to adopt Resolution #04-46. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**POWESHIEK WATER ASSOCIATION
RESOLUTION/ORDER #04-46**

WHEREAS, Poweshiek Water Association filed a Petition with the Benton County Auditor to attach real estate located in Benton County, Iowa, to said Water Association and said Petition was received by the Auditor on August 26, 2004; and

WHEREAS, the Benton County Auditor presented the said Petition to the Benton County Board of Supervisors for purposes of considering the same and conducting a public hearing with respect thereto; and

WHEREAS, the Benton County Board of Supervisors determined that it would conduct such public hearing for the purpose of hearing from all occupants and land owners in real estate which is the subject of the proposed attachment to the Poweshiek Water Association at 10:00 A.M. on September 17, 2004, in the Board Room of the Benton County Courthouse in Vinton, Iowa; and

WHEREAS, the Benton County Auditor published the prescribed statutory notice with respect thereto in the September 8, 2004, issue of the South Benton Star Press, a newspaper of general circulation within Benton County, Iowa; and

WHEREAS, said public hearing was called to order at the designated time and place and public comments summoned in support of and/or opposition to the proposed attachment with specific opportunity given to occupants and land owners within the affected area, as well as any other interested persons with respect thereto; and

WHEREAS, the Benton County Board of Supervisors determined that the proposed attachment of the real estate described in Benton County, Iowa, to the Poweshiek Water Association is reasonably necessary for the public health, convenience, fire protection and comfort of the residents of said real estate in Benton County, Iowa; that the residents thereof will be benefited thereby and that said real estate should be included and incorporated as a part of the existing Poweshiek Water Association:

IT IS THEREFORE HEREBY RESOLVED/ORDERED, that the real estate located in Benton County, Iowa, as more specifically described as Sections 19 through 36 of Homer Township and Sections 19 through 36 of Big Grove Township, be and is hereby included and incorporated as a part of Poweshiek Water Association pursuant to Chapter 357A of the Code of Iowa, **AND FURTHER**, that a copy of this Resolution/Order be published as a public notice in the next available issue of the South Benton Star Press by the Benton County Auditor.

Signed this 17th day of September 2004.

BENTON COUNTY BOARD OF SUPERVISORS

Jason D. Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow
Benton County Auditor

Sally Loving, General Manager of Poweshiek Water Association updated the Board on other projects in Benton County. Lovig reported that the project to expand rural water in the northwestern part of the county did not have enough people to proceed at this time. Lovig requested that the county not apply for Community Development Block Grant funds for the project at this time. Lovig stated that Poweshiek was not abandoning the project, but would put it on hold for a period of time. Lovig also provided a brief update on the rural water being developed around the Van Horne area.

Mary Williams spoke with the Board regarding the court's plan to cease finding placements for emergency committal clients. Williams attended a meeting with court and county representatives to discuss future plans

The Board proceeded with the canvass of the September 14, 2004 School Election. It was moved by Vermedahl, seconded by Buch, that in accordance with the Supreme Court decision in Devine vs. Wonderlich, that the votes cast for Daniel J. Voss, Dan Voss, Dan J. Voss, and Danny Voss, be combined in the Benton Community School Local Director District #3. Further, that the canvass of the September 14, 2004 School Election be approved and that the records of said election be recorded in the books of the Benton County Auditor. The record of the absentee precinct is corrected to reflect that the machine recorded only four write-in votes. The following persons are declared elected:

Belle Plaine School – Joyce Livermore

Benton Community School – District #1 – Brenda Schanbacher; District 2 – Brian Strellner; District #3 – Dan Voss; District #5 – George W. Martin

Vinton-Shellsburg School – District #1 – Pat Lyons; At-Large – Gerald E. Horst

All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

September 21, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 17, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 66673 through 67271, for payment. All members voting aye thereon. Motion carried.

Beverly Winkie met with the Board to request that taxes be abated on parcel #030-36900. The property was purchased by the Belle Plaine Historical Society in October 2003, and received a tax statement for taxes due. The Board questioned if the taxes had been pro-rated at closing and money received for a portion of the tax. Winkie was unaware if the taxes had been pro-rated. The Board asked that Winkie return on Friday after consulting with the attorney regarding the pro-rated taxes at closing.

No action was taken on considering proposal for electrical and LP tank installation for the communication tower as the quotes had not been completed.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way by boring under 30th Avenue in Fremont Township. All members voting aye thereon. Motion carried.

The Board and the engineer discussed agreements allowing private entities to cross county roadway with manure disposal hoses and/or pipelines. The Board also discussed the specific request of George Axmear to allow boring under 77th Street and crossing Prairie Creek along 22nd Avenue, all in St. Clair Township. The Board asked that further research and consideration be given before taking any action.

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

Jason Sanders, Chairman

ATTEST: _____

Hayley Rippel, Deputy Auditor

September 24, 2004

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

Moved by Buch, seconded by Vermedahl, to set October 15, 204 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Chuck and Kim Collman located on Parcel B in the SW1/4 of the SE1/4 25-86-9. All members voting aye thereon. Motion carried.

Herb Boots met with the Board to discuss the fact that a Wheeler, a local garbage hauler, is not requiring customers to recycle. Boots advised that the recycling ban has been in place for over a year now, and that he has spoken with Supervisors Buch and Vermedahl, individually, about the fact that a hauler is not requiring his customers to recycle and dumping in the county's landfill. Boots asked the county to enforce their ordinance. Boots stated that he has sought legal counsel, and that he is giving the county two weeks to remedy the situation or he will initiate legal proceedings

against the county. Boots reiterated that the county has not been applying its ordinance fairly among haulers, stating that Wheeler, a part-time employee of the county landfill, is allowed to dump his load before the landfill opens.

Supervisor Sanders directed questioning to the county engineer about the allegation that Wheeler was not requiring his customers to recycle. The engineer responded that he does not have a current analysis of what material is coming in from his landfill personnel. The engineer stated that he spoke with Wheeler a few weeks ago and Wheeler stated that the recycling materials he picks up are being put in the landfill. Parizek advised that Wheeler furthered commented about the volume of garbage he (Wheeler) brings to the landfill. Parizek stated that the landfill staff later commented that there is still a lot of recycling material coming into the landfill. The engineer advised that the best approach to monitor the amount of recyclables coming into the landfill and by who is to take pictures of each load brought in by each hauler for a week or two. It was questioned if the county is achieving the goal of getting recycling out of our waste stream. Parizek replied that 5% is hard to measure and added that many self-haulers use the trailer located at the landfill quite heavily.

Supervisor Buch stated that there are haulers in some towns that don't provide a bin for recyclables, adding that it is evident that everything must be going into one bin. The engineer stated that Benton County cannot control what private individuals or businesses have for waste bins but we can only control what comes into the landfill. Parizek stated that he watched Waste Management dump two dumpsters this very morning and saw more cardboard in the waste than anything else. Supervisor Vermedahl questioned if Wheeler is subject to the same inspection as any other hauler. The engineer stated that Wheeler should not be treated any differently than any other hauler, but since Parizek is not at the landfill everyday it was difficult for him to answer the question. Parizek commented that the only place the hauler gets checked is at the gate; however Wheeler has been allowed to dump before 8:00 a.m. the time the gate opens. Wheeler is allowed to dump earlier as he then packs the material and the engineer views that as getting a benefit for the county without paying Wheeler any wages for that work. Boots commented that Wheeler packs his material in before the landfill opens so that no one can see what he is packing in.

Supervisor Vermedahl stated that the county needs to return to the photograph system and administering fines on anyone, including Wheeler, who is violating the ordinance. Vermedahl stated that county cannot show favoritism to any one hauler by allowing him to dump at any other times than the general public is allowed to dump. Parizek stated that he agreed with Vermedahl comment but wondered if there was an exception. Supervisor Vermedahl cautioned that there is no exception to special treatment. Parizek stated that he views Wheeler as a part-time employee for the landfill and also a small business that collects garbage. Parizek did not view allowing Wheeler to dump prior to 8:00 a.m. as special treatment because Wheeler dumps and packs and is providing a service to Benton County and is not being paid for that service prior to 8:00 a.m. Parizek stated that if he should not allow Wheeler to dump prior to 8:00a .m., then he would prohibit the practice.

Supervisor Vermedahl advised that Wheeler should be treated like anyone else and that there is a perception that he is being treated differently. Vermedahl compared the situation to Parizek doing work on the side as an engineer, stating the Parizek would not be allowed to let the outside employment interact with his job as a county engineer and that he would not be allowed to use the county's computer to perform those outside duties. Vermedahl stated that the engineer can't do that and we can't allow that to happen at the landfill – everyone needs to be subject to the same inspection and treatment. Vermedahl added that if there is other people hauling banned materials to the landfill and dumping because they are "buddies or something" then we don't want that happening either.

Discussion included the amount of recycling materials being placed in dumpsters. Boots stated that his concern is not with what is being placed in dumpsters but rather he is talking about the landfill. Vermedahl reiterated the need that everyone is treated the same. Supervisor Sanders advised Boots that the county will work on the issue and the enforcement. Boots responded that he would see what happens within the next two weeks.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-47. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-47

WHEREAS: A posting for the position of Equipment Operator II (scoop operator) has been completed, and

WHEREAS: The present employees have had three (3) days to sign the posting, and

WHEREAS: One present employee has signed the posting, and

WHEREAS: This employee is qualified for the position,

BE IT THEREFORE RESOLVED By The Benton County Board of Supervisors that Josh McGowan be the Equipment Operator II (scoop operator) with a Labor Grade Classification of LG IVC. The base wage will be \$15.01. The effective date will be October 4, 2004.

Signed this 24th day of September 2004

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Beverly Winkie requested the Board abate taxes on parcel #030-23625 and parcel #030- now owned by the Bell Plaine Historical Society. The Board advised that they were not aware of any legal authority to grant abatement to a non-profit organization and asked that Winkie consult with her attorney regarding such authority.

Randy Forsyth met with the Board to request a decision on electrical work at the communications tower site and LP gas. Forsyth stated that he contacted nine electricians and asked them to quote on trenching in electricity, utilizing underground in conduit and six grounding rods. Forsyth also contacted five or six vendors on the installation of liquid propane gas needed for the generator. Forsyth reported that the Kent Kelly (consultant employee) has now stated that the need and/or type of ground rods may need to be re-visited.

Forsyth reported the quotes received for electrical work were as follows:

Rabe Hardware – \$1693.24 (75.00 is to do air conditioning equipment) and uses black ground wire

Jim Bahr – \$1120.00

Elwick Electric - \$895.00

Benton Home Improvement - \$1190.00

Moved by Buch, seconded by Sanders, to award the electrical work to Elwick Electric. Supervisor Vermedahl abstained citing a conflict of interest. Sanders and Buch voting aye. Motion carried.

Forsyth reported that the quotes for liquid propane (LP) gas installation were as follows:

O'Grady (Van Horne) – 250 gallon or 500 gallon tank - \$45.00 year rent on tank; to purchase a 250 gallon tank- \$400.00 ; to purchase a 500 gallon tank - \$900.00; Regulator set up-\$100; copper \$1.00 ft (\$10) and no charge for delivery/set-up; LP - \$1.00 gallon.

New Century Farm Service – 500 gallon tank - \$942.00/10 year lease to own at \$135 yr; regulator - \$99.95; rent is \$85.00 year for a new tank; \$65.00 rent on a used tank; blocks \$5.00 each; LP – no price given; rental prices do not include service work or regulators to install

TJ Gas – new 500 gallon tank - \$800 installed; regulator - \$76; flare fittings & line \$10.00 total; total \$888.00; LP –

\$1.149; rent-to-own for 10 years – used tank- \$70.00 and new \$85.00

Moved by Vermedahl, seconded by Buch, to rent a tank from O'Grady. All members voting aye thereon.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

September 28, 2004

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

Jackie Michael, Sheriff's Department Office Manager, spoke with the Board about amending the current labor contract between the Benton County Sheriff's Department and the Chauffeurs, Teamsters & Helpers Local No. 238. Michael requested that the Board amend the wages of the office secretary by increasing it from \$11.78 to \$13.00 per hour. Michael stated it was her recommendation to the sheriff that the wage be increased due to the additional responsibilities of the position. Michael commented that the sheriff reluctantly agreed and the union was scheduled to vote on the change on October 1, 2004. Michael stated that the supervisors had to approve the change in order to proceed. Moved by Vermedahl, seconded by Buch, to refer the matter to Brian Gruhn, the county's labor negotiator, for his opinion prior to making any decision. All members voting aye thereon. Motion carried.

Gary Fordice, Conservation Director, updated the Board on activities in his department. The conservation board has changed its policy at the river parks and will limit one camping unit per site, citing that too many problems are starting to emerge with multiple units on one site. The Board is also going to begin enforcing the rules that all pets must be on leashes and any pet should be vaccinated with proof of vaccination. The Board is going to require flotation devices on the conservation's lakes and ponds be registered including those used to fish outside of the marked swimming area. The Board discussed establishing fees for special events held at the county's parks. The Board set November 8th as a date for a meeting on the initial meeting of the Benton County Conservation Foundation. The nature center was briefly discussed as well as an environmental education office. Work has been done on the Vinton boat dock and will continue at Wildcat Park. Discussion was also held on the gate placed by the City of Vinton at the entrance to the brush dump.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the amendment to HOME Investment Partnership Program Master Contract and Funding Agreement, reducing the award amount from \$155,990 to \$123,008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to allow Virginia Gay Hospital to use the county parking lot east of the courthouse on October 7th for car-pooling. All members voting aye thereon. Motion carried.

The county engineer spoke with the Board about adopting a policy allowing manure lines to be placed in county right-of-ways. The engineer presented a new draft of a proposed policy and permit. The county attorney raised the following questions and concerns: will the county designate an individual to enter into the agreements or will the Board retain that authority; the adoption of an ordinance may be necessary before the county can require a permit for a private use; contractors should be subject to approval by Benton County; the permit should be revocable at any time by Benton County if problems are experienced; and complete drawings/schematics should be submitted to the county when requesting the permit. The engineer advised that the request on the Board's agenda today is for a temporary pipe until permanent piping is installed. The county attorney asked if a specific time limit is stated in the agreement since it is a temporary use. Supervisor Vermedahl stated that two issues are being discussed: #1 – the use of temporary hoses in existing culverts; #2 – the installation of a permanent buried pipeline. The county attorney reiterated that the temporary use of hoses be given a time limit and a stipulation that the privilege may be revoked at any time. The engineer stated that the policy serves two purposes - #1 to establish a basis for future requests and #2 address the immediate request. The county attorney questioned how often manure is pumped. Supervisor Buch stated pumping is done only in the spring

and fall. The county attorney suggested that the applicant enter into a separate agreement to give the applicants temporary permission through December 2004, allowing the county time to further investigate the requirements and direction the Board wants implemented. Vermedahl requested that the definition of an applicant be clarified, adding that the applicant could be the owner of the facility, operator, and/or contractor. The Board discussed the paragraph (#4) and specifically the language regarding "self-insurance" and what constitutes proof of self-insurance. The county attorney stated that he was not uncomfortable with the language, however the language regarding self-insurance could be deleted. Supervisor Vermedahl suggested that a six-month agreement be granted with a stipulation that the agreement is subject to revocation and/or termination at any time. Moved by Vermedahl, seconded by Buch, to direct the county attorney to draft a proposed agreement for a temporary use of the county's right-of-way for manure hoses and pipes, and further to authorize the county attorney to negotiate with the parties. The proposed agreement is to be presented to the Board for final consideration. All members voting aye thereon. Motion carried.

The Board discussed replacement or repair of the boiler system at the Cedar Valley Ranch. Cost estimates indicate that replacement would be more cost effective than repair; however the time left before the heating season may not be sufficient enough to replace the units. The county engineer is going to obtain additional quotes for replacement of the system and return to the Board.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 1, 2004

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

The Board considered Mike Kaufman's request for a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance. Kaufman is currently involved in a farm operation. Moved by Buch, seconded by Vermedahl, to approve a farm exemption on a parcel located in the SE ¼ of 3-84-12 (Homer Township) as requested by Mike Kaufman. All members voting aye thereon. Motion carried.

The Board considered Kim and Van Schroder's request for a farm exemption to the Benton County agricultural Land Use Preservation Ordinance. Schroder is currently involved in a farming operation on 23 acres of tillable ground. Moved by Vermedahl, seconded by Buch, to approve a farm exemption in Parcel B of the SW ¼ of the NE ¼ of the NW1/4 of the SE1/4 in 33-82-12 (Iowa Township) for a single residential use as requested by Kim and Van Schroder. 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 Judy Carter, 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 build a garage and eventually a residence. 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 a Part of Parcel B of the NW1/4 of the NW1/4 of 33-82-12 (Iowa Township) for a single residential purpose. 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 Scott Fish, 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. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately 1.8 acres generally described as being a Part of Parcel A of the SE1/4 of the SW1/4 of 21-84-9 (Canton Township) for a single residential purpose. All members voting aye thereon. Motion carried.

The Board discussed the request to amend the union contract with the sheriff's department and allow a wage increase for the office secretary position. The Board's union negotiator has provided a written recommendation that the Board disapprove the request unless negotiations are opened up. Michael reported that she has to work late and take things home at night and it is silly not to pay someone more to help her out. Michael stated that this is the easiest and most budget efficient answer. Michael stated that she is not willing to continue to work late and take work home. The Board's contract negotiator recommended that the Board not approve any changes without going through negotiations. Moved by Vermedahl, seconded by Buch, that the request to amend the sheriff's union contract be turned down, as any changes should be done through the negotiation process. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the veterans' affairs' quarterly report for the period ending September 30, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-48. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-48

WHEREAS: A posting for the position of maintainer operator at Newhall, Iowa has been completed, and

WHEREAS: One person signed the posting, and

WHEREAS: This person has the necessary qualifications, and

WHEREAS: This person is recommended for the position.

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that Michael Gardemann be the Maintainer Operator at Newhall, Iowa with a labor grade classification of LG IVD. The base wage will be \$15.08. The effective date will be October 18, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The Board reviewed the situation at the landfill regarding individuals dumping before the landfill is open to the public. The engineer advised that as of Monday, September 27, 2004, no one is allowed to dump before the landfill opens to the public. The engineer advised that he has not had staff available to take photographs, but plans to start next week. However, he may try to video loads being dumped to get a better idea of what is occurring.

The engineer advised that he has spoken with vendors regarding the replacement of the boilers at the Cedar Valley Ranch, however they have not had enough time to provide an estimate. The engineer also commented that the maintenance man at the Ranch indicated that the number of heat exchangers needing replacement may not be as many as originally thought. The engineer will bring additional information and quotes to the Board when he receives it.

No action was taken on approval of a temporary agreement for manure lines in the county right-of-way. The county attorney reported that he had made contact with the owner of Cedar Valley Dairy and asked to discuss the matter in order to draft an agreement. The owner of the dairy has failed to meet and/or discuss the issue with the county attorney as of this time. George Axmear was present and asked that the issues be resolved as quickly as possible.

The engineer discussed the request from the City of Vinton to establish a 35 mph speed limit on 59th Street just west of Vinton. The engineer recommended that an "engineer traffic investigation study" be done before changing the speed limit to 35 mph; however reducing it to 45 mph would not be an issue. The Board took no action pending the city's response to the 45 mph speed limit.

Randy Forsyth met with the Board to advise the consultant had changed the electrical requirements at the communications tower site. Forsyth is returning to the Board after obtaining new quotes for the Board's consideration, as the changes were significant enough that new quotes would be necessary.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 8, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 1, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the sheriff's and auditor's quarterly reports for the period ending September 30, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for South Slope Cooperative Telephone to place utility lines in the county's right-of-way along 79th Street in St. Clair Township. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on September 30, 2004 was \$26,201.38.

The engineer told the Board that the Benton County Solid Waste Disposal Commission was awarded the 2004 Outstanding Intergovernmental Cooperation Award for the work in garnering unanimous commitment of the communities in Benton County to voluntarily implement full curbside recycling. The award will be presented in Sioux City on October 26, 2004.

The Board spoke with the county engineer about the lack of progress on the Oak Grove Road project. Supervisor Vermedahl stated that he has been on the Board for four years and continues to hear that work will be done on the project; however it never seems to get done. The engineer stated that he has had too many things going on this fall, but that it was his intention to get started on the project this winter. His plan is to have a line laid out and a contract drafted together with land acquisition by Spring 2005. The supervisors told the engineer that he was to proceed with the project.

Mary Williams met with the Board to discuss problems that Adults, Inc. is experiencing with the placement of clients with disabilities in work activities. Williams stated that letters had been sent and telephone contacts made with area businesses but all have been "dead-ends". Williams advised that Medicaid helps with clients engaged in work activity services. Williams was requesting assistance from the Board. Supervisor Vermedahl asked that a presentation be given at the November 30th Kiwanis meeting.

Moved by Vermedahl, seconded by Buch, to approve a wage increase to \$12.08 for Sara Olson in the sheriff's department. Olson is an employee of Benton County whose wage is paid entirely through a grant from the Drug Enforcement Administration. All grant money is solely for Olson's salary and benefits and with a reduction in the

employee's share of health insurance costs, results in a need to pay a higher hourly rate. All members voting aye thereon. Motion carried.

Scott Hansen requested approval for the placement of a ham radio antenna on the county's communication tower. Hansen also requested that the installation be coordinated with the county's installation of equipment on the tower to reduce the costs. Moved by Buch, seconded by Vermedahl, to allow the placement of a ham radio antenna on the county's communication tower as ham radio operators may be utilized in emergency situations, and further that the installation be coordinated with county's installation to reduce costs; however any additional costs associated with the installation of the ham radio antenna is to be the responsibility of emergency management. All members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to update them on the progress of the communications tower and site work. Forsyth asked to be placed on the board's agenda to open quotes and award the electrical and grounding work for the tower site and quotes on the installation of fencing around the site.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-49. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-49

TEMPORARY PERMIT TO CROSS ROADWAY FOR PURPOSES OF MANURE DISPOSAL

The purpose of this temporary permit is to allow the Applicants to cross a Benton County road with hoses or pipelines to dispose of liquid manure from livestock facilities. The reason this permit is temporary is two-fold: (1) Benton County needs additional time to formulate a long-term policy to deal with requests of this nature, and (2) a temporary permit will allow Benton County to withdraw its permission to dispose of manure in accordance with this agreement should Benton County become unsatisfied with this process in any manner. **This temporary permit shall expire on May 1st, 2005, unless Benton County voids it prior thereto.**

Applicants further agree to meet the following conditions:

1. Applicants shall complete an **Application to Perform Work Within Benton County Highway Right-of-Way**. Attachments to said Application to include a map showing requested location and a spill prevention plan.
2. Applicants shall provide Benton County with a current "Certificate of Insurance" naming Benton County as an additional insured party. The minimum limits of liability shall be \$1,000,000 and shall also include Pollution.
3. The County Engineer's Office will review the application and proposed crossing location.
4. The County Engineer shall establish the specifications of any culvert.
5. Applicants shall pay all costs for the culvert and installation. Benton County will replace granular surfacing at no additional cost after the installation is complete.
6. Crossings on gravel or dirt roads may be open cut, but crossing of paved or hard-surfaced roads shall be bored. Pipe shall be placed one foot above existing ditch elevation. Paved road crossings shall also be encased.
7. Flow prevention flap gates and/or caps shall be required at applicants' expense.
8. Applicants are responsible for all costs in connection with any spills as well as maintenance of the pipe.
9. Monitoring devices and visual inspection shall be required during all pumping operations.
10. Notification must be made to the County Engineer's Office not less than 48 hours prior to any time that applicants plan to use the highway right-of-way for manure disposal. Prior to each and every disposal, applicants shall block all tile intakes adjacent to hoses or pipelines used for disposal in order to prevent material being disposed from entering the lines.
11. Applicants shall remove hoses or pipelines from culverts and the highway right-of-way within 48 hours following each use of the hose or pipeline for disposal.
12. The applicants shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners and shall save Benton County harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations.
13. The applicants shall indemnify and save harmless Benton County, its agencies and employees, from any and all liability and expense of whatsoever nature, arising out of or in connection with the applicants' use or occupancy of the public highway.
14. The applicants shall hold Benton County harmless of any damage that may result to said highway because of the construction or maintenance of the facility, and shall reimburse Benton County for any expenditures that Benton County may have to make on said highway rights of way on account of said applicants' construction or maintenance activity or lack thereof.
15. A copy of a Certificate of Insurance covering the applicants and their contractors and/or agents naming Benton County as an Additional named insured for the permitted work shall be filed in the office of County Engineer prior to the commencement of any work. The minimum limits of liability under the insurance policy shall be \$1,000,000 and shall include pollution coverage.
16. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The applicants will be responsible for providing and placing the required signs, covering or removing when not in use and removal after the work has been completed. The applicants shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicants.
17. Before beginning any work within the highway rights-of-way, it is the responsibility of the applicants to contact utility companies whose installations may be affected or encountered. Contact should be made at 1-800-292-8989, a minimum of 48 hours in advance of starting construction. If the work requested in this application should cause a need to relocate or modify any existing utility, any cost associated shall be as negotiated between the applicants and the utility owner.
18. A copy of the approved application shall be available on the job site at all times for examination by Benton County officials.

19. The applicants shall seed and mulch all disturbed areas within the highway right of way and shall be responsible for the vegetative cover until it becomes well established. Any surfaced areas such as driveways or shoulders and sodded waterways and plantings that are disturbed shall be restored to their original condition.
20. The applicants shall maintain any pipe or drainage structure built within the right of way that is built for the benefit of the applicants and not necessary for the highway use.
21. This permit is subject to all the rules and regulations of Benton County, and to revocation by Benton County at any time and at no cost to the county, when in the judgment of the county it is necessary in the improvement or maintenance of the highway or for other reason.
22. The applicants agree to give the Benton County Secondary Road Department 48 hours notice of intention to start construction or perform maintenance on the highway right of way. Said notice may be made in writing or phone to the county Engineer's Office whose name, address and phone is shown on the front of the permit. Any modifications to the proposed work shall be approved by the County Engineer prior to making the change.
23. Unless specifically noted, all work performed within the right-of-way shall be restricted to a time frame of 30 minutes after sunrise to 30 minutes before sunset.
24. All proposed work covered by the permit shall be at the applicants' expense.
25. The following special requirements shall apply to this permit:

N/A

Approved this 8th day of October 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Hayley Rippel, Deputy Auditor

APPLICANTS

Leon Tellinghuisen, Manager
Cedar Valley Dairy
Applicant

George Axmear, Owner
George Axmear dba Axmear Pumping
Applicant

(Name and Title)
Earthworks, Inc.
Applicant

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 12, 2004

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

Moved by Buch, seconded by Sanders, to set November 5, 2004 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Richard and Cheryl McKinney on a parcel located in the SW1/4 of the SW1/4 of 36-86-9. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of October 8th, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 67272 through 67713 for payment. 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 Bill Keller, 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 to house Eastern Iowa Computer. The proposed use will have a minimal impact with less than seven employees and usually less than four in the building at any one time. The land is currently not in production as it is part of the existing 1.72 acres owned by the applicant. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approves a land use change on approximately one acre generally described as being a Part of the SW1/4 of the NW1/4 of 7-85-10 (Taylor Township) for a commercial use as it is compatible with the surrounding use. Both members voting aye thereon. Motion carried.

The Board proceeded with canvassing the Vinton-Shellsburg School Special Election held on October 5, 2004. After reviewing the tally lists and the results, it was moved by Buch, seconded by Sanders, to approve the canvass and results of the Vinton-Shellsburg Special School Election and declare Measure U and Measure V passed. The auditor is directed to record the official results in the records of her office. Both members voting aye thereon. Motion carried.

Randy Forsyth met with the Board to open quotes for electrical and grounding work at the communications tower site. Forsyth advised that the notices and specifications for bids were published in the Cedar Valley Times and the Cedar Rapids Gazette, as well as mailings sent to any person expressing an interest. The specifications required stainless steel ground rods with an alternate bid with galvanized ground rods. Three bids were received as follows:

Barr & Sons - \$5,917.25 to specification with stainless steel ground rods

RCSystems - \$5,989.80 to specification (deduct \$651.00 if go to galvanized ground rods)

Elwick Electric - \$5,700.00 to specification (deduct \$900.00 if go to galvanized ground rods)

The Board discussed the need for stainless versus galvanized ground rods with the consultant. The consultant stated that stainless steel would last longer and that was his preference; however the option was provided for galvanized as they are commonly used and would work. Moved by Buch, seconded by Sanders, to award the electrical and grounding system work to Elwick Electric at a cost not to exceed \$5,700.00 with the use of stainless steel ground rods at the recommendation of the consultant. Both members voting aye thereon. Motion carried.

The county engineer, Rick Bramow, and Roger Witt met with the Board to discuss sidewalk repair. The Board discussed the sidewalk on the northwest corner of the courthouse, the sidewalk around the law enforcement center, and the sidewalk west of the courthouse. The engineer advised that he should have employees available to repair the various sidewalks yet this fall. The Board also discussed a barrier needed around the gas lines and meter going into the law enforcement building. The county could attach a metal cage type barrier to the building or place concrete barriers on the ground around it.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

October 15, 2004

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

Moved by Vermedahl, seconded by Buch, to set the following dates for land use change requests: John Long in the NE1/4 of the SW1/4 of 27-82-12 – November 5, 2004 at 9:45 a.m.; Cumulus Broadcasting LLC in the NE1/4 of the SE1/4 of 20-84-9 at 10:30 a.m.; and Rich Petsche in the NE1/4 of the SW1/4 of 36-86-9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of October 12, 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 Chuck and Kim Collmann, 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 single residential purpose. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately a 2 acres being located in Parcel B of in the SW1/4 of the SE1/4 of 28-86-9 (Polk Township) for a single residential purpose. All members voting aye thereon. Motion carried.

Randy Forsyth met with the board to review the bids received for fencing for the communications tower site. Forsyth advised that notices had been published in the Cedar Valley Times and the Cedar Rapids Gazette. Seven companies requested specifications with the following bids received:

Miller Fence & Flag - Waterloo, Iowa - \$19,191.01

D N&N Fence – Cedar Rapids, Iowa - \$12,735.00

American Fence Company of Iowa – Des Moines, Iowa - \$14,378.00

Iowa Fence Masters – Waterloo, Iowa - \$18,000.00

Lifetime Fence Company – Cedar Rapids, Iowa - \$11,100.00

Aubrecht Fence Company – North Liberty, Iowa - \$10,925.00

Moved by Buch, seconded by Vermedahl, to award the bid for fencing at the communications tower site to Aubrecht Fence Company at a cost of \$10,925.00. All members voting aye thereon. Motion carried.

Super
visor

Buch left the meeting at approximately 10:20 a.m.

Cheryl Berger met with the Board regarding placement of memorial bench on the courthouse lawn in honor of her late husband, Robert Berger. Richard Berger a long-time county employee and the father of Robert requested that it be placed on the courthouse lawn. Supervisor Vermedahl advised that the county has a policy that personalized memorials although appreciated are not accepted due to the number of requests; however the county would accept financial contributions to be used for memorial purchases to be determined by the Board of Supervisors.

The engineer met with the Board to discuss quotes received for boiler repair and/or replacement at the Cedar Valley Ranch. The engineer recommended that repair of the heat exchanger in the #1 and #4 boilers be done, with total replacement of all five boilers be done within the next few years. Quotes for replacement of the two heat exchangers are as follows: Brecke Inc. - \$1,392.37 each and Young Plumbing & Heating - \$7,780.00 total. Moved by Vermedahl,

seconded by Sanders, to award the replacement of two heat exchangers to Brecke, Inc at a cost not to exceed \$1,392.37 each. Both members voting aye thereon. Motion carried.

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

Jason
Sanders, Chairman

Attest: _____
Jill Marlow, Auditor

October 19, 2004

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

Moved by Vermedahl, seconded by Buch, to set November 23, 2004 at 9:15 a.m. as the time and date for a hearing on a land use change on a parcel located in the NE1/4 & SE1/4 of the NW1/4 of 27-85-9 (Benton Township) requested by Flinn Broadcasting. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into closed session to hear a client appeal on the denial of services. All members voting aye thereon. Motion carried at 9:10 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 9:20 a.m.

Moved by Vermedahl, seconded by Buch, to uphold the decision of the social services director regarding the denial of benefits on the client discussed during closed session. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into a contract with St. Luke's Hospital for the provision of services for mental health and substance abuse committals. The cost of the services is set at \$440.00 a day for hospital care and \$150.00 physician fee for admission and \$50.00 per day thereafter. The contract is for the period July 1, 2004 through June 30, 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 15, 2004. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 22, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 19, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the language of the Community Development Betterment Grant Subrecipient Agreement for Federally Funded Project relative to the Watkins Sewer Project #03-WS-040 as presented. The agreement is to be forwarded to East Central Iowa Council of Government for their consideration prior to entering into the agreement. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve and authorize the chair to sign the Department of Justice Equitable Sharing Report for FY04. Both members voting aye thereon. Motion carried. The agreement allows the sheriff's department to continue to receive federal forfeiture money.

Moved by Buch, seconded by Vermedahl, to approve Vinton Unlimited to use the courthouse lawn for Halloween activities on October 30, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-50. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #04-50

WHEREAS, the Board of Supervisors is empowered under authority of Sections 321.255 and 321.285 of the Code of Iowa to determine and declare a reasonable and proper speed limit, and

WHEREAS, based on the new subdivision and the city-county corporate line, the County Engineer has made his recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that a speed limit be established and appropriate signs erected at the location described as follows:

Secondary road, 59th Street, from R Avenue (near the SE corner of section 18, T85N, R10W), west 2,222 feet to the WCL of Vinton, 45 MPH.

Resolution adopted this 22nd day of October 2004.

Benton County Board of Supervisors

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Dave Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

October 26, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 22, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 67714 through 68089, Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a farm exemption in the SE1/4 of the SW1/4 of Section 13 of Jackson Township requested by John and Debra Kemp, as the applicants have shown that they have at least twenty-one acres use in the commercial production of food and fiber as required by the Benton County Agricultural Land Use Preservation Ordinance. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve Vinton Unlimited's request to use the courthouse lawn for Christmas festivities on November 21, 2004. All members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

October 29, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 26, 2004. Both members voting aye thereon. Motion carried.

Gary Fordice updated the Board on activities within his department. Fordice advised that the conservation board will be providing a letter of support to the Old Creamery Nature Trail for a grant application. The letter of support will not obligate the county in any manner. Fordice also reported that the Benton County Conservation Foundation would be holding it's first organizational meeting on November 10, 2004, at the Kirkwood Community Center in Vinton. Fordice also advised that he would need a budget amendment to the land acquisition fund due to \$24,000 of FEMA reimbursed expenses. The Board advised that a budget amendment will probably be done in the spring. Fordice also spoke about the cross-country event held at Rodger's Park. Fordice met with Vinton-Shellsburg school officials regarding the event, which draws approximately 1000 people. Fordice encouraged the school district to find an alternate place to hold the event, but will continue to work with them. Fordice advised that it would be necessary to make arrangements for people to access the park without paying the school's admission fee. Other issues with the event are ATV's being used by the school and kids jumping on them and driving around, cleaning of restroom facilities and park after the event, and parking. Fordice said he will continue to work with the school but some changes will need to be made.

Renee Tharp of Benton Development Group met with the Board regarding grant funds. Tharp advised that two grants were presented to BDG for consideration, which were the Urbana Public Library and the Belle Plaine Historical Society. The Belle Plaine Historical Society requested \$2000.00 which was referenced in the CAT grant applied for last year. The Urbana Public Library requested \$10,000. BDG is requesting release of \$2000.00 for the Belle Plaine Historical Society and the remaining \$600.00 for the Urbana Public Library. Moved by Buch, seconded by Vermedahl, to release the remaining \$2,600.00 of grant money to Benton Development Group. Both members voting aye thereon. Motion carried.

Tharp also updated the Board on the Benton County Community Foundation. The Board will appoint three members to the foundation for alternating three-year terms beginning January 1, 2005.

Moved by Buch, seconded by Vermedahl, to approve the Veterans Affairs Quarterly Report. Both members voting aye thereon. Motion carried.

Dennis Zieser met with the Board regarding transporting manure through pipelines. Zieser questioned if he would be allowed to run a hose under the road or through existing culverts. The Board directed Zieser to speak with the county engineer, adding that a prior permit was issued for a specific business and was only until the county could get final rules and regulations in place.

The county engineer presented quotes for two new tandem axle trucks as follows:

Don's Truck Sales Inc. - \$147,850.00 less \$13,000.00 trade-in = \$134,850.00 (Sterling LT9513 trucks)
Hawkeye International Trucks, Cedar Rapids - \$168,080.64 less \$8,000 trade-in = \$160,080.64 (International 5500i trucks)
Truck Country of Cedar Rapids Inc. - \$151,368.00 less \$6,000 trade-in = \$145,368.00 (Sterling LT9513 trucks)
Truck Country of Cedar Rapids Inc. - \$150,094.00 less \$6,000 trade-in = \$144,094.00 (Freightliner M2 112V trucks)
Moved by Buch, seconded by Vermedahl, to purchase two Freightliner M@ 112V trucks from Truck Country of Cedar Rapids for \$144,094.00. Both members voting aye thereon. Motion carried.

The time having arrived for a bid letting on ten box culverts, the Board proceeded with the matter. Bids were received as follows:

Taylor Construction, Inc. - \$455,810.50
Iowa Bridge & Culvert - \$322,219.20
Iowa Culvert Builders - \$390,202.30
McCulley Culvert - \$344,222.30
K Construction - \$330,556.40
Winfield Contractors - \$480,605.50
Bloomfield Bridge & Culvert - \$436,495.22

Having reviewed and discussed all bids, it was moved by Buch, seconded by Vermedahl, to award the bid for ten box culverts to Iowa Bridge & Culvert at a cost of \$322,219.20. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Auditor

November 5, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 29, 2004. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption requested by Tamra Randall. The property is located in the SW1/4 of 28-85-9 (Benton Township). Currently, the use is the commercial production of fruits and vegetables. The applicant owns approximately seventy-seven acres and qualifies for the farm exemption. Moved by Vermedahl, seconded by Buch, to approve a farm exemption on a parcel located in the SW1/4 of 28-85-9 for a single residential use as the applicant is currently engaged in the commercial production of food and fiber as required by the Benton County Agricultural Land Use Preservation Ordinance. 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 Richard and Cheryl McKinney, 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 purpose. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately a 1-3/4 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 Rich Petsche, 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 purpose. Greenlee stated that the CSR is approximately a 70, but the tillable area is limited to two acres due to the way the property has been divided and the topography of the land. Greenlee also advised that the driveway will go through an area that is probably a wetland and any tiling or building up of the surface would require approval from the NRSC or the Corp of Engineers. Also, Greenlee stated that the length of the access may be some concern to emergency response equipment. Supervisor Vermedahl questioned if the county's position on the corn suitability ratio (CSR) was 70 and above or 70 and below. Greenlee advised the County has generally looked unfavorably on a 70 CSR and higher; however changes have been granted on this high of CSR when all other factors are considered. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately 2 acres generally described as being a Part of Parcel C of the NE1/4 of the NW1/4 of 36-86-9 (Polk Township) for a single residential use, considering that all factors in relevance to the 70 CSR and no public concern heard, and that the parcel was split off previously through a variance to the subdivision ordinance. 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 John Long, 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 purpose. The change allows for the applicant to place a seasonal dwelling on his property. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately a 1-3/4 acres generally described as being a Part of the NE1/4 of the SW1/4 of 27-82-12 (Polk Township) for a single family-occupied residential use. All members voting aye thereon. Motion carried.

Mary Halstead met with the Board to discuss the replacement of a transportation vehicle. Halstead advised that Iowa County was on the list to receive a vehicle, but was turning it down. Since Benton County is next in line, East Central Iowa Transportation was asking if Benton County would like to purchase the bus. The cost to Benton County would be \$8,000.00 to \$10,000.00, however, it was not included in the 2005 budget. The bus would replace a standard van. Supervisor Buch questioned if the Board would turn down the bus if Benton County would still be at the top of the list next year. Halstead stated that Benton County would remain at the top of the list and a new bus would not be available

until after July 1st. Halstead advised that she was not having problems with the current vans. The Board advised that they would not amend the current budget, but encouraged Halstead to include it in the FY06 budget.

Doug Elliott, Executive Director of East Central Iowa Council of Governments (ECICOG), met with the Board to present the proposed FY06 county assessment for ECICOG. Elliott asked if the Board had any questions or concerns. Supervisor Vermedahl asked if ECICOG had made any decisions regarding the sub recipient agreement with Poweshiek Water Association. Elliott stated that ECICOG would be glad to administer the grant with the proposed sub recipient agreement.

The county engineer reported that the balance in the landfill bank account as of October 21, 2004 was \$33,500.93.

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 Sections 3 and 9 of Harrison Township along 25th Avenue and 24th Avenue Dr. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Qwest Communications to place utility lines in the county's right-of-way in section 32 of Taylor Township along 61st Street Drive. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the contract and contractor's bond with Iowa Bridge and Culvert for replacing ten box culverts. All members voting aye thereon. Motion carried. The bid had been awarded to Iowa Bridge and Culvert on October 29, 2004.

Moved by Buch, seconded by Vermedahl, to adopt Resolutions #04-51, #04-52, #04-53. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-51

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 8, 2004, through the completion of the project.

Along 13th Avenue, from 52nd Street thence south 1 mile to 53rd Street in Bruce Township.

Signed this 5th day of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

RESOLUTION #04-52

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 8, 2004, through the completion of the project.

Along 17th Avenue, from 55th Street thence south 2 miles to 57th Street in Cedar and Jackson Townships.

Signed this 5th day of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

RESOLUTION #04-53

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 8, 2004, through the completion of the project.

Along 56th Street, from 16th Avenue thence east 2 miles to 18th Avenue in Cedar and Jackson Townships.

Signed this 5th day of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The county engineer discussed the transfer of jurisdiction roads that were turned over to Benton County from the State of Iowa. That action has required that each county review their farm-to-market roads. The procedures to review farm-to-market changes have also changed and now require that each county submit to a committee for consideration. The engineer reviewed the roads that he proposed to delete from the farm-to-market program and those that should be added. Roads with dirt segments were primarily considered for deletion. Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-54. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

FARM-TO-MARKET REVIEW BOARD APPLICATION RESOLUTION #04-54

WHEREAS, a county may apply for modifications to its farm-to-market system to add or subtract mileage from its system, to accept or delete highways gained or lost through jurisdictional transfers, or to change the classification of roads within its system, and

WHEREAS, the Board of Supervisors of Benton County has consulted with its County Engineer and desires to modify its farm-to-market road system to provide continuity of intracounty and intercounty routes, to meet the needs of existing or potential traffic, to better meet land use needs, or to provide a more suitable location for a farm-to-market route, and

WHEREAS, application for modifications to any county's farm-to-market system must be made to the Farm-to-Market Review Board per the requirements of Iowa Code Section 306.6,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that this county is formally requesting that the Farm-to-Market Review Board approve the following modifications to its farm-to-market system:

Road segments proposed for deletion from the farm-to-market system:

Delete the farm-to-market classified route number D66 which begins near the W $\frac{1}{4}$ corner of section 14, T-86N, R-9W thence running east 2.039 miles to the Linn County line. The 2.039-mile road segment shall be re-classified as area service.

Delete the farm-to-market classified route number E12 which begins near the SW corner of section 6, T-85N, R-12W thence running east, north and east 6.06 miles to near the NE corner of section 2, T-85N, R-12W. The 6.06-mile road segment shall be re-classified as area service.

Delete the farm-to-market classified route number E12 which begins at the Jct of US Hwy 218 thence running east 5.78 miles to near the NE corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 2, T-85N, R-11W. The 5.78-mile road segment shall be re-classified as area service.

Delete the farm-to-market classified route number E40 which begins at the Jct of IA Hwy 21 thence running east 5.016 miles to the NE corner of section 2, T-83N, R-12W. The 5.016-mile road segment shall be re-classified as area service.

Delete the farm-to-market classified route number V36 that begins at the NCL of Belle Plaine thence running north 4.015 miles to the Jct of US Hwy 30. The 4.015-mile road segment shall be re-classified as area service.

Delete the farm-to-market classified route number V64 which begins near the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 24, T-84N, R-11W thence running south and west 1.268 miles to near the NW corner of section 25, T-84N, R-11W. The 1.268-mile road segment shall be re-classified as area service.

Total Mileage deleted from the Farm-to-Market System: **24.178** miles

Road segments proposed for addition to the farm-to-market system:

Add the new route number D62 (old IA Hwy 920) to the farm-to-market system which begins near the NW corner of section 10, T-86N, R-9W thence running east to the Linn County line. This route is 3.01 miles in length.

Add the new route number V66 (old IA Hwy 198) to the farm-to-market system which begins at the Jct of US Hwy 218 thence running south to the NCL of Garrison. This route is 2.23 miles in length.

Add the new route number V42 (old IA Hwy 200) to the farm-to-market system which begins near at the SCL of Keystone thence running south to the Jct of US Hwy 30. This route is 2.16 miles in length.

Add the new route number E44 (old IA Hwy 199) to the farm-to-market system which begins at the Jct of US Hwy 218 thence running west to the ECL of Van Horne. This route is 2.67 miles in length.

Add the new route number W14 (old IA Hwy 287) to the farm-to-market system which begins at the Jct of US Hwy 30 thence running north to the SCL of Newhall. This route is 1.83 miles in length.

Add the new route number W28 (old IA Hwy 279) to the farm-to-market system which begins at the Jct of US Hwy 30 thence running north to the SCL of Atkins. This route is 1.98 miles in length.

Add the new route number W24 (old IA Hwy 201) to the farm-to-market system which begins at the Jct of US Hwy 30 thence running south to the ECL of Norway. This route is 4.21 miles in length.

Add the new route number V66 (old IA Hwy 82) to the farm-to-market system which begins at the Jct of US Hwy 30 thence running south to Railroad St (near the NCL of Blairstown). This route is 3.62 miles in length.

Add the new route number V66 (old IA Hwy 131) to the farm-to-market system which begins at the Jct of US Hwy 30 thence running south to near the E¼ corner of section 21, T-82N, R-12W. This route is 4.53 miles in length.

Add the new route number E66 (old IA Hwy 131) to the farm-to-market system which begins at the ECL of Belle Plaine thence running east to near the E¼ corner of section 21, T-82N, R-12W. This route is 0.505 miles in length.

Add the new route number E66 (old IA Hwy 940) to the farm-to-market system which begins at the Tama County line thence running east to the Jct of IA Hwy 21. This route is 0.08 miles in length.

Add the new road segment (old IA Hwy 363) to the farm-to-market system that begins at the ECL of Urbana thence running east to Jct of Interstate 380. This route is 0.274 miles in length.

Total Mileage added to the Farm-to-Market System: **27.099** miles

Road segments within city corporate limits as farm-to-market extensions:

Add the new road segment to the farm-to-market extension system that begins at the NCL of Blairstown thence running south to the SCL of Blairstown. This route is 0.78 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Euclid Ave thence running easterly to the ECL of Norway. This route is 0.28 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Railroad St thence running southerly to the SCL of Norway. This route is 0.36 miles in length.

Add the new road segment to the farm-to-market extension system that begins at the SCL of Shellsburg thence running northerly to Sells St. This route is 0.47 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Smith St thence running easterly to Pearl St. This route is 0.04 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Sells St thence running northerly to Main St. This route is 0.07 miles in length.

Add the new road segment to the farm-to-market extension system that begins at the WCL of Shellsburg thence running easterly to Canton St. This route is 0.21 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Canton St thence running northerly to the NCL of Shellsburg. This route is 0.27 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Canton St thence running easterly to Smith St. This route is 0.23 miles in length.

Add the new road segment to the farm-to-market extension system that begins at Commercial St thence running northerly to Main St. This route is 0.16 miles in length.

Add the new road segment to the farm-to-market extension system that begins at the WCL of Urbana thence running easterly to ECL of Urbana. This route is 1.34 miles in length.

Add the new road segment to the farm-to-market extension system that begins at the SCL of Urbana thence running northerly to Sunset St. This route is 0.30 miles in length.

Add the new road segment to the farm-to-market extension system that begins at the Jct of IA Hwy 21 thence running easterly to ECL of Belle Plaine. This route is 1.49 miles in length.

Total Mileage added to the Farm-to-Market Extension System: **6.00** miles

Road segment proposed for deletion from the farm-to-market extension system:

Delete the road segment to the farm-to-market extension which begins at the Jct of IA Hwy 21 thence running north 0.65 miles to 21st St. The 0.65-mile road segment shall be re-classified as municipal arterial.

Total Mileage deleted from the Farm-to-Market Extension System: **0.65** miles

The Board of Supervisors of Benton County, in lawful session this 5th day of November 2004, hereby adopts this farm-to-market modification resolution.

Recommended:

Approved:

Benton County Engineer

Chairperson, Board of Supervisors

Attest: _____
Benton County Auditor

The county engineer met with the Board to discuss a revision to the quotes received for two tandem axle trucks. The engineer advised that there was some confusion on the specifications provided to the vendors and that modifications to the original quotes were necessary. The new quotes are as follows:

Don's Truck Sales, Inc. – Sterling LT9513 - \$67,425.00 including modifications

Truck Country of Cedar Rapids, Inc. – Sterling LT9513 - \$70,684.00 including modifications

Truck Country of Cedar Rapids, Inc – Freightliner M2 112V - \$71, 547.00 including modifications.

Moved by Vermedahl, seconded by Buch, to purchase a Sterling LT9513 (#57) from Don's Truck Sales, Inc. at a cost of \$67,425.00 and a Freightliner M2 112V from Truck Country of Cedar Rapids, Inc. at a cost of \$71,547.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to rescind the action taken on October 29, 2004, approving the purchase of two M2 112V Freightliner trucks from Truck Country of Cedar Rapids, Inc. All members voting aye thereon. Motion carried.

November 9, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 5, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 68090 through 68583, for payment. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time set for canvassing the November 4, 2004 General Election, the Board proceeded with the matter. The Board found that a tie existed in the following offices and drew names from a hat as required by Iowa law: Canton Township Trustee – William Sloop, Bruce Township Trustee – Donald Beatty, Fremont Township Trustee – Bill McKecknie, and Union Township Trustee – Steve Van Deusen. Having reviewed all results, and finding no errors or corrections, it was moved by Vermedahl, seconded by Buch, to approve the canvass of the November 4, 2004 General Election, and declare the results final. Further that abstracts of the election are to be prepared showing the results of said election and are to be recorded in the public records in the office of the county auditor. All members voting aye thereon. Motion carried.

Mike Beumer, Weed Commissioner, met with the Board to provide a quarterly update on the activities of his department. Beumer advised that brush cutting in the ditches and fall drilling of native grasses would begin soon. Beumer also spoke to the Board about the county's current health insurance program and his belief that the program could be improved upon.

A group of people was present regarding the county's sponsorship of a TEA-21 grant application for the Old Creamery Nature Trail. The grant would be used to restore the Old Creamery located in Garrison and also complete work on various areas of the nature trail. No person present expressed opposition to the proposed grant project. Comments supporting the grant application included increased tourism for the City of Garrison and preservation of a historical building in Benton County. Additionally, the number of people using the nature trail has increased significantly and will continue to do so bringing more tourism to Benton County. The grant would be for \$100,000.00 with \$20,000 a local match required. The Board expressed concern of the grant's requirement for twenty-year maintenance. It was discussed that the Youngville Café project was done with a similar grant and that a letter from the Youngville Committee was required stating that they would agree to maintain the facility for the twenty year period. After discussing the project with those present, it was moved by Vermedahl, seconded by Buch, to adopt Resolution #04-55 subject to RAILS and the Old Creamery Nature Trail providing guarantees that they would be responsible for all maintenance and financial obligations for the twenty year period required by the grant. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-55

WHEREAS, Benton County is applying to the Region 10 Regional Planning Affiliation (RPA) for Regional Transportation Enhancement funds to hard surface the Old Creamery Nature Trail; and

WHEREAS, Benton County has provided a public input opportunity to obtain the views of citizens and adjacent property owners on the proposed activities; and
WHEREAS, Benton County has the legal jurisdiction and authority to construct, finance, operate, and maintain this project for a minimum of twenty years; and
WHEREAS, Benton County agrees to conform with the regulation, statutes, terms and conditions described in the application and instructions; and
WHEREAS, Benton County agrees to make satisfactory progress on the project within three years;
NOW, THEREFORE BE IT RESOLVED that Jason Sanders, Chair of Benton County Board of Supervisors is authorized to submit this application to the Region 10 Regional Planning Affiliation on behalf of Benton County and to provide additional information as may be requested.
Signed this 9th day of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 12, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Vermedahl, and Buch present. Chairman Sanders called the meeting to order at 8:00 a.m.

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 9, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize payment of a claim in the amount of \$121,829.77 payable to Taylor Construction, Inc., with said payment being made on November 15, 2004. All members voting aye thereon. Motion carried.

The Board discussed the upcoming FY06 budget. Supervisor Sanders stated that he asked that the matter be placed on the agenda so that the Board could provide guidance to the departments in compiling their FY06 budgets. The Board discussed infrastructure maintenance that should be considered during the FY06 budgets, and also the need to meet with the conservation board regarding FY06 funding levels. Supervisor Vermedahl requested additional time to consider the matter and asked that it be placed back on the agenda in one week.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-56, and authorize the chair to sign the Subrecipient Agreement for Federally Funded Project between Benton County, Iowa and Poweshiek Water Association for a wastewater collection system and treatment facility in the unincorporated community of Watkins, CDBG Contract #03-WS-040. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-56

SUBRECIPIENT AGREEMENT FOR FEDERALLY FUNDED PROJECT

THIS CONTRACT, made and entered into this 12th day of November, 2004, by and between **BENTON COUNTY, IOWA**, (hereinafter called the "Local Government"); and, **POWESHIEK WATER ASSOCIATION**, (hereinafter called "the Subrecipient") and which contemplates that Local Government will contract the administrative services of an administrator (hereinafter "East Central Iowa Council of Governments" or "Administrator") WITNESSETH THAT:

WHEREAS, Local Government, at the request of the Subrecipient, has applied to the Iowa Department of Economic Development for a grant of federal funds from the U.S. Department of Housing and Urban Development pursuant to Title I of the Housing and Community Development Act of 1974 and Chapter 23 of the Iowa Administrative Code to: **Install, own and operate a wastewater collection system and treatment facility in the unincorporated community of Watkins**; and,

WHEREAS, the Local Government has been awarded a grant of funds as aforesaid in the amount of **\$109,000** subject to the condition that the Subrecipient provide a local matching contribution in the amount of **\$535,450**; for a total project cost of \$644,450.

WHEREAS, the parties hereto desire to make a written agreement with respect to said funds and the implementation of the project to which they pertain;

NOW, THEREFORE, the parties hereto have agreed to the terms and conditions as hereafter stated:

Section 1. Matching Funds. The Subrecipient shall expend the sum of \$535,450 of its own funds constituting 100 % of the local matching contribution for the construction of a wastewater treatment facility in Watkins, IA. These funds shall be used along with CDBG funds to pay all bills incurred (with the exception being CDBG grant administration). Outstanding bills shall be paid in the following manner, if at all practicable:

17% CDBG funds;
83% Match funds;

In order to aid the Local Government in satisfying all state requirements in regards to the keeping of records, the Subrecipient shall file with the Administrator, East Central Iowa Council of Governments, Local Government's independent contractor, copies of all bills to the Administrator's office within 10 days of approval of such bills by Subrecipient's board of directors. Bills will be prepared and submitted to the Local Government within ten days of receipt by the Administrator. While compiling the bills, the Administrator will determine the amounts to be paid from each source according to the percentages described herein. The Subrecipient will be notified by the Administrator as to the amount needed from the outside source.

When the Local Government receives the CDBG funds requested by the Iowa Department of Economic Development, the Local Government shall deposit such funds into the Local Government's Community Development Account. The Local Government shall transfer payment for administration of the Community Development Block Grant to the Administrator, and the remainder to the Subrecipient. The Subrecipient shall then pay all bills to be covered by CDBG as well as outside funds, calculated at the above percentages. The Subrecipient shall keep accurate records as necessitated by the above requirements.

Section 2. Construction Contracts and Services. The Subrecipient shall, for the purpose of constructing the aforesaid proposed project, proceed forthwith to engage the services of an architect/engineer, adopt plans and specifications, and award construction contracts in accordance with the laws and regulations of the State of Iowa and of the United States. Procurement is subject to the final concurrence of the Local Government and the Iowa Department of Economic Development.

Section 3. Administration. The administration of the CDBG Contract #03-WS-040 and all transactions involving the expenditure of any of the grant funds within the scope of said contract shall be the sole prerogative of the Local Government carried out in such manner as it deems appropriate and consistent with Title I of the Housing and Community Development Act of 1974 and 261 – Chapter 23 of the Iowa Administrative Code.

Section 4. Property Ownership. Any and all improvements or property, real or personal, constructed, installed, or acquired pursuant to this contract shall be and remain the property of the Subrecipient. If, from the date funds are first spent for the property until five years after closeout of the Local Government's grant, the use or planned use of the property is proposed to be changed, then the Subrecipient shall notify the Local Government of the proposed change. The Local Government shall contact the Iowa Department of Economic Development for instructions on how to proceed. If the Subrecipient proceeds with a use determined by the IDED to be inconsistent with the use of the CDBG funds, the Subrecipient shall reimburse the Local Government and the Local Government shall reimburse the IDED in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds.

Section 5. Proposed Project. The Subrecipient shall grant access to the premises and Subrecipient's program records for the Local Government and its contractors to perform such required functions consistent with the CDBG contract as the Local Government shall deem appropriate.

Section 6. Excess Costs. It is agreed that if the amount of the lowest responsible bids received that are in compliance with state law for construction of the aforesaid project, plus the estimated cost of professional services and a reasonable reserve for contingencies exceed the balance of grant funds and local funds committed to as stated in Section 1 of this Agreement, all bids shall be rejected and the project redesigned so as to keep the maximum cost of the project less than the balance of grant and local funds. It is further agreed that if the construction of said project results in contractual liability of the Local Government in an amount greater than said grant funds, the Subrecipient shall reimburse the Local Government for such excess costs.

Section 7. Indemnification. The Subrecipient shall hold the Local Government and its officers and employees harmless from any and all claims, losses, damages or liability whatsoever resulting from or arising out of this contract or the project to which it pertains. This provision shall not be construed to prohibit the Subrecipient from making any claims against the Local Government's independent contractor, the Administrator, for the Administrator's negligent acts or omissions.

Section 8. Unallowable Costs. If Local Government determines at any time, whether through monitoring, audit, closeout procedures or by other means or process that the Subrecipient has expended funds which are unallowable, the Subrecipient will be notified of the questioned costs and given an opportunity to justify questioned costs prior to Local Government's final determination of the disallowance of costs. If it is Local Government's final determination that costs previously paid by the Local Government are unallowable under the terms of the Agreement, the expenditures will be disallowed and the Subrecipient shall repay to Local Government any and all disallowed costs.

Section 9. Events of Default. The following shall constitute Events of Default under this Agreement:

a. **Material Misrepresentation.** If at any time any representation, warranty or statement made or furnished to the Local Government by, or on behalf of the Subrecipient in connection with this Agreement or to induce the Local Government to make a grant to the Subrecipient shall be determined by the Local Government to be incorrect, false, misleading or erroneous in any material respect when made or furnished and which would have a materially adverse effect on the project.

b. **Noncompliance.** If there is a failure by the Subrecipient to comply with any of the covenants, terms or conditions contained in this Agreement and shall not have been remedied to the Local Government's approval, reasonably applied, within thirty (30) days after written notice thereof by the Local Government to the Subrecipient.

c. **Agreement Expiration Date.** If the project is not completed on or before the Agreement Expiration Date unless such delay is beyond the control of the Subrecipient or due to a force majeure.

d. **Misspending.** If the Subrecipient expends Grant proceeds for purposes not described in the CDBG application, this Agreement, or as authorized by the Local Government.

e. **Insurance.** The following provision shall apply to Activity Number(s) 01. If loss, theft, damage or destruction of any substantial portion of the property of the Subrecipient occurs for which there is either no insurance coverage or for which, in the reasonable opinion of the Local Government, there is insufficient insurance coverage.

Section 10. **Notice of Default.** Local Government shall issue a written notice of default providing therein a fifteen (15) day period in which the Subrecipient shall have an opportunity to cure, provided that such default is capable of being cured.

Section 11. **Remedies Upon Default.** If, after opportunity to cure, the default remains, Local Government shall have the right, in addition to any rights and remedies available to it to do one or both of the following:

- a. exercise any remedy provided by law;
- b. require immediate repayment of up to the full amount of funds disbursed to the Subrecipient under this Agreement plus interest.

Section 12. **Miscellaneous.** Neither party to this Agreement shall assign its rights and obligations hereunder without the prior written authorization of the other party. This Agreement be governed by the laws of the State of Iowa. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof. The terms and conditions of this Agreement may be amended only by written instrument executed by both parties and, when necessary, with the concurrence of the State of Iowa, Department of Economic Development. Such amendments include any deviation from the recipient program schedule, or other terms and conditions provided for by the Iowa Department of Economic Development contract number **03-WS-040** which is by this reference incorporated herein and made a part hereof of this Subrecipient Agreement.

Section 13. **Federal Laws.** By virtue of the federal funding provided for under this Agreement, the parties hereto shall be bound by and adhere to all applicable federal laws, rules, policies, orders and directions, including by way of specification but not limited to the following:

- a. The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 and implementing regulations; Executive Order 11063; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d-1), and the Americans with Disabilities Act, as applicable (P.L. 101-336, 42 U.S.C. 12101-12213); and related Civil Rights and Equal Opportunity statutes; and regulations which supplement these laws and orders.
- b. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (24 U.S.C. 794).
- c. The requirements of Executive Order 11246 and the regulations issued under the Order at 41 CFR Chapter 60.
- d. The requirements of Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701.
- e. The requirements of Executive Orders 11625, 12432, and 12138. Consistent with responsibilities under these Orders, the provider must make efforts to encourage the use of minority- and women-owned business enterprises in connection with activities funded under this part.
- f. The maintenance of books, records, documents and other such evidence pertaining to all costs and expenses incurred and revenues received under this contract/subagreement to the extent and in such detail as will properly reflect all costs, direct and indirect, of labor, materials, and equipment, supplies, services, and other costs and expenses of whatever nature, for which payment is claimed

under their contract/subagreement as specified in 261 – Chapter 23, Iowa Administrative Code and OMB Circular A-102.

- g. At any time during normal business hours and as frequently as deemed necessary, the parties heretofore shall make available to the Iowa Department of Economic Development, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this Subrecipient Agreement and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment, and all other matters covered by this Subrecipient Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives.

LOCAL GOVERNMENT: BENTON COUNTY

By: _____ Date: __/__/__

Attested By: _____ Date: __/__/__

SUBRECIPIENT: POWESHIEK WATER ASSOCIATION

By: _____ Date: __/__/__

Attested By: _____ Date: __/__/__

Moved by Vermedahl, seconded by Buch, to approve vacation carry-over for the following persons with said carry-over to be used by April 1, 2005: Mary Ann Blumer – 16 hours and Delane Kalina – 42 hours. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 19, 2004

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Vermedahl, and Buch present. Chairman Sanders called the meeting to order at 8:00 a.m.

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 12, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set December 10, 2004 at 9:15 a.m. as the time and date for a public hearing on a land use change in the SW1/4 of the SE1/4 of 20-84-9 requested by Cumulus Broadcasting, LLC. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to deny opening the courthouse on November 21, 2004, for Christmas pictures as the request is from a "for profit" business and the revenue is not being donated to a non-profit or civic organization. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a Beer Permit and Sunday Sales Permit for Kimm's Mini Mart. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to hire Tharp Design to replace the sign at the Governor Sherman Building at a cost not to exceed \$2,290.00. All members voting aye thereon. Motion carried.

The Board continued with discussion on the FY06 budget. Supervisor Vermedahl stated that he had no reason to believe that there would be any additional money over last year. The auditor stated that the Board should pay attention to the property tax proposal being submitted to the legislature and its possible affect on budgets should it be enacted. The Board asked that a meeting be scheduled with the departments to discuss the upcoming budget period.

Moved by Vermedahl, seconded by Buch, to adopt Resolutions #4-57, effective Monday November 15, 2004. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #4-57

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from November 15, 2004, through the completion of the project.

From 12th Avenue thence east one (1) mile to 13th Avenue along 63rd Street in Homer Township.

Signed this 19th day of November, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #4-58. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #4-58

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 19, 2004, through the completion of the project.

From 63rd Street thence south 1 mile to 64th Street along 16th Avenue in Big Grove Township.

Signed this 19th day of November, 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The county engineer spoke with the Board about filling the vacant position at the landfill. The engineer received twenty-three applications for the position, and questioned if the Board was considering any changes that may change the employment of the applicant. The engineer asked for the Board's input on the following – not a supervisory position, additional Saturday hours (2 Saturdays versus the current 1), need to be willing to become certified as a landfill operator and Hazardous Household Waste disposal, ability to work with the public, ability to enforce regulations and take action if necessary.

Terry Johnson of Genesis provided an update to the Board on the services Genesis provides in Benton County. The number of individuals currently being served is up from twenty-six a year ago to thirty-three for community living. Johnson advised that Genesis only provides community living services, however other services could be provided if the number of clients can support it. Those services could include employment and support and a day activity program. Johnson also gave a brief overview of services being provided statewide by Genesis. Johnson questioned that status of the Braille and Sight Saving School, adding that his company would like to be included in any discussions about privatization of the services being provided.

The Board was updated on the status of a county geographical information system. Supervisor Sanders provided the proposed timeline and estimated budget. The Board discussed the various equipment and training requirements, as well as sharing services with Linn County.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 23, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 19, 2004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 68584 through 68953, for payment. 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 Flinn Broadcasting Corporation, 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 construction of a radio tower. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres generally described as being a Part of Parcel A located in the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 and the NW1/4 of the NE1/4 of 27-85-9 (Benton Township) for a radio tower. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into closed session to discuss a client appeal regarding the provision of services. Both members voting aye thereon. Motion carried at 10:00 a.m.

Moved by Buch, seconded by Vermedahl, to return to open session. Both members voting aye thereon. Motion carried at 10:45 a.m.

Moved by Buch, seconded by Vermedahl, to defer a decision on the client's appeal until December 3, 2004, at 9:30 a.m. Both members voting aye thereon. Motion carried.

Betty Wright, Benton County Recorder, requested that the Board amend her budget to allow expenses for the county land records information system (CLRIS). The Board requested that Betty meet with the auditor and that the auditor return with an inter-service area budget amendment if possible.

The county engineer requested approval of the hire of Steve Wheeler as a full-time employee at the landfill. Supervisor Buch expressed concern due to past issues at the landfill and recycling compliance and Wheeler's involvement. Supervisor Vermedahl stated that compliance with the county's recycling ordinance will ultimately lie with the county engineer and the engineer will have to deal with any non-compliance and/or non-enforcement issues. Supervisor Buch agreed that the county engineer is responsible for the operation of the landfill facility and that he would not reject the recommendation of the engineer; however, Buch stressed that if issues arise the engineer will have to address those issues. Supervisor Vermedahl questioned if Wheeler was directly asked if he would enforce compliance of the recycling ordinance. The engineer stated that Wheeler advised that if enforcement and compliance of the recycling ordinance were part of the job duties, then he would have to perform those duties. The engineer stated that he was comfortable with his recommendation of Steve Wheeler for the position. Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-59. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #04-59

WHEREAS: Benton County has a position to fill for a Landfill Operator at the Benton County Landfill and

WHEREAS: Twenty-three (23) applications were received for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Steve Wheeler be hired to fill the position of Landfill Operator at a starting wage of \$11.54 per hour starting December 1, 2004. This position carries a Labor Grade IVA classification.

Signed this 23rd of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ron Buch

ATTEST: _____

Jill Marlow, Auditor

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

Dave Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Auditor

November 29, 2004

The Benton County Board of Supervisors met in special session at the Vinton Pizza Ranch. Chairman Sanders called the meeting to order at 7:00 p.m. with Supervisors Sanders, Vermedahl, and Buch present.

The Board met for the purposes of discussing the FY06 budget with the Benton County Conservation Board. All members of the conservation board were present as well as Vinton Mayor John Watson, Naturalist Karen Phelps, Ranger Scott Bahmann, Director Gary Fordice, Ranger Ryan Rotter and Judy Henkel.

The supervisors stated that there was no reason to believe that there would be more money in FY06 than in the current year. Vermedahl reported that he has attended two meetings prior to tonight and legislators attending those meetings advised that they were not optimistic about funding in FY06, adding that conservative was the name of the game of FY06 budgets. The primary concern of the conservation board was the retention of revenues earned by the department to be used by conservation for capital improvement. The conservation board believes that there is a lack of support for the conservation program. The conservation board stated that it was hard to stay motivated and make more money when they did not get any benefit from the money earned. The Board advised that the approximately \$400,000.00 is placed in the conservation's budget from the general fund and the board would be willing to put the revenues earned by conservation back into conservation's land acquisition fund if the amount coming from the general fund was reduced proportionately. The conservation board requested cooperation from other departments such as secondary roads, stating that if secondary roads would put gravel on the park roads it would help conservation. It was explained that secondary roads could only use their funds for secondary road purposes; however by having secondary roads do work for conservation it should be cheaper since secondary roads should perform the work "at cost". The supervisors advised that they would be willing to consider a proposal from conservation on changing their expenses so that they could retain all or part of their revenues, but the proposal would have to be submitted no later than January 3rd, 2005, which is the deadline for budget submission.

Supervisor Sanders left the meeting at 8:00 p.m. to attend the Emergency Management meeting.

Moved by Buch, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 8:45 p.m.

Dave Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

November 30, 2004

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 23, 2004 and November 29, 2004. All members voting aye thereon. Motion carried.

The county engineer spoke with the Board regarding the Shellsburg road project. The engineer advised that he was optimistic that the project would be completed soon. The weather has slowed the project but only 10,000 feet remain to be finished.

Moved by Vermedahl, seconded by Buch, to approve ten days of vacation carry-over requested by Marc Greenlee, with said vacation to be used by April 15, 2005. All members voting aye thereon. Motion carried.

Marc Greenlee presented a request for a farm exemption on a parcel located in the S1/2 of the SE1/4 of 30-83-9 (Fremont Township). The request is from Jim and Gina Krug and is to build a new owner-occupied residence. The applicants currently own seventy-three acres, which are in a corn/soybean rotation. The CSR is in a 62-78 range where the house will be built. The request meets all criteria for a farm exemption. Moved by Buch, seconded by Vermedahl, to grant a farm exemption requested by Jim and Gina Krug to construct a residence on a parcel located in the S1/2 of the SE1/4 of 30-83-9, as the applicants are actively engaged in a farming operation and said request meets the requirements for an exemption under the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-60. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-60

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 29, 2004, through the completion of the project.

From 57th Street thence south approximately 0.25 mile to 57th Street Trail along 20th Avenue Drive in Jackson Township.

Signed this 30th day of November 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Auditor

The engineer spoke to the Board about the price to charge cities for salt/sand mixtures. The engineer advised that the prices had not been changed for four years; however the cost to the county has decreased in that time and the county should review the current prices. Moved by Vermedahl, seconded by Buch, to set the price of salt for cities at \$35 per ton (down from \$50) and \$22.00 per ton for salt/sand mixtures (down from \$24). The cost for private individuals/entities for salt/sand mixture is set at \$25.00 per ton (down from \$26). All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge receipt of the annual update for the manure management plan for Cedar Valley Farms, LLC. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #04-61. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2005 budget on March 12, 2004; 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 FY2005 county budget is hereby amended within service areas as follows:

SERVICE AREA 1

| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
|--------------------------|--------------------------|---------------|
| Fund 0001 Function 90100 | Fund 0002 Function 92100 | \$ 6,000.00 |

SERVICE AREA 8

| <u>Amended To</u> | <u>Amended From</u> | <u>Amount</u> |
|-------------------|---------------------|---------------|
|-------------------|---------------------|---------------|

| | | |
|--------------------------|--|-------------|
| Fund 0029 Function 80000 | Fund 0029 Function 81100 | \$26,000.00 |
| Fund 0002 Function 80000 | Fund 0002 Function 80000 (within department) | \$ 6,000.00 |

Signed this 30th day of November 2004.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow
Benton County Auditor

The Board met with the department heads to discuss the FY06 budget. The Board advised that there was no reason to believe that there would be additional funds in FY06 and asked that all departments hold the bottom line of their budgets as close to the FY05 levels as possible. Various department heads spoke about expenses in their departments and the availability of funding for various items.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

December 3, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of Tuesday, November 30, 2004. All members voting aye thereon. Motion carried.

Roger Witt with the county's information technology department discussed disposal of computer equipment. Witt advised that the equipment could be recycled through Midwest Computer Recycling or possibly donated to the Benton Community School District. The Board suggested that Witt pursue donating the equipment to the Benton Community School District.

Moved by Buch, seconded by Vermedahl, to over-turn the decision of the Social Services Director in the partial denial of benefits regarding the client appeal hearing held on November 23, 2004, further that Benton County pay an additional \$112.90 for client services to Ellery Smallwood for a monthly total of \$350.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Kathy Wychoff as a part-time cook/custodial employee with the Benton County Sheriff's Department, effective December 7, 2004, at a wage of \$12.49 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan update for Sunrise Feedlot, Inc. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting at 10:25 a.m.

Moved by Vermedahl, seconded by Sanders, to approve 18 hours of vacation carry-over requested by Elaine Bolton with said carry-over being used by May 1, 2005. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill bank account on November 30, 2004, was \$35,939.65.

The county engineer discussed the TEA-21 enhancement project prioritization. The matter was placed on a future agenda for action by the board of supervisors.

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

Jason Sanders, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

December 7, 2004

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

Moved by Buch, seconded by Vermedahl, to approve checks numbered 68954 through 69263, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption under the Benton County Agriculture Land Use Preservation Ordinance. Cary A. and Jennifer L. Bierschenk submitted the application on land located in the SE1/4 of the NE FRL ¼ of 4-83-10. The applicants are requesting permission to build a home. Greenlee explained that the applicants are currently involved in a farming operation as defined by the ordinance and the request meets the necessary requirements. Moved by Vermedahl, seconded by Buch, to grant a farm exemption in the

SE1/4 of the NE FRL ¼ of 4-83-10 for a single residential purpose, as the applicants are currently involved in a farming operation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-62. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-62

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from December 7, 2004, through the completion of the project.

From 51st Street thence south 1.5 miles to 53rd Street Drive along 30th Avenue in Polk Township.

Signed this 7th day of December 2004.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ron Buch

ATTEST:

Hayley Rippel, Deputy Auditor

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

Jason Sanders, Chairman

Attest:

Hayley Rippel, Deputy Auditor

December 7, 2004

The Benton County Board of Supervisors met in a joint special session with the Benton County Conference Board at the Benton County Courthouse. Supervisors Sanders, Vermedahl, and Buch were present. The Benton County Board of Supervisors is a legal component of the Benton County Conference Board. The Board of Supervisors currently serves as the Chair of the Benton County Conference Board. Meeting minutes are for the purposes of both the Board of Supervisors and the Benton County Conference Board. Joint-Chairman Sanders called the joint meeting to order at 7:00 p.m.

The purpose of the meeting was to hold a public hearing on the plans, specifications, form of contract, and estimated cost of a geographical information system (GIS) for Benton County. The chair declared the public hearing open.

Burt Day, Chairman of the Benton County GIS Committee, explained that the purpose of the GIS system was to provide the public with information and to be able to access that information.

Larry Andreesen, County Assessor, distributed a copy of the Request for Proposal (RFP) for consideration. The RFP will be provided to interested vendors upon approval by the supervisors and the conference board. Andreesen reviewed the RFP with the board members.

Conference Board Member Rodney Kubicek questioned if the information from the GIS system would be available through a website or if the public would have to go to the courthouse. Mary McLaughlin explained that the long-range goal is to have the information available over the Internet; however that could be five years in the future. McLaughlin stressed the importance of all departments working together with the GIS Coordinator to insure the best system possible.

Chuck Juhl, GIS Committee person, commented that if Benton County did not sign a contract soon, that spring aerial flights would be delayed another year.

The financial commitment and maintenance of operation of a GIS system was discussed and funding available. The initial cost of a GIS system is estimated at \$450,000.00. Discussion was also held on the possibility of joining with Linn County for services and possible future cost savings.

No objections were heard from the public.

Hearing no further comment, it was moved by Rodney Kubicek and seconded by Dave Vermedahl, to approve the RFP as presented and direct that the necessary publications and actions be taken. (Motion was an action of the conference board with all members voting aye thereon).

The Board of Supervisors and the Conference Board then discussed opening the bids for the GIS system. Having fully discussed the possibilities, it was moved by Ron Donald, seconded by Ron Buch, to adopt the following Resolution. A roll call vote indicated all members voting aye. Nays none. (Action of the Conference Board).

RESOLUTION

DELEGATING RECEIVING AND OPENING BIDS TO THE BENTON COUNTY GIS COMMITTEE

Whereas, the Benton County Conference Board has approved a Request for Proposals for a Geographical Information System (GIS); and

Whereas, Iowa Code 384.101 provides that the governing body may delegate the duty of receiving and opening bids and announcing results to another public officer and that officer shall report the results of the bidding with the officer's recommendation thereon to the governing body; and

WHEREAS, the Benton County Conference Board and the Benton County Board of Supervisors desire that the GIS Committee be designated as the receiving authority; and specifically the Benton County Assessor; NOW THEREFORE BE IT RESOLVED that the Benton County Assessor in conjunction with the GIS Committee is hereby designated as the public officer delegated the duty to receive and open bids and announcing the results for the geographical information system.

FURTHER, the Benton County Assessor and/or the Benton County GIS Committee is hereby directed to review said bids and make a recommendation to the governing bodies.

Dated this 7th day of December 2004.

Board of Supervisors, Chair of
Benton County Conference Board

Benton County Conference Board –
Cities

Benton County Conference Board –
Schools

The assessor requested guidance in the bid notification process. Moved by Tim Bird, seconded by Brenda Schanbacher, that all current vendors in the State of Iowa be notified. All members voting aye thereon. Motion carried.

Moved by Dave Vermedahl, seconded by Tim Bird, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman
Benton County Board of Supervisors &
Benton County Conference Board

Attest: Hayley Rippel, Deputy
Benton County Auditor

December 10, 2004

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

Moved by Buch, seconded by Vermedahl, to set a land use hearing requested by Nora and Michael McLaughlin in the SE1/4 on the SE1/4 of 12-85-10 on January 7, 2005 at 9:15 a.m. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a Liquor License and Sunday Sales Permit for Sportster's Steakhouse & Lounge. 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 Cumulus Broadcasting, LLC, 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 place a radio tower on a property located in the SW1/4 of the SE1/4 of 20-84-9. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance on a 40 foot by 40 foot parcel generally described as being a Part of the SW1/4 of the SE1/4 of 20-84-9 (Canton Township) for a 300 feet self-supported radio tower. All members voting aye thereon. Motion carried.

Ed Strellner, Gene Davis, and Al Schwartz, members of the Benton County Pioneer Cemetery Commission, provided an update to the Board on the pioneer cemeteries that had been worked on over the past year. The auditor

requested that a list of the graves in each cemetery be filed in her office for people conducting genealogy research. Davis stated that the commission would be happy to file a list. The commission is requesting \$4,000.00 for the FY06 budget. Davis commented that they are still having difficulty accessing some cemeteries, but continue to work with the surrounding landowners. Davis also told the Board that boy scouts and 4-H groups were also helping with some cemeteries.

Representatives of the Emergency Management Commission met with the Board to discuss the emergency management budget and programs. Steve Meyer stated that the concern of the commission is that the supervisors don't understand the way the program is funding and the changes that are in the works. Scott Hansen explained that there are minimum requirements mandated by the State. Additionally, a five-year strategic plan must be updated annually. Hansen explained the grants from the state provide up to 50% of the administrator's salary if the minimum requirements are met. The grant distribution formula is partially based on what the commission is doing over and above the minimum requirements. Many of the goals of the commission are set out in the department's strategic plan and because the department has been so aggressive in meeting the goals, the commission has received grant funds for the full 50% of the salary. Hansen advised that regionalization is the other big topic in emergency management and has already been implemented for Homeland Security purposes. The regions align with the Iowa State Association of Counties' regions. Hansen spoke about the various programs involved with Homeland Security. Supervisor Vermedahl asked if the commission's purpose today was to ask where money would come from in several years if grant funds will no longer be available. Hansen stated that the program must be maintained in order to receive federal grants for all programs in Benton County, and there is a concern if the funding dries up for emergency management. Vermedahl questioned if the cities were also dependent upon emergency management to access federal funds. Hansen stated that they are dependent on his department. Vermedahl questioned if the cities contributed to emergency management. Hansen stated that cities do not currently provide any funding; however they all have voting members on the emergency management commission. Hansen advised that it is one of his goals to visit with each city council and review the emergency management program. Steve Meyer stated that Hansen is not hiding in the office that he is getting out and meeting with other emergency departments in the county. Vermedahl stated that having served on city council, stated that the chances of having a coordinated emergency event are higher in the cities than in the counties, and that it is important for emergency management to build a relationship with the individual towns. It was questioned if the cities were asked to contribute, what would the reaction be, and it was advised that the hope was there that the cities would realize the importance of the emergency management and contribute. Supervisor Vermedahl stated that the county's financial situation wasn't changing much this year and to expect any additional funding was probably not realistic. Steve Meyer commented that Benton County was unique in that it had a nuclear facility that affected part of the county. Hansen presented his FY06 budget, which included a \$2,000 salary increase and other line items remaining the same except a \$200 reduction in magazine subscriptions. Discussion included the rural addressing responsibilities of the emergency management coordinator and whether the secondary roads department could pick up part of the responsibilities. Meyers stated that this issue was brought to the supervisors a year ago and that the engineer was suppose to assist and that nothing has been done. Vermedahl stated that the engineer and the emergency coordinator were to cooperate with each other and try to figure out how the program could work. It was the supervisor's understanding that those two individuals had worked together to make the program more efficient. Hansen stated that he and the engineer had met a couple of times but the issue was placed on the "back burner". Meyer commented that the emergency management commission was not asking for more financial support than they did last year pursuant to the directive from the board of supervisors in an earlier meeting.

Mary Williams met with the Board to present the annual MH/MR/DD report for Fy2004. The report was filed with the State no later than December 1, 2004. Williams also updated the Board on the new HIPPA Security rules that must be in place no later than April 1, 2005.

Mary Williams also advised that a complaint has been filed with the Civil Rights Commission regarding actions by her office.

The engineer discussed the progress on the Shellsburg road. The engineer stated that there was no reason to believe that the cement work would not be done before winter, but that the shoulder work will have to be finished next spring.

Moved by Vermedahl, seconded by Buch, to recommend that the three TEA-21 proposed projects for Benton County be funded at the federal 80% level. The projects are resurfacing of D-62, V-66, and V-42. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign and enter into an agreement with the Iowa Department of Transportation on HMA (hot mix asphalt) resurfacing of US Highway 151 which involves some non-paved road intersections and resurfacing 700 feet of E66; Project #STPN-151-1 (18)-2J-48; Agreement #2005-C-036. All members voting aye thereon. Motion carried.

The engineer advised that he has been speaking with various property owners along the proposed Oak Grove Road project and plans to have an alignment established by March 1, 2005.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 14, 2004

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of December 3, 2004, December 7, 2004, December 7, 2004 – special session, and December 10, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to contract with Brecke, Inc. to replace sensors and controls on the radiators on the third floor of the courthouse and in the land use administrator's office. The repair may include replacement of traps, sensors, and valves. The estimated cost for the repair is \$3,711.81. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the weed commissioner's annual report. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Farmer's Mutual Telephone to place utility lines in the county's right-of-way along 64th Street in Section 16 in Canton Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve and direct the chair to sign the following right-of-way purchases and/or agreements for Project #BRS-4600(601)—60-06 (Luzerne Bridge Project) :

Farmer's 4-County Cooperative Association – 10 foot permanent easement – \$53.30

Jacqueline & Rick Rupp – purchase agreement for lot on southwest corner - \$9,000.00

Jacqueline & Rick Rupp – 10 foot temporary easement - \$124.30

Farmer's 4-County Cooperative Association – NE corner of bridge - temporary easement - \$81.00

Donn Kramer – NW corner 10 foot temporary easement – \$12.50

Verna Kramer – tenant agreement - \$5.00

All members voting aye thereon. Motion carried.

The engineer presented quotes for dump bodies for the new tandem trucks as follows:

Tri-State Truck Equipment - \$20,162.00 each

Henderson Truck Equipment - \$19,607.00 each

Moved by Buch, seconded by Vermedahl, to purchase two new dump bodies from Henderson Truck Equipment at a cost of \$19,607.00 each. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

December 17, 2004

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

The time of 9:00 a.m. having arrived, and this being the time and date set for a public hearing on the proposal for a geographical information system (GIS), the Board took up the matter for consideration. There were two members of the media present, as well as two members of the public. Five county employees were present also. The assessor presented the request for proposal (RFP), which included the plans, specifications and form of contract. The assessor advised that the RFP would be sent to all companies situated in Iowa and published in the Cedar Rapids Gazette. The estimated cost of the project is \$450,000.00. The capabilities and advantages of a GIS system were explained. Hearing no comment, the chair declared the public hearing closed.

Moved by Vermedahl, seconded by Sanders, to approve the Request for Proposal for a Geographical Information System including the plans, specifications and form of contract. Both members voting aye thereon. Motion carried.

Dr. and Mrs. Duane Schmitt presented a large wall mural to Benton County. The mural was originally located in an old bank building in Vinton and subsequently sold. The Schmitts purchased the mural and are in the process of restoring it and offered to donate it to Benton County. The Board accepted the mural with gratitude and appreciation and plans to display it in the courthouse. Additional restoration work needs to be done by the Schmitts before the mural is ready for display.

Scott Hansen met with the Board to discuss the FY06 rural addressing budget. Hansen advised that he does not have time to devote more to rural addressing than what is currently being done. Therefore, his asking for FY06 is the same as the current year; however in FY07 additional funds will be needed to re-address some areas of the county. Hansen hopes to work with the sheriff and engineer to accomplish the work needed.

Moved by Vermedahl, seconded by Sanders, to approve nine hours of vacation carry-over for Hayley Rippel, a deputy in the auditor's office. The request is due to the inability to use vacation during the extremely busy election year. Moved by Vermedahl, seconded by Sanders, to approve nine hours of vacation carry-over requested by Hayley Rippel. Said carry-over is to be used by May 1, 2005. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Warbuck Enterprises to place utility lines in the county's right-of-way in Section 34 of Polk Township along 31st Avenue. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #04-63. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION 04-63

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from December 16, 2004, through the completion of the project.

From 70th Street thence south 1 mile to 71st Street along 11th Avenue in Kane Township.

Signed this 17th day of December 2004.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

The county engineer presented funding estimates for the Luzerne bridge project. The project costs are estimated as follows: City of Luzerne - \$1,855, Benton County - \$199,421, Federal - \$1,000,000, Union Pacific Railroad - \$338,000.

The engineer provided an update on the Shellsburg pavement project (E36). Traffic can now use the roadway; however shoulder work, road markings, and approaches still need to be completed. Some final work may not be done until spring.

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

December 21, 2004

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 14, 2004 and December 17, 2004. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 69264 through 69652, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the request by Barbara Greenlee to carryover three days of vacation. Said vacation is to be used by May 1, 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the Supervisors Sanders and Vermedahl, and Auditor Marlow, as official signatories relative to the Community Development Block Grant for the Watkins wastewater treatment facility. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-65. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-65

POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE

WHEREAS, *Benton County* has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, *Benton County* endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, *Benton County* hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, *Benton County* agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. *Benton County* further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that *Benton County* has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by *The Benton County Board of Supervisors (319-472-4869)*.

Adopted by *Benton County* this 21st day of December, 2004

BENTON COUNTY BOARD OF SUPERVISOR'S

Jason Sanders, Chairperson

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow, Benton County Auditor
Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-64. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-64

The Residential Anti-displacement and Relocation Assistance Plan Under Section 104(d) of the Housing and Community Development Act of 1974, As Amended

Benton County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing *Benton County* to provide funds for an activity that will directly result in demolition or conversion, *Benton County* will make public by publication in a newspaper of general circulation and submit to IDED the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of low/moderate-income housing that will be demolished or converted to a use other than as low/moderate-income housing as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the state's Consolidated Plan for Housing and Community Development.

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission, *Benton County* will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

The *Benton County Board of Supervisors (319-472-4869)* is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The *Benton County Board of Supervisors (319-472-4869)* is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in CFR 570.496(a)(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, *Benton County* will take the following steps to minimize the direct and indirect displacement of persons from their homes. *

1. Coordinate code enforcement with rehabilitation and housing Assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. State rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhood.
6. Adopt policies, which provide reasonable protection for tenants faced with conversion to a condominium or cooperative.
7. Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.

* The jurisdiction must determine the appropriate steps. Examples are listed.

Adopted by the *Benton County Board of Supervisors* this 21st day of December, 2004.

BENTON COUNTY BOARD OF SUPERVISOR'S

Jason Sanders, Chairperson

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow, Benton County Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

December 28, 2004

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

Moved by Buch, seconded by Sanders, to appoint Dave Vermedahl as the board chairman for 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Ron Buch as the vice-chairman for 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of December 21, 2004. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to designate the official newspapers for Benton County for 2005 as The Cedar Valley Times, South Benton Star Press, Belle Plaine Union. 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 2005. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Arlen Gerhold

Danny Kaestner

Judy Carter

Carmie Behrens

Sandy Wedmore

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

Ross Wiley

John Elwick

Wayne Riley

Bill Hennings

Owners of City or Town Property

Darold Sindt

Harold Knaack, Jr.

Earlene Clausen

Dave Coots

Larry Weeda

Gloria Feuerbach

Lloyd Benson

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-65. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #04-65

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 28th day of December 2004.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David H. Vermedahl

Ron Buch

ATTEST: _____

Jill Marlow

Benton County Auditor

Moved by Vermedahl, seconded by Buch, to appoint the following members to the respective boards for 2005.

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 Buch, to appoint Myron Parizek as Benton County's ADA Coordinator. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to re-appoint Jim Hodgson to the Benton County Zoning Commission for a 3-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Ron Buch, 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 Vermedahl, 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 Buch, to re-appoint John Stiegelmeyer to the Vinton Airport Zoning Board and the Belle Plaine Airport Zoning Board for 6-year terms. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Myron Parizek and John Stiegelmeyer to the Eastern Iowa Airport Board of Adjustment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, 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

David Vermedahl

Jason Sanders, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

Don Martin

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Rick Erickson

Moved by Vermedahl, seconded by Buch, to appoint Dan Higdon, Mark Phippen, and Roger Witt as Safety Coordinators. All members voting "aye: thereon. Motion carried.

Moved by Buch, 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 Buch, to appoint Steve Runyan and Joan Lindberg to the Benton County Land Use Adjustment Board for 5-year terms. All members voting aye thereon. Motion carried.

Moved by Vermedahl, 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 – Edward A. Fry
Keystone Benefited #2 – Dan Busch
Newhall Benefited #4 – Robert Kaestner
Ben-Linn Benefited #3-#5 – Mike Deklotz

Moved by Buch, seconded by Vermedahl, to accept the resignation of Glenn Werning from the Newhall Benefited Fire District and to appoint Duane Rinderknecht to fill the unexpired term. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Michael Beumer as the Benton County Weed Commissioner, and Bruce Anderson as the Assistant Weed Commissioner for 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Dr. Brian Meeker, as Benton County Medical Examiner, Dr. Mark Deardon as Deputy Medical Examiner, and Shane Higgins, Michelle Burnes, Mary Phillips, Eric Dickinson, Marty Parbs as Medical Examiner Investigators, for two-year terms. All members voting aye thereon. Motion carried.

The Board discussed the FY05 per capita rate for the landfill. County Engineer Parizek submitted a review of the landfill expenses and revenues and explained that in FY05 expenses and revenue will be virtually the same. Based on anticipated expenses in FY06, Parizek recommended that the per capita fee be increased by \$1.00. It was moved by Vermedahl, seconded by Buch, to set the FY06 per capita rates at \$17.00 for urban residents and \$21.00 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 Vermedahl, seconded by Buch, to authorize the chair to sign the Iowa Department of Transportation Agreement for Federal-Aid Highway Bridge Replacement Project for the bridge over Rock Creek in Bruce Township on 13th Avenue. All members voting aye thereon. Motion carried.

The auditor spoke with the Board about the health insurance and the county's part in partially self-funding the deductible. The county's consultant had recommended that a \$68,000 reserve be maintained; however the auditor explained that it was her opinion that a higher reserve could be maintained based on the number of policies currently in place. The auditor also stated that it was difficult to calculate a utilization rate since major changes had been implemented in the insurance in July 2004. Moved by Buch, seconded by Vermedahl, that the reserve in the insurance fund should be maintained at approximately \$75,000.00. The auditor is directed to adjust the county's share of the health insurance costs to reach and maintain that reserve. All members voting aye thereon. Motion carried. The matter will be reviewed again in six months.

Randy Forsyth, newly elected sheriff, met with the Board to request a payout of his vacation and sick leave that were earned while he served as the chief deputy. The auditor advised that Forsyth's sick leave had been converted to vacation hours in accordance with the Benton County Employee Handbook and Forsyth's directive. Sick leave may be converted on a pro-rated basis after an employee reaches the maximum accumulated sick leave allowed. Forsyth requested that the hours reaching used to reach his maximum also be converted to pay. As sheriff, Forsyth will no longer be eligible for vacation or sick hours, but rather an annual salary regardless of the hours worked. The auditor advised that the sick leave accumulated towards the maximum available had never been converted to vacation or pay for prior employees in similar positions. Moved by Vermedahl, seconded by Buch, to pay Randy Forsyth for all earned and unused vacation as of December 31, 2004. Sick leave payout is denied. All members voting aye thereon. Motion carried.

The Board received a resignation due to retirement from Kenneth Popenhagen, Benton County Sheriff, effective at midnight December 31, 2004. Popenhagen's term would expire on January 3, 2005 under Iowa law; however it was Popenhagen's intent to retire and not work past December 31st. This matter was not on the agenda for action as the resignation was submitted at the time of the board meeting. Pursuant to Iowa law, the newly elected sheriff assumes the office in the event of a vacancy. Moved by Vermedahl, seconded by Buch, to accept the resignation of Sheriff Kenneth Popenhagen, effective December 31st, 2004 at midnight, and further that Randy Forsyth is appointed sheriff effective January 1st, 2005 at 12:00 a.m. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #04-66. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #04-66
AMENDING RESOLUTION #04-30
FY05 APPROPRIATIONS

WHEREAS, the Board of Supervisors adopted Resolution #04-30 on June 30, 2004; and
WHEREAS, said resolution appropriated funds to the various departments in Benton County; and
WHEREAS, the Board did not appropriate full funding for health insurance costs as established by the budget adopted on March 12, 2004; and
WHEREAS, the Board now desires to appropriate the remaining funds available for health insurance costs,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #04-30 is hereby amended to set forth that any funds, which have not been previously appropriated for health insurance, are hereby appropriated to the respective departments.
Dated this 28th day of December, 2004.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David H. Vermedahl

Ron Buch

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Vermedahl, seconded by Buch, to set January 11, 2005, at 9:00 a.m. as the time and date for a hearing on the proposed plans, specifications, form of contract, and estimated cost of Phase II of the Communications Tower Project. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor