

I

January 4, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Vermedahl called the meeting to order at 7:00 p.m. at the Urbana City Hall.

Kelly Geater, Benton Co. Treasurer, met with the Board to request a change in a position in her office from part-time to full-time. Geater stated that the current part-time employee will not need health insurance, and therefore that benefit would not affect her budget. Moved by Buch, seconded by Sanders, to approve changing the part-time position to a full-time position. All members voting aye thereon. Motion carried.

Randy Forsyth, Benton County Sheriff, met with the Board to request appointment of the following persons as reserve officers: Gary Benson, Dan Benson, Russell Glime, Gene Clerkin, Larry Feaker, James Rich, and Vince Snyder. The reserves, with the exception of Vince Snyder, served under the past sheriff and need to be re-appointed under the newly elected sheriff. Moved by Buch, seconded by Sanders, to approve the appointment of the aforementioned persons as reserve officers in the Benton County Sheriff's Department, effective immediately. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the appointment of Michael Ferguson as the Chief Deputy of the Benton County Sheriff's Department, effective this date, at a salary set at 85% of the sheriff's wage. All members voting aye thereon. Motion carried.

The Board took up discussion with the Urbana City Council regarding road improvements on 30th and 31st Avenue near the Urbana corporate limits. The city is requesting that the county draft plans, tile, knock down the small hill and provide a solid base on 30<sup>th</sup> Avenue. The city would then provide a hard surface on the road and take over maintenance. Eldred advised that there was a frost boil and water problems in that area of the road and that tiling would be the only answer with a solid base installed. Supervisor Sanders questioned the maintenance arrangement on the current road. Eldred explained that it was his understanding that that the county was responsible for the maintenance; however the city would maintain the roadway once it was hard surfaced. County Engineer Myron Parizek estimated the cost of tiling the road and placing a macadam base at \$56,000.00 for one-half mile. Eldred explained that the city was in the middle of preparing its FY06 budget and would like to know whether the county intended to improve the road so that Urbana could budget accordingly. Eldred questioned if the road would be ready for asphalt once the county completed the work as presented by Parizek. Parizek stated that other roads constructed in a similar manner currently had asphalt surfaces. Eldred asked that the county draft an agreement, including plans, regarding the upgrade of 31st Avenue. Parizek stated that from a scheduling standpoint, if the county continues with its dust control program that immediately following that program would be the time to begin this improvement project. Supervisor Vermedahl questioned if the road north of Walford was similar in construction and the type of agreement the county had with the adjacent landowners. Parizek stated that the Walford road was the same type of construction, but agreements were made with private citizens. Parizek stated that he would view the Urbana project more as a 50/50 split. Parizek stated that there was a bigger benefit to the city but the county would also see some benefit from the improvements. Vermedahl stated to Parizek that the city expressed the possibility of taking the road over relative to maintenance once the project was completed, adding that this was a semi-urban area. Hepker stated that the road improvement and city maintenance was a matter of citizen need since the city already provided water, sewer, etc. Members of the public stated that little gravel was on the road probably due to the amount of traffic and that just a little water turns the road to mud. Parizek stated that the county could move forward with planning and budgeting for the project. The city advised that they would research the costs of asphalt. The Board advised that it was their position that they would be in favor of cooperating with the City to upgrade the road and turn over its maintenance. Eldred added that the discussion had centered on 30<sup>th</sup> Avenue, but next year the City would like to address 31st Avenue in a similar manner.

The city council also discussed the current maintenance being done on 30<sup>th</sup> Avenue, specifically during the recent ice storm.

Moved by Buch, seconded by Sanders, to enter into a 5-year renewal with Heartland Insurance Risk Pool, effective July 1, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-1. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### **RESOLUTION # 05-1 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, 2005 and January 31, 2006 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, 2005.

\_\_\_\_\_  
Chair, Board of Supervisors

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

\_\_\_\_\_  
County Auditor

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Non-issuance of Certificate of Occupancy. All members voting aye thereon. Motion carried.

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

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

Moved by Buch, seconded by Sanders, to appoint Bill Daily, Belle Plaine City Administrator, to the ECICOG Board of Directors. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Barb Hennings to the Benton County Foundation for a period of 3 years and table the appointment of two members. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Dr. Mark Dearden to the Benton County Public Health Board. All members voting aye thereon. Motion carried.

No applications were received for the position of Conservation Board member and therefore no appointment was made at this time.

Jill Marlow requested that the Board take action to have the hill on 24<sup>th</sup> Avenue at the intersection with Highway 150 (55<sup>th</sup> Street) be sanded/salted whenever the Brandon blacktop is sanded. Marlow stated that the intersection was unique as no other intersection in Benton County had an incline onto a primary highway in the middle of a banked curve. Marlow stated that the DOT count on Highway 150 on the south side of that intersection is 2,700 and from the intersection going east the count drops to 2,340. The drop in count is 360, which means that many vehicles are turning onto 24<sup>th</sup> Avenue at that intersection, which is only 30 less than the DOT's traffic count on the Brandon blacktop. Marlow stated that over the weekend, during the course of 24 hours, eight vehicles went into the ditch on the 100+ yard segment. Marlow stated that vehicles are unable to reach the top of the incline whenever there is ice and many times snow. Marlow advised that vehicles get half way up the incline and then slide back down, many going into the extremely steep ditches. Marlow also added that if you are behind a car or meeting a car that you usually cannot make it to the top or the bottom whatever the case may be. Marlow stated that she is not asking that the entire gravel road be salted/sanded but only the incline up to Highway 150, and added that the county continues to approve residential development in that area and should consider the level of service for the increased traffic. Gary Marlow stated that he has traveled all of the roads in Benton County due to his job and that he is positive there is no other intersection with the hazards associated with this intersection. County Engineer Parizek stated that he had a problem with the county setting precedence by applying salt/sand to gravel roads and that the county's ordinance requires that all other means be tried before salting and sanding. Supervisor Vermedahl questioned Parizek how the problem could be addressed, adding that the road has high traffic volume and is on a busy intersection. Parizek advised that the motor graders do address those situations (ice), and advised that the motor grader did address that situation on Monday mid-morning. Parizek advised that whenever salt is put on a gravel road the road becomes mush due to the melting and it was his experience that salt was not a good solution to these problems. Kelly Geater stated that she did not believe that the two or three times that the salt and sand were needed would have a detrimental affect on the road. Parizek stated that he might need to change the priority order and include that intersection as one of the first to be addressed by the graders. Parizek stated that there was other intersections that had similar issues although not exact, adding that the Linn/Benton Road and Highway 30 had a similar incline onto a major primary road. Bryon Geater stated that the intersection is dangerous due to the banking of curve the primary highway. Geater stated that as a farmer he couldn't even use the intersection when hauling wagons. Geater also asked what the county's liability would be. Parizek stated that as long as the county had an ordinance and complied with the ordinance there was no liability. Parizek stated that perhaps a platform should be built allowing a level surface for a vehicle to sit before entering the highway. Marlow stated that a platform would not solve any problems if vehicles could not get up the incline to reach the platform. Vermedahl requested that the matter be placed on the agenda in a week and requested that the engineer research the issue for possible solutions.

Moved by Buch, seconded by Sanders, to approve 14 hours of vacation carry-over for Dan Higdon, said carry-over to be used by May 1, 2005. All members voting aye thereon.

Moved by Sanders, seconded by Buch, to approve the hire of Becky Jo Nisius as a regular part-time employee in the social services department, effective January 5, 2005, at a wage of \$8.00 per hour. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to contract with EideBailly, LLP to conduct a review of the financial records of the sheriff's department due to the retirement of the sheriff and in accordance with past practices. The cost of said services is \$2,000.00.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 7, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of December 28, 2004, and January 4, 2005. 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 Nora and Michael McLaughlin, 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 for a coffee roasting and packaging business in a pre-existing building. The applicant advises that the scope of the business is to roast approximately 200 pounds of coffee beans a year, package, and wholesale the coffee to floral shops and internet sales. Concern was heard regarding odor and residue. Wayne McGowan questioned the affect of the residue directly on livestock and on alfalfa being fed to livestock. Ray Maile expressed concern about a commercial use being approved and opening up the area for additional commercial development, which echoed another adjacent owner's concern received orally prior to the hearing. The use will be a small in-home business but concern was expressed if the business would grow. Hearing all comment, it was moved by Buch, seconded by Sanders, to table a decision for one week and direct the land use administrator to investigate the environmental concerns of such a business and also the restrictions that the board can place on the property relative to size. All members voting aye thereon. Motion carried.

Cherie Frame of Wellmark met with the Board to update the Board on health insurance costs and trends. Frame stated that insurance costs continue to rise and the need for employee education on health related issues. Frame spoke about payroll stuffers available as well as posters. Frame stated obesity related health issues have added costs to health care and also more sophisticated testing procedures. She reminded the county that Wellmark is willing to conduct employee education seminars whenever needed.

Moved by Sanders, seconded by Buch, to approve 28.75 hours of vacation carry-over requested by Morris Higgins in the secondary roads department. Said carry-over is to be used by May 1, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Iowa Department of Transportation Agreement for Federal Aid on a Highway Bridge Replacement Project located between sections 26 and 27 of Polk Township. All members voting aye thereon. Motion carried.

The engineer reported that the landfill bank account on December 31, 2004 was \$39,915.89.

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

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David H. Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

January 11, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 7, 2005. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date set for a public hearing on Phase II of the Communications Tower Project, the Board took up the matter for consideration. There was no person present for the hearing. The estimated cost of the project will be less than \$400,000.00, with the entire project including both Phase I and Phase II not to exceed \$500,000.00, as established by the Board at previous hearings. Hearing no comment either for or against Phase II, the Chair declared the hearing closed. Moved by Buch, seconded by Sanders, to approve the plans, specifications, form of contract, and estimated costs of Phase II of the Communications Project. All members voting aye thereon. Motion carried.

Mike Beumer, Weed Commissioner, presented three quotes for chemicals for the weed control for 2005, as follows: New Century Farm Services - \$29,687, Linn Coop Oil - \$32,194.00, Fisher Feed & Fertilizer - \$29,100.00. Moved by Buch, seconded by Sanders, to award the chemical quote to Fisher Feed & Fertilizer at a cost of \$29,100.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 69653 and 69654 (handwrites) and checks numbered 69655 through 70233, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the treasurer's semi-annual report for the period ending December 31, 2004. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Alfred Schwartz, Joan Anders, and John Reiss, to 3-year terms on the Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Keith Mossman to the Benton County Foundation Board for a one-year term. All members voting aye thereon. Motion carried.

Kelly Geater, Benton County Treasurer, met with the Board to re-establish the number of employees in her office. Moved by Buch, seconded by Sanders, to adopt Resolution #05-2. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### RESOLUTION #05-2

#### ESTABLISHING THE NUMBER OF DEPUTIES AND CLERKS IN THE BENTON TREASURER'S OFFICE

WHEREAS, Iowa Code 331.903 (1) sets forth, "The number of deputies, assistants, and clerks for each office shall be determined by the Board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board"; and

WHEREAS, the Treasurer has requested that the number of deputies, assistants, and clerks be established in said office,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the number of deputies in the office of the treasurer shall not exceed three (3) at any one time, the number of assistants shall not exceed one (1), and

the number of clerks, both full-time and part-time, shall not exceed four (4) at any one time. At no time shall the total number of employees in the treasurer's office exceed seven (7) full-time and one (1) temporary part-time clerk, except during periods when the training of new and existing employees may require that the number be exceeded and in such circumstances, the total number shall not exceed a total of nine (9) employees. The stated numbers do not include the treasurer. All appointments shall be subject to final approval by the Board of Supervisors.

Dated this 4<sup>th</sup> day of January, 2005.

Benton County Board of Supervisors

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David H. Vermedahl, Chairman

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Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

The Board discussed the increasing problem of nuisances in Benton County. The county sanitarian advised that he spoke with the assistant county attorney regarding the appropriate protocol for dealing with nuisances. Greenlee explained that currently when he gets a complaint, he investigates, and then sends a notice to the violator spelling out the nuisance and directs the violator to correct the situation. Greenlee gives the violator 30 days to comply with his directive. The sanitarian then does a follow-up investigation to ascertain if the nuisance has been abated. If the nuisance has not been abated, then the sanitarian files a citation. Greenlee said that many times the violator will start to comply once the citation has been issued and the county attorney and the courts take into consideration that the violator is beginning to comply and give him/her additional time to abate the nuisance; however, it is Greenlee's opinion that the violator has already been given 30 days to comply before he ever files the citation and once a citation is filed, then the violator should be prosecuted and no additional time given. Greenlee advised the current procedural problem is not caused by one particular office but is rather a situation where all parties involved need to collaborate their efforts to make the abatement of nuisances and the enforcement of the ordinance tougher.

Jill Marlow discussed the winter maintenance of the secondary road at the intersection of 24<sup>th</sup> Avenue and 55<sup>th</sup> Street. The issue had been brought to the Board a week ago and the Board asked the engineer to research the matter and report back to the Board. Marlow advised that another vehicle had gone into the ditch at that intersection over the weekend. The engineer advised that the intersection had been graded twice in the last week and additional rock put down for a temporary solution, adding that his department addressed several intersections in the same manner over the past week. Marlow questioned why salt would make the road mushy, when the road next to the highway was not mushy from the state spreading salt on the highway and the salt coming over onto the gravel road. The engineer advised that if the hill is so icy that vehicles are sliding off, then a 40,000-pound truck spreading salt/sand is going to have a lot of difficulty staying on the road. Marlow stated that if the county continues with the growth that it has been experiencing, then the Board will have to change policies to address the increased needs of the county. The Board directed the engineer to find some type of resolution to the problem by applying some type of material to provide traction during icy/slick conditions and return to the Board with an answer next Tuesday.

Moved by Sanders, seconded by Buch, to approve 59 hours of vacation carry-over for Myron Parizek with said carry-over to be used by May 1<sup>st</sup>, 2005. All members voting aye thereon. Motion carried.

The Board worked on the secondary roads, sanitary landfill, closure-post closure, and groundwater FY06 budgets with the engineer.

Moved by Buch, seconded by Sanders, to appoint Dan Behounek to the conservation board for a 5-year term. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 14, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 11, 2005. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set February 4, 2005, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Dave Wiebecke on a parcel located in the NE1/4 of the SE1/4 of 22-85-9. Both members voting aye thereon. Motion carried.

Mary Lou Erlacher of the Workplace Learning Center (WLC) provided an update to the Board on the WLC. Erlacher explained that the WLC places high school kids in job shadowing positions throughout the county for 1 day, 45-hour, or 90-hour positions. Erlacher stated that she has accessed county funding through Benton Development Group in the past and questioned if that was still the avenue she was to pursue. The Board advised that funding should still be sought through Benton Development Group. Erlacher asked if the Board would be willing to provide a letter of support for her to use when she approaches businesses regarding placement of individuals. Erlacher advised that her program has provided opportunities to many high school students and allows them to see what Iowa businesses have to offer. The Board suggested that Erlacher meet with the various business organizations, i.e. Kiwanis, Lions, and Rotary to educate them on her programs.

Supervisor Buch arrived at approximately 9:30 a.m.

Marc Greenlee, Land Use Administrator, returned to the Board to provide additional information on the land use change requested by Michael McLaughlin. The Board had requested that Greenlee research the ability of the Board to place restrictions on the applicant and also environmental concerns that the activity may create. Greenlee stated that the county attorney advised that the ordinance "is what it is" and the applicant will have to comply with many other regulatory departments. Greenlee advised that an individual gives an intended use for the parcel and the applicant is to proceed in with that stated use and if they do not it becomes an enforcement issue. The applicant, in this case, has given information of his intended use, which is a very small coffee roasting business. The applicant stated that he would roast no more than 200 pounds of coffee beans per year and that it would be contained within an existing building. Relative to the environmental concerns, Greenlee stated it is a small operation that the Department of Natural Resources will probably exempt from regulatory control. The residue from the roasting operation is an organic material that can and is being applied to land. Greenlee is not aware of the chemical make-up of the chaff or its affect. Greenlee stated that he did not think that the residue (chaff) would be a concern but that he could not guarantee it. Greenlee pointed out that the county's current ordinance stated that the preservation of agricultural land allows only for low-density residential housing and that commercial and industrial development is to be directed to the cities where services are available. Supervisor Vermedahl asked if the county could require that an afterburner be installed as a condition of approval. Greenlee stated that the county could add the condition if it is found one is needed. Greenlee stated that he believed that odor would be the only issue that may arise if the change is granted. Supervisor Sanders stated that he did not want to set a precedence, but this request is simply an extension of a hobby. Supervisor Buch added that a lot of people in the county are doing hobby work and selling their product, i.e. wood working. Supervisor Vermedahl stated that consideration should be given that this is an in-home business with no employees and minimal impact. Moved by Sanders to approve the land use change request from agricultural to non-agricultural on approximately one acre, generally described as being located in the SW1/4 of the SW1/4 of 12-85-10 (Taylor Township) for a commercial purpose. This approval is based on the applicant's testimony before this board that the change is for an in-home coffee roasting business limited to approximately 200 pounds per year, and further that there will be no employees other than family members, the applicant is to receive all appropriate licensing, and the change in use is limited to one coffee bean roaster. Buch seconded the motion. All members voting aye thereon. Motion carried.

Nancy Farmer updated the Board on the Decategorization (Decat) Board's activities. Farmer reported that the Decat Board had a large amount of money approximately four years ago; however when the State experienced budget problems, the Department of Human Services re-allocated the money to other programs. Since that time there was little money for the board to work with. Some money has been available through juvenile justice (approximately \$25,000 for two counties) for educational programs at the middle school level. Farmer advised that currently there is approximately \$73,000 dollars available as carry-over with additional funds from the federal and state be allocated. The Decat Board will continue to allocate some of those funds towards the existing educational programs in the middle school. The Decat Board is also considering funding a part-time position to provide leadership and coordination efforts and may ask Benton County to be the fiscal agent. Farmer requested that the county consider the request if approached.

New Business: The sheriff spoke to the Board regarding maintenance of secondary roads during winter months. Forsyth advised that several nights ago, the county had a 3-mile stretch of road that was ice-covered with 12 to 13 vehicles in the ditch, including one personal injury accident. A semi truck/trailer also got stuck and blocked the roadway. Emergency vehicles could not reach the scene because of the road conditions and the number of vehicles in the ditch. The sheriff's department requested that secondary roads come out and salt/sand the road; however the engineer declined to send out a crew and stated that the road should be closed. The sheriff asked the Board if he was to place deputies on each end of the road and pay over-time for 12 hours or, in the alternative, not provide law enforcement services in the remaining parts of the county during that time period. The Board advised that the matter should be placed on an agenda when the engineer could be present for further discussion.

Sheriff Forsyth advised that an issue arises with paying overtime to the exempt employees in his office, which is currently just the Chief Deputy. Recently, the sheriff with approval from the Board appointed Michael Ferguson as Chief Deputy at 85% of the sheriff's wage; however it was the sheriff's intention to provide longevity pay and some overtime pay in specific situations. Moved by Buch, seconded by Sanders, to approve paying the Chief Deputy longevity and approved overtime in addition to his base wage of 85% of the elected official. All members voting aye thereon. Motion carried.

Sheriff Forsyth asked that the Board consider reviewing the County Employee Handbook. Forsyth stated that currently bargaining unit employees get benefits that are not available to managerial employees, specifically daily meal allowance and the need for receipts. The Board advised that changes to the Employee Handbook required approval by all elected officials and appointed boards and that changes was not easily done. However, the Board did indicate that they would be willing to discuss specific changes.

The Board reviewed the sheriff's FY06 budget.

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

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David Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 18, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 14, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set February 15, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Kevin Higgins located in 1-86-12 (Bruce Township). All members voting aye thereon. Motion carried.

Brian Nelson met with the Board to discuss the maintenance of his road. Nelson advised that two roads near his residence were plowed and winged before his road was even opened up. The roads that were maintained prior to his road (22<sup>nd</sup> Avenue Drive north of 218) were 22<sup>nd</sup> Avenue Drive (south of 218) and 22<sup>nd</sup> Avenue Road. Nelson reported

that 22<sup>nd</sup> Avenue Drive south of 218 does not have any residences and 22<sup>nd</sup> Avenue Drive north of 218 has many residences. Nelson also stated that due to the topography of the area where he resides that when the ice storm happened it made travel extremely treacherous. Nelson advised that the heavy snow occurred January 4<sup>th</sup> and 5<sup>th</sup> and his road was not opened until January 7<sup>th</sup>. Nelson added that the ice was not scarified until January 11<sup>th</sup> addressing a problem that began on January 1<sup>st</sup>. The engineer advised that the maintainer operator responsible for that area has territory on both sides of the river. The maintainer has gone through by Rodger's Park area on Tuesday and then went to the other side of the river on Wednesday, unfortunately the major snowfall occurred on Tuesday night and Wednesday. Nelson questioned if the operator should be assigned the area just on one side of the river and divvy up his area north of the river to someone else. The engineer advised that areas are pretty much evenly divided. The operator has approximately nine miles of road on the Rodger's Park side of the river, with the majority of his area located north of the river. The area on 22<sup>nd</sup> Avenue Drive south of Highway 218 that was plowed and winged prior to that located north of 218 is actually in another maintainer's district. Nelson commented that with limited county resources that perhaps the resources could be directed more towards the more heavily populated areas. Nelson added that he understood the county's procedures more and appreciated the county's position; however if believed that the county should give consideration to population and topography when determining prioritization.

Moved by Buch, seconded by Vermedahl, to approve utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Leroy, Union, Eldorado and Kane Townships. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Donna Scheer to the Atkins Library Board of Trustees. All members voting aye thereon. Motion carried.

The Board was advised that an addendum to the bid documents for Phase II of the Communications Tower project has been issued which would require additional time for bidders to complete their bids and the bid opening schedule for January 21<sup>st</sup> would need to be changed. Therefore it was not necessary for the Board to take action delegating the authority to open the bids.

Moved by Sanders, seconded by Buch, to appoint the following persons to the Benton County Courthouse 100<sup>th</sup> Anniversary committee: Ila Jean Krug, Florence Rippel, Marcy Horst, Rich Farmer, Bob Moen, Renae Tharp, and Julie Zimmer. All members voting aye thereon. Motion carried. Additional members may be appointed.

Moved by Buch, seconded by Sanders, to appoint Renae Tharp to the Benton County Foundation for a two-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to sign a letter of support for Area Substance Abuse Council for a grant application to be used for treatment methamphetamine addiction. All members voting aye thereon. Motion carried.

Mary McLaughlin reviewed her FY06 budget with the Board. McLaughlin explained the need for replacement computer equipment, software and training in the next year. McLaughlin also explained some of the costs for the GIS (geographical information system) that the county plans to implement.

Mary Williams met with the Board to present her FY06 Mental Health budget. Williams also manages the county relief budget for Benton County, as well as the Emergency Food & Shelter Program budget.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 20, 2005

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch and Sanders present. Chairman Vermedahl called the meeting to order at 8:00 a.m.

The Board continued with FY06 budget work.

Moved by Sanders, seconded by Buch, to extend the time for the bid opening for Phase II of the Communications Tower to January 28, 2005 at 10:00 a.m. to allow additional time for bidders due to an addendum to the bid documents. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 25, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 18, 2005 and January 20, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set February 18, 2005 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Myron Lown on a parcel located in the NE1/4 of the SW1/4 of 26-86-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the transportation director to advertise for two part-time drivers for the Belle Plaine area, as the money is already budgeted. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 70234 through 70412 for payment. All members voting aye thereon. Motion carried.

Gene Womochil met with the Board to discuss work performed by the county on the ditch near his farm.

Womochil advised that the county dug out the ditch near the entrance to his residence and in the process raised the level of his drive and created ditches approximately fifteen foot deep. Water run-off has created a great deal of erosion and the

county placed quarry rock in the area to try to minimize erosion and pushed quarry rock into his tillable field. Womochil stated that last fall he struck one of the large quarry rocks placed there by the county with his combine causing damage to the head. Womochil questioned what the county's liability was to the damage to the combine head. Womochil also stated that he wanted the erosion problem and field damage corrected. The engineer advised that Womochil had contacted him last fall but that he did not have the opportunity to view the area yet. Womochil advised that there was too much snow in the ditches now to actually see the problem. The Board placed the matter on the April 1, 2005 agenda for further review and action.

Dale Lenaburg met with the Board to discuss winter road maintenance. Lenaburg stated that Benton County needs to upgrade its services. Lenaburg stated that this is no longer the turn of the century where farmers and urban residents did not need to get out of their homes to get to work during bad weather unlike today where many people need to be able to travel to work. Lenaburg stated that recently the road near Atkins was dangerous and the county refused to apply sand to the roadway. The City of Atkins finally sent their maintenance person out to address the situation. Although Benton County replaced the sand, there was no mention of paying for the overtime paid to the maintenance man. Lenaburg stated that Benton County could no longer operate with a road maintenance policy of 7:00 to 5:00 and that maintenance should be provided when needed on a twenty-four hour basis. Lenaburg stated that the state sends their trucks out but Benton County refused to address the situation. Lenaburg stated that decisions need to be made based on conditions across the county and not by someone sitting in Vinton looking at the conditions there and computer forecasts. The county engineer stated that his employees were willing to work; however it was his decision that the weather conditions were not going to improve to warrant sending the trucks out on Saturday. Parizek advised that the weather conditions did improve by late afternoon on Saturday; however it was his determination that it would be better to send out all maintenance equipment early Sunday instead of during the night Saturday. Parizek stated that winter maintenance is addressed from 5:00 a.m. until 4:30 with safety of the employees and traveling public considered, adding that the trucks are leaving the shop at 5:00 a.m. Parizek stated that the road by Atkins used to be a state highway and the state has more resources available than Benton County.

The Board continued with discussions about the county's snow removal ordinance. Vermedahl questioned that the county has acquired 28 miles of road that are connected to towns that have people commuting to and from work. Parizek stated that prior to 2003 every town had a primary state highway going through each town. Now, only a few towns have primary highways going into them. Supervisor Buch stated that the current ordinance states that trucks will normally operate between 5:00 a.m. and 4:30 p.m., unless a determination is made that due to blowing snow and low visibility creates a hazard. Buch added that the ordinance only addresses snow and not ice. Vermedahl questioned if the ordinance should be reviewed due to changes in the traveling public and the acquisition of state highways. Lenaburg stated that the county should have constructed facilities in a more central location in the county instead of just Vinton. IT was commented that the drivers still need to be able to get to the shop in order to get to the snowplows. Buch questioned if a shed could be constructed in Van Horne to house two or three plows. The storage of sand was discussed – it is currently stored in Vinton under a roof. Sheriff Forsyth stated that the county inherited a problem when they inherited the state's roads. People are used to the state roads being maintained 24 hours a day. Supervisor Buch stated that increased service creates increased costs and added, "Does the service justify the cost?" Parizek stated that you couldn't work the employees 24 hours a day. The county would need to increase the workforce and purchase additional equipment resulting in a 3 to 4 times the current cost for snow removal. Parizek stated that he has been reviewing the salt storage and that he may need to increase the amount of salt allowing a heavier mixture of salt and sand that is being applied to the roadway. Parizek stated that education is the key and that his road superintendent was out over the weekend and had witnessed cars driving too fast, which in his opinion was pure stupidity and that if the county wrote tickets for stupidity there would have been lots issued in the last three weeks. Vermedahl questioned if winter maintenance should be done later than 4:30 p.m. because of commuting workers. Most commuters would be covered if the trucks operated until 6:00 p.m. Also, Vermedahl stated that it should be reviewed as to what constitutes an emergency – if the sheriff's department requests. Parizek stated that the ordinance states what constitutes an emergency – loss of life, personal injury, a great property loss and that he did not believe that fender benders do not meet the definition. Parizek stated that if you are going to close a road completely then people will have to be stationed at each end of the roadway and stop anyone trying to access it. Vermedahl stated that he would like to form a committee of Jason Sanders, Myron Parizek, and Sheriff Forsyth to study the county's winter maintenance, with consideration being given to extended hours, what constitutes an emergency, routes, and public notice. Sheriff Forsyth questioned if a road needs closed who is responsible for positioning people at each end of the road – sheriff's department, the engineer? Forsyth added that he would need additional employees if he has to post people. The sheriff added that if emergency worker requests secondary roads to come out is that enough to get someone out? Vermedahl suggested that the committee consider a 28E Agreement be considered with the cities for assistance with emergency situations. John Hill also contacted the Board regarding the Atkins road, as well as Kevin McDonald regarding the road south of Blairstown to Marengo.

Moved by Sanders, seconded by Buch, to enter into Amendment #1 for engineering services with French-Reneker Associates for concrete inspection on E36 pavement project increasing by \$3,000.00. All members voting aye thereon. Motion carried.

Chairman Vermedahl asked for discussion on the safety committee. Currently, Mark Phippen, Roger Witt, Dan Higdon, and Gary Fordice serve as the safety coordinators for their respective departments. Moved by Buch, seconded by Sanders, to appoint Roger Witt as the Chairman of the Safety Committee, and the appointments of Dan Higdon, Gary Fordice, and Mark Phippen as members of said committee. All members voting aye thereon. Motion carried.

The Board discussed the appointment of a security officer for HIPAA compliance. Moved by Buch, seconded by Vermedahl, to appoint Jason Sanders as the Benton County HIPAA Security Officer. All members voting aye thereon. Motion carried.

The Board discussed conducting employee evaluations. The Board will research various forms to be used for evaluations and plan to perform employee evaluations later in the year.

Sheriff Forsyth spoke about special revenue funds to handle special accounts in the sheriff's department.

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

David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 25, 2005

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch and Sanders present. Chairman Vermedahl called the meeting to order at 6:30 p.m.

The Board met in joint session with the Benton County Conference Board for the purpose of receiving a recommendation for the joint purchase, operation and maintenance of a geographical information system (GIS). The GIS Committee had received and reviewed the bids. The project was bid in two phases. Phase I was for the aerial photography of the county and Phase II was for mapping services. Bids were received as follows:

Phase I (aerial portion of the project)

Aerial Services Inc. - \$70,883

Aero-Metric - \$164,500

Horizons, Inc. - \$348,380 (bid was for a low flight over the entire county – not as set forth in the request for proposals)

Sidwell - \$104,710

Phase II (mapping services)

ProMap Corporation (PMC) - \$187,370

MSA Professional Services - \$251,914

Sidwell - \$266,615

Midland GIS Solutions- \$258,250

Jason Sanders speaking on behalf of the GIS Committee explained that the GIS committee had spent a considerable amount of time over the past several months reviewing different systems. Larry Andreesen, County Assessor, advised that he had published notice in various newspapers regarding the Request for Proposal for a GIS system. The GIS Committee, after having reviewed and considered all of the proposals received, presented the recommendation to the joint boards that Aerial Services, Inc. be awarded the contract for Phase I of the project at cost of \$70,883.

Ron Donald questioned the tremendous price differences in the proposals for Phase I. Sanders suggested it could be due to the proximity of Aerial Services to Benton County. Andreesen also added that the GIS Committee utilized the services of a consultant for Phase I of the project. The consultant reviewed the technical service and assisted with the vendor interviews. It was the consultant's opinion that all bidders met the technical requirements in their proposals and assured the GIS Committee that the bid did not exclude items. Andreesen added that the owner of the company believed he may have underbid the project. Mary McLaughlin also advised that including aerial photography beyond the county's boundaries allowing for total school districts to be included may enhance the project. McLaughlin added that the GIS Committee plans to retain the consultant during the project to insure that everything is done properly. The Boards also were told that Aerial Services has a working relationship with the county, through the Benton County engineer and that the company would not want to jeopardize that relationship. The engineer also had told the GIS Committee that he had not experienced any problems with the quality of work done by Aerial Services.

Sanders then spoke to the joint Boards about the mapping phase of the project (Phase II). The GIS Committee reviewed the proposals and after speaking with vendors was recommending that the contract be awarded to ProMap Corporation (PMC). McLaughlin explained that one criteria she studied was the website capability of the system which will allow schools and cities to utilize the data. McLaughlin visited websites produced by ProMap (PMC) and Sidwell and it was her opinion that PMC provided the best website and included daily updates. The GIS Committee spoke to other items considered when they reviewed the proposals, adding that Midland is headquartered in Missouri with only one other county in Iowa using their system, PMC is based in Ames, Iowa, and Sidwell has an office in Des Moines with headquarters in Chicago. Andreesen added that the current system being maintained by the assessor and auditor was an integral component to the PMC quote. Discussion was held on the need for two dedicated T1 lines at a cost of \$465 each per month. It was asked if Benton County could utilize the GIS system being created by the rural electric cooperative (REC). However, it was explained that their system would not contain the level of detail needed by the county and that the REC would probably be contacting the county to utilize part of our data.

Having fully discussed the recommendations of the GIS Committee, it was moved by Sanders, seconded by Buch, that it be the Benton County Board of Supervisors' intent to participate in the acquisition, development, and on-going maintenance and operation of a GIS system. The selection of vendors is to be determined by the Board of Supervisors as a voting member of the Benton County Conference Board. All members voting aye thereon. Motion carried.

The Benton County Conference Board, having reviewed and received the recommendations of the Benton County GIS Committee to award the contract for Phase I of the Geographical Information System to Aerial Services Inc. and the contract for Phase II to ProMap Corporation, took the following action: Moved by Jim Daily (mayors), seconded by Tom Danker (schools), to accept the recommendation of the GIS Committee and award the contracts for a Benton County GIS System as follows: Phase I is awarded to Aerial Services Inc. and Phase II is awarded to ProMap Corporation. Voting aye: Mayors, School Boards, and Benton County Supervisors. Nays: none. Motion carried.

The GIS Committee requested and indication from conference board for guidelines for aerial photography beyond the county's boundaries. It was moved by Tim Bird (school boards), seconded by Ron Buch (B. C. Supervisors), to authorized aerial photography of areas outside of Benton County for school districts for which Benton County is the control county. The photography is to be done only outside of the county where the adjacent county does not have aerial maps or the aerial maps are not compatible with Benton County's. Discussion: Sheriff Randy Forsyth asked if aerial mapping could be done for E911 services that extend into adjacent counties; however it was not clear how extensive inclusion of that mapping would be and further research needed to be done. Vote: Aye: Mayors, School Boards, Board of Supervisors. Nays: none. Motion carried.



The cost of implementation of the GIS system was discussed. The Benton County Conference Board has been levying for to pay the costs for the GIS system for several years, and it was their intent to pay all costs for the implementation of the system. It was moved by Ron Donald (Mayors), seconded by Tom Danker (School Boards) that all costs associated with the implementation of the GIS project, including those expenses incurred by the GIS coordinator and the assessor, are to be paid from the Assessor's Reappraisal Fund, and further that the chair of the conference board along with the assessor are authorized to sign claims against said fund for payment. Vote: Ayes: Mayors, School Boards, Board of Supervisors. Nays: None. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 28, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 25, 2005 (regular session). All members voting aye thereon. Motion carried.

Marc Greenlee presented a farm exemption application submitted by David and Kelly Green. The request is to allow for construction of a single residence on a parcel containing 22 acres. The application states that 21 acres will be used for the commercial production of hay and other grain crops. There being no further discussion, it was moved by Buch, seconded by Sanders, to approve a farm exemption as allowed in the Benton County Agricultural Land Use Preservation Ordinance on a parcel containing 22 acres located in the SW1/4 of the NW1/4 of 28-85-9 (Benton Township) requested by David and Kelly Green. All members voting aye thereon. Motion carried.

Renae Tharp and David Coulter of Benton Development Group met with the Board to explain the plan for marketing Benton County. The plan included goals that Benton Development would like to achieve in order to promote Benton County. BDG hopes to partner more with Kirkwood Community College for employee education and other various training. Tharp also presented a budget for FY06 and requested a \$1000 dollar increase over the current year from Benton County for a total of \$39,500. The additional funding would be used for the director's salary. Supervisor Vermedahl questioned the affect of the \$10,000 development grant currently provided by the county through Benton Development Group to businesses and organizations in Benton County. Coulter stated that he thought the funds were beneficial when used as matches for other grants and was being used throughout Benton County. Vermedahl questioned if the use of the funds would change to some type of industry or business recruitment versus community projects. Coulter stated that the amount by itself would not be enough to attract industry to Benton County unless it is used in conjunction with funds from the Benton County Foundation.

Moved by Sanders, seconded by Buch, to accept the resignation of Nancy Good from the recorder's office effective February 5, 2005. All members voting aye thereon. Motion carried.

Jill Marlow, Benton County Auditor, explained that an error occurred with regards to a tax increment finance (TIF) district in Newhall. An issue arose when Dale Grovert requested explanation of the incremental revenue he was receiving. Marlow explained that when researching the matter, it was discovered that a parcel was dropped from the TIF area when the county went through a software conversion in 1999. The result was a shortage in payment to Grovert of \$1773.43. Marlow explained that a claim was filed with the county's insurance carrier; however the adjuster has notified the county that any claim arising out of a tax related matter is not covered. Marlow asked if the county wanted to make payment to Grovert for the shortage or deny his request for payment. Marlow further explained that the parcel owner omitted still paid taxes but the taxes were not divided in accordance with the TIF agreement resulting in the shortage. The taxes were distributed among all taxing bodies instead of going to the TIF project. Moved by Buch, seconded by Sanders, to authorize the auditor to correct the payment to Grovert in the amount of \$1773.43. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Qwest to place utility lines in the county's right-of-way in sections 35 and 36, along 27<sup>th</sup> Avenue, in Harrison Township. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for opening bids for Phase II of the Communications Tower Project. Bids were received as follows:

Electronic Engineering – no bid

Graybill Electronics – no bid

Communications Engineering Corporation (CEC) - \$502,086.17 (items #1- #72 of RFP)

Option – Fox tower – 4665.21

No option submitted on P25

No salvage value

Radio Communications — \$576,747.33 (items #1 – #72 of RFP)

Option – test & reinstall antennae lines currently on FOX tower – 6074.00

\$10,250 – upgrade to P25 capability (federal standard for digital standard)

\$1000 credit for salvageable equipment

Alternate bid: follows same format as RFP

\$392,517.50

Options: 6074.00 Fox

P25 upgrade – no bid

Salvage - \$1000

Moved by Buch, seconded by Sanders, to accept the bids and letters of "no bid" for Phase II of the Communications Tower Project. All members voting aye thereon. Motion carried. The bids are to be submitted to the county's consultant for a recommendation and to the communications committee for review. The bid award is scheduled for February 4, 2005 at 10:00 a.m. Graybill advised that they spoke with a consultant who said items were omitted. Graybill offered no further comment.

Michelle Rogers of 201 East 3<sup>rd</sup> St., Vinton, met with the Board to discuss the county's snow removal policy. Roger explained that she is a registered nurse and works at Mercy Hospital in Cedar Rapids and is also the Director of Nursing at the Vinton Lutheran Home. Roger advised that it is her policy that the nurses determine whether to come to work during hazardous conditions; however she must make sure enough staff are available under the established guidelines. Rogers stated that if the employee goes in the ditch while attempting to come to work, that she will personally pay to have the employee's vehicle pulled out. Rogers stated that over the past weekend she has three employees go in the ditch between Garrison and Vinton. Roger explained that she and her husband went out and picked up the employees and brought them to work and paid to have their cars removed. Rogers stated that she understood the county's decision not to address the road conditions when the wind was blowing and visibility was poor. However, by mid Saturday morning the winds had died down and the State was out maintaining the roadways but the county was not. Rogers had difficulty getting tow trucks to pull the employee's vehicles out because the tow trucks would not go out until the roads had been cleared, and by late afternoon Rogers still could not get a tow truck to go out there. Rogers wants to know the county's policy because she had to house employees overnight since tow truck drivers would not go out until roads plowed and the county did not go out until the next day. Vermedahl stated that State plows the roads 24 hours a day and that county employees were ready to go at 5:00 a.m. Saturday, but weather conditions were too hazardous to send the trucks out. The engineer believed the same to be true later in the afternoon and therefore no county trucks were sent out on Saturday. Vermedahl stated that the county must also consider the safety of our own personnel as well as the traveling public. The engineers department did not believe that working Saturday afternoon would not be beneficial. The engineer advised that the weather forecast on Saturday afternoon was that it was still too cold and windy to send out the county trucks due to the material applied by the county and drifting. Vermedahl advised that a committee consisting of Supervisor Sanders, Sheriff Forsyth, and the Engineer Parizek has been established to study the county's snow removal policy. Rogers requested that if the county should change their policy to keep one road open to please notify her so that she can update her staff.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

January 31, 2005

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

The Board met for the purpose of continuing with the FY06 budget work.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 1, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 25, 2005 (evening meeting), January 28, 2005, and January 31, 2005. All members voting aye thereon. Motion carried.

Gary Fordice, Conservation Executive Director, updated the Board on activities in his department. Fordice reported that Dan Behounek attended his first conservation board meeting as a new member. The conservation board has elected the following officers for 2005: Chair -Dave Henkel, Vice-Chair, Ann Harrison, Secretary - Bob Mahood. Fordice informed the Board that the conservation board has denied the request to donate land to the City of Vinton for expansion of their compost pile. Fordice reported that the conservation board had cut an additional \$25,500 from their FY06 budget request. The \$25,500 was in response to the supervisor's agreement to put any additional budget reductions from conservation into conservation's land acquisition account. Fordice advised that the Hannen Lake restoration project was about done and they were beginning to raise the water level. The area is unsafe for fishing due to the thin ice.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Farm Services Agency's "Continuation of Owners or Producer's Crop Information" for 2005 for Benton County. All members voting aye thereon. Motion carried.

The Board continued with work on the FY06 budget.

The Board with the various department heads in the courthouse regarding the courthouse security system. County Attorney David Thompson requested that the Board appoint a committee to meet with the various departments and determine what equipment should be placed in each area and where. Thompson asked that a board member serve on the committee and be given the authority to purchase additional equipment if needed. Discussion included the use of cameras and monitors, the panic system and connection to the sheriff's department, and the placement of the recording equipment in the auditor's office. There were no objections noted from those present. Chairman Vermedahl appointed Dave Thompson, Cindy Forsyth, and Roger Witt to a committee to review the courthouse security system. The committee is to return to the Board on Friday with their findings.

The Board reconvened at 1:00 p.m. to continued working on the FY06 budget with Supervisors Vermedahl and Buch present. Supervisor Sanders absent.

Lynn Arthur, Mt. Auburn Mayor, asked the Board about the county donating recycling trailers to the City of Mt. Auburn. The Board advised Arthur to speak with the county engineer, but currently the engineer has not implemented a new recycling trailer system.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 3, 2005

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch and Sanders present. Chairman Vermedahl called the meeting to order at 1:15 p.m. in the conference room of the Benton County Sheriff's Department.

The purpose of the meeting was to allow vendors to present additional information to the Board regarding their proposals for Phase II of the Radio Communications Tower Project. The following persons were present: Ken Elert (County's consultant), County Attorney Dave Thompson, Terry Harris (RC Systems), Dave Berger (RC Systems, Ron Brainerd (RC Systems), Martin Parbs (North Benton Ambulance), Sheriff Randy Forsyth, Conservation Director Gary Fordice, Emergency Management Director Scott Hansen, County Engineer Myron Parizek, and Chief Deputy Michael Ferguson.

The chair opened the meeting requesting that the record reflect that Communications Engineering Company was invited to attend the meeting and give a presentation; however a letter has been filed with the Board stating that they did not have any additional information to present and would not be attending.

The chair then opened the floor to RC Systems aka Radio Communications to present information regarding their alternate bid for Phase II of the Communications Tower Project. Ron Brainerd, President of RC Systems, spoke on behalf of the company. Brainerd presented a summary of points to be discussed and potential cost savings to the county. RC Systems' alternate bid proposed a battery back-up system versus the uninterrupted power supply; adding battery back up to automatic vehicle locators and the global positioning system units. They proposed changing all P25 upgradeable equipment to Kenwood non-upgradeable equipment, stating that the only advantage to the upgradeable system is the ability to use various makes of radio equipment together. It was also explained that the upgradeable equipment would work with the county's current mobile but when the county upgraded to P25 radios, all radios would need to be replaced or personnel would not be able to communicate with each other. Disadvantages to the P25 equipment are that currently is not able to be encrypted; however encryption capabilities will be developed in the future.

Discussion also included licensed versus unlicensed microwave transmission. The Request for Proposal (RFP) required three microwaves with a minimum of one being licensed. RC Systems proposed two unlicensed. Various other items included in the alternate included the re-use of existing equipment and cabinets.

The consultant, after hearing the presentation, told the Board that the two main areas were changing from P25 upgradeable equipment to the Kenwood non-upgradeable equipment and two unlicensed microwave systems. The consultant continued that it was his recommendation that the county consider two unlicensed microwaves and one licensed, which was allowed by the RFP. The consultant further stated that in reference to the Kenwood equipment he would need additional time to review the equipment specification; however if the equipment met the specifications set forth in the RFP, and if Benton County did not intend to upgrade all of their radios to P25 within the next fifteen years then he would recommend the Kenwood alternative. The consultant advised that he would review the specifications of the Kenwood equipment after the meeting and return with a recommendation at the February 4<sup>th</sup> board meeting.

Supervisor Vermedahl, questioned if the county was being procedurally correct and fair if they would accept an unlicensed proposal. The consultant advised that all bidders were aware that they could submit an alternate option as it was in the RFP and announced and the pre-bid meeting. The consultant stated that it was his belief that all vendors were aware of the option as it was clearly set forth. He stated that in order to submit an alternate the bidder was also required to submit the primary bid, but if the vendor recognized cost savings that they were allowed to put those savings in an alternate bid form. Vermedahl questioned if RC Systems' alternate proposal was what the consultant expected to see and the consultant responded in the affirmative.

Supervisor Vermedahl did advised RC Systems however that a performance bond was required and non-negotiable.

Having reviewed the alternate proposal in its entirety, it was moved by Buch, seconded by Sanders, to adjourn the meeting. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 4, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of February 1, 2005 and February 3, 2005. All members voting aye thereon. Motion carried.

Mike Beumer met with the Board to review his FY06 budget request for a new 1-ton truck with box. Beumer explained that his research found that he could reduce his FY06 budget asking by approximately \$15000. The state bid for a Ford 1-ton truck was approximately \$21,000 with the box being additional \$8,000 for the box. The Board thanked Beumer for his research.

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 Dave Wiebbeke, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. The site has a favorable review except for the soil has an 85 CSR (corn suitability ratio). Approximately seventeen interested persons appeared before the Board including the applicant. Two written letters objecting to the requested change were also presented. The Board heard comments both for and against the proposed change. Hearing all comment, it was moved by Sanders, seconded by Buch, to deny a land use change on a parcel generally described as being located in a Part of the NE1/4 of the SE1/4 of 22-85-9 (Benton Township), as the land's corn suitability ratio exceeds 70. Further it is noted that although a number of issues have been stated, the Board cannot be arbitrary and must follow and adhere to the rules, and the current rule is that any change on land with a CSR over 70 is not allowed. The Board must be consistent and this denial is strictly based on CSR factor. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept and file the manure management plan annual updates for K & W Hogs, Wayne Ritcher owner, and Cedar Valley Egg Farm, LLP. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for awarding a bid for Phase II of the Radio Communications Project, the board proceeded with the matter. Dave Berger and Ron Brainerd were present representing Radio Communications as well as Dave Thompson, County Attorney, Michael Ferguson, Chief Deputy, Kyle Hummel, member of public, Roger Witt, County Engineer Myron Parizek. The County Attorney advised that under Iowa law that the bid must be awarded to the lowest responsible bidder if the Board chooses to award the bid. The county's consultant on the project, Ellert and Associates, summarized the steps that had been taken to this point. He told the Board that a Request for Proposal (RFP) was released in December and a pre-bid vendor's meeting was held in January. RC Systems and Communications Engineering Company were the only two vendors to ultimately submit RFPs. Ellert explained that the RFP allowed for alternate proposals to be submitted and RC Systems did take advantage of that option also, however Communications Engineering Company (CEC) did not. The consultant summarized the bids received with the inclusion of RC systems alternative proposal. Ellert explained the differences between the alternate bid and the primary bids. Ellert stated that he selected items from RC Systems' alternate proposal where it made sense and was equivalent to the primary RFP. Ellert explained that certain equipment is proprietary and that CEC could not obtain it, but that the county recognized that issue in the RFP and left that portion open and by making it available under the state contract at the county's expense. There were options available under the RFP, however it was the Communications Committee's decision not to include those options. Ellert advised that the bids were as follows: RC Systems submitted as an original primary bid of \$576,747.33 but the county received documentation that the bonding company misquoted the performance bond and that the correct bid is \$529,244.32 CEC -\$ 522,682.17

Original RC Systems alternate bid was \$392,517.50 but with alternates allowed/ disallowed by the Communications Committee and Ellert the new alternate bid is - \$438,526.06

Ellert explained that approximately thirty-six options in RC Systems' alternative bid did not qualify, but those items that met the specifications and did not reduce the performance of the system were accepted in the alternate. The Board questioned if the alternate was equivalent to the system asked for in the primary RFP and Ellert responded that it was. Following more detailed discussion on specific items, it was moved by Sanders, seconded by Buch, to defer awarding the contract for Phase II of the Radio Communications Project for one week and to direct the Communications Committee to review the issue relative to budgetary restraints on the project. Discussion included the RC System's level of comfort with the deferral. Question: All ayes. Motion carried.

The Board met with County Attorney Dave Thompson and Roger Witt to discuss the status of the courthouse security and alarm system. Discussion was held on the various equipment and its placement. The Board requested that a diagram of all wiring and equipment placement be provided to them prior to the initiation of any work.

Kyle Hummel presented a petition containing approximately 81 signatures requesting dust control on 20<sup>th</sup> Ave Drive and 57<sup>th</sup> Street Trail near Rodgers Park to the Board. Moved by Buch, seconded by Sanders, to accept and file the petition. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the Chair to sign the final pay voucher payable to Iowa Bridge and Culvert on project #BHS-CO06 (58)-63-06. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on January 31, 2005 was \$41,050.45

The engineer discussed the hourly fee for the utility inspector, which is currently at \$20.00 per hour. The utility inspector in an independent contractor required by the county when utilities are placing lines in the county's right-of-way. The engineer questioned if the hourly rate should be increased. The Board took no action.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 8, 2005

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

Cheri Frame, Wellmark Representative, met with the Board to review premium costs and loss ratio rates. Frame explained that Benton County will receive a 10% reduction in premium rates in FY06 due to a low loss ratio rate. Frame explained various aspects of the county's current health insurance coverage and a new plan being offered that meets the requirements for Health Savings Accounts (HSAs). Frame went into some detail on HSAs and their advantages and disadvantages to the consumer. Frame offered to return to the Board with additional information if the County decides to pursue HSAs.

Moved by Buch, seconded by Sanders, to approve checks numbered 70413 through 70980 for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-3. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-3**

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>CA-3220</u>	0.2 miles east of the NW corner of section 15-84-09 (Canton Township) on 64 <sup>th</sup> Street.
<u>CA-2930</u>	0.1 mile west of the NE corner of section 19-84-09 (Canton Township) on 66 <sup>th</sup> Street.
<u>CA-3029</u>	0.1 mile north of the SW corner of section 17-84-09 (Canton Township) on 29 <sup>th</sup> Avenue.

Signed this 8<sup>th</sup> day of February 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

The county attorney and county auditor spoke to the Board briefly about the courthouse alarm and security system. The auditor stated that a written diagram showing the placement of all cameras, wires, and alarms should be submitted to the Board for final approval before any installation begins. The county attorney agreed to reconvene the courthouse security committee and return to the board with additional information.

No action was taken on the service agreement with East Central Iowa Council of Governments regarding administration of the Federal Home Loan Bank Affordable Housing Program pending further information.

The Board continued working on the FY06 budget.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 8, 2005

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch and Sanders present at the Benton County Farm Bureau office in Vinton. Chairman Vermedahl called the meeting to order at 6:00 p.m.

The Board discussed various projects being undertaken in Benton County as well as the FY06 budget. Farm Bureau members commended the elected officials on their efforts to reduce costs to Benton County taxpayers. Farm Bureau members did express concerns regarding the review of the Benton County Land Use Preservation Ordinance and urged the Board to study the matter thoroughly.

The chair declared the meeting adjourned at 7:50 p.m.

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 11, 2005

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

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

Duane Andrews – March 8, 2005 at 9:15 a.m. In the SW1/4 of 17-82-11

Debbie Denton – March 8, 2005 at 9:30 a.m. in the NE1/4 of the SE1/4 of 21-85-9

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set March 8, 2005 at 10:00 a.m. as the time and date for a public hearing on the county's FY06 budget. All members voting aye thereon. Motion carried.

Representatives of the Belle Plaine and Vinton libraries met with the Board regarding the county's funding. It was questioned if a formula was used when determining the amount of funding for each library or if a redistribution of the funds between libraries could be done. The Board advised that they would be willing to review the matter if approached by the libraries.

Rena Thompson met with the Board regarding housing assistance grants being offered through grant writing efforts of East Central Iowa Council of Governments. Thompson explained that ECICOG had met with the BDG Board about coordination of efforts. Thompson explained that the current grant is for housing rehabilitation and is offered at a 50/50 match between the lender and the homeowner. The grant is for the Federal Home Loan Bank Affordable Housing Program

Application and is in the amount of \$55,000.00 for rehabilitation of ten homes and administration fees. Moved by Buch, seconded by Sanders, to authorize the chair to sign the Service Agreement between Benton County and East Central Iowa Council of Governments for administration of the Federal Home Loan Bank Affordable Housing Program Application. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to sign the Department of Transportation's plans for construction work in 2005 for a bridge replacement on 13<sup>th</sup> Avenue project number BROS-CO06(63)-5F-06 and project number FM-CO06(64)-55-06 for hot mix asphalt resurfacing on W26. All members voting aye thereon. Motion carried.

The engineer updated the board on the Oak Grove Road project. The engineer now has a list of property owners and will review the accesses with Linn County. The engineer explained that by altering the route minimally he could eliminate significant dirt work due to the terrain. The engineer plans to begin work this spring.

The Board took up the matter of awarding a contract for Phase II of the Communications Tower Project; Chairman Vermedahl explained that communication committee and the county's consultant reviewed RC System's alternate bid. There were funding concerns voiced by the Board at the last hearing, and the committee worked on paring down the proposal and negotiating a contract. Vermedahl advised that the consultant recommended to accept RC Systems alternate bid as it is for an equivalent system and the vendor understands that various parts of the bid will need to be negotiated due to budget constraints. Relative to funding concerns, the Board has received a letter from the Emergency Management Commission stating that they will fund up to \$50,000 in FY05 towards the project using Homeland Security grant money and additional \$50,000 in FY06, if needed. Vermedahl went on to explain that Communications Engineering Company (CEC) has requested additional time to submit another bid; however, the Request For Proposal indicated that alternate bids would be accepted at the original bid letting. Therefore, CEC had already been given that option. Vermedahl added that the consultant made sure that all bidders knew that they could submit and alternate proposal. Vermedahl then asked for a motion regarding the agenda item addressing acceptance of any additional bids for Phase II of the Communications Tower Project. It was moved by Sanders, seconded by Buch, to reject any additional bids on Phase II of the Communication Tower Project.

Vermedahl then reiterated that it was the recommendation of communications committee to accept RC System's alternate bid with the express understanding that various items will be negotiated within the contract to meet financial restrictions, the negotiations are authorized under the Request For Proposal, Page 15, Section 2.8 under the title "Reservations" wherein it sets forth that the proposer and any arm of Benton County can go into negotiations. Moved by Buch, seconded by Sanders, to award the contract for Phase II of the Radio Communications Project \$438,526.06 to RC Systems. All members voting aye thereon. Motion carried. The chair directed the Communications Committee to continue working with RC Systems to negotiate the details with the understanding that the contract is brought before the Board for final acceptance.

The Board met with the Snow Removal Policy Committee regarding review of the county's current snow removal ordinance. The committee advised that they held one meeting where they talked at length on different issues, including ice on roads and emergency services working with secondary roads during snow events. The committee explained that there is no easy fix for ice on roads other than the obvious of leaving crews out longer. Discussion was held with the Board regarding the provision of service twenty-four hours a day/seven days a week. Comment was heard on extension of current hours to cover the commuting public when they are leaving and/or returning home from work. The Board also heard comment on what constituted an emergency situation and/or a dangerous situation and how the county could address those issues in the future. Communication between secondary roads and sheriff's department personnel was stressed. The county engineer also reminded the Board that extension of hours could result in increased expense due primarily to wear and tear on equipment. The engineer also advised that he was researching the possibility of sharing a building with the Department of Transportation so that he would have equipment, supplies, and personnel in other areas of the county making it quicker to respond to situation. The Board asked that the issue continued to be studied with the possibility of priority routes being established, announcement of snow emergencies, and road closings being published.

Moved by Buch, seconded by Sanders, to approve the minutes of February 4, 2005 and February 8, 2005. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 15, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of February 11, 2005. All members voting aye thereon. Motion carried.

Michael McLaughlin met with the Board to request an amendment to the restrictions placed on his land use change limiting him to roasting 200 pounds of coffee annually. McLaughlin advised that the DNR requested that he contact the University of Northern Iowa regarding the amount of coffee he can roast before being required to obtain permitting. The University has advised that he can roast up to 6000 pounds annually and still be well below the permitted use requirements. Supervisor Vermedahl stated that it was belief that the Board would have to hold a public hearing on this matter again if changes were allowed. The Board stated that their interest in setting the 200-pound limit was to make sure that the use would stay as an in-home type business. Further, it was the Board's understanding that the 200-pound limit was McLaughlin's suggestion and not a number derived at by the Board. Marc Greenlee stated that it was important to limit the number of pounds being produced, due to the Board's position that a larger business should be in an industrial park where municipal services are available. The Board requested that Greenlee research the matter further to determine if another public hearing can be held.

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 Kevin L. and Dawn M. Higgins, 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 and is located in the SE corner of the NW1/4 of the NE1/4 of 1-86-12. Marc Greenlee explained that there is disagreement between the applicant and himself as to what constitutes the parcel size for the pre-existing use. The change is to build a residence on an old farm building site; however cropping has been taking place on a portion of the parcel rendering one acre or less of non-agricultural use. Greenlee also explained that the existing field entrance could not be utilized and an easement would have to be obtained from the adjacent landowner for access to the property. The drive would go across land, which is currently in production with a high corn suitability ratio (CSR). Donna Higgins representing the applicants stated that the county has made exceptions to the CSR requirement in the past and asked the Board to grant an exception to this request. Supervisor Vermedahl stated that it would be advantageous to the Board if they were to view the property before making a final decision. An attorney representing the lessee of the adjacent ground stated that no communications have taken place between his client and the owner regarding a driveway easement or sale of any land. Hearing all comment, the chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to defer a decision on the request until March 8<sup>th</sup>, 2005, at 1:00 p.m. and further that the Board of Supervisors view the parcel on February 22, 2005 at 1:30 p.m. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize Brecke Inc. to repair radiators in the courthouse at an estimated cost of \$12,905.37. All members voting aye thereon. Motion carried.

The auditor spoke with the Board regarding paint and plaster repair in the courthouse.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the renewal agreement with Wellmark for customized options and services for FY06. All members voting aye thereon. Motion carried.

Larry Andreesen updated the Board on the contracts for the Geographical Information Systems.

Moved by Buch, seconded by Sanders, to approve the following contracts for FY06 for MH-DD services:

Genesis Development: Supported Community Living - \$33.77/hr; employment services - \$37.59/hr

Rural Employment Alternatives: work activity - \$55.02/day, sheltered work - \$37.87/day - supported employment -

44.13/hr; transportation services - \$11.42/one way

Cedar Valley Ranch - \$67.00/day residential care facility

All members voting aye thereon. Motion carried.

Roger Witt spoke to the Board regarding the correct locking mechanism for the door on the Governor Sherman Building. Witt is to check with the social services director regarding handicap accessibility issues.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 18, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Chairman Vermedahl called the meeting to order at 9:15 a.m.

Supervisor Buch was attending another meeting. Supervisor Sanders was only available by telephone as he was on personal business.

A phone call was placed to Supervisor Sanders, who was placed on speakerphone so that all present could hear and speak with him. The Board was required to meet due to a public hearing scheduled for today.

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 Myron Lown, 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 the use of approximately 23-1/2 acres to a recreational vehicle park for "short term stays/over night" only. The site has a favorable review and is consistent with surrounding uses. The Board heard a concern regarding the length of stay and the possibility of mobile homes being permanently located there. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to grant a land use change on a parcel generally described as being located in a Part of the NE1/4 of the SW1/4 of 26-86-9 (Polk Township), as the parcel is close to the City of Urbana and it is the Board's desire to direct growth to the cities where services are available or closely available. Further, the corn suitability ratio is under 70 and the use is consistent with surrounding uses. The change is granted for short-term stays only with a limit of 30 days per stay at which time the vehicle, including but not limited to recreational vehicles, campers, and trailers, must be removed from the site for at least seven days. An exception to the thirty-day limit is approved for the owner's own on-site staff. Both members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 22, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of February 15, 2005 and February 18, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 70981 through 71338, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee reported to the Board about procedures for re-opening public hearings on land use changes. Greenlee reported that the county attorney stated that it is "the inherent power of the Board to give reconsideration to a decision". Greenlee further reported that a public hearing with publication in the newspapers would not be required;

however it was his opinion that a letter should be sent to all parties who had expressed interest at the original hearing and advise them that the Board would be reconsidering the stipulations attached to the land use approval.

Moved by Sanders, seconded by Buch, to approve replacement of the door on the sanitarians' office pursuant to the quote submitted by McDowells at a cost of \$525.00 plus \$85.00 for finishing. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Director, met with the Board and various department heads regarding a continuity of operations plan and continuity of government plan for the county. The plans provide for direction in the event of an emergency situation in county government. The plans were discussed with suggested changes being heard.

Larry Andreesen, County Assessor, met with the Board to present a contract for Aerial Services, Inc. to perform aerial flights over Benton County for the geographical information system. The contract is for \$78,411.00 and includes color prints, but does not include any flights on areas outside of the county as requested by the conference board. Those perimeter flights may be accessible through other work and would include a 6-mile buffer around the county. Moved by Sanders, seconded by Buch, to authorize the chair to sign a contract between Benton County and Aerial Services, Inc. to perform aerial flight services for Benton County in conjunction with the geographical information system at a cost of \$78,411.00. All members voting aye thereon. Motion carried.

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

The Board reconvened at 1:15 p.m. and proceeded to the location of the property subject to a land use change requested by Kevin Higgins in the SE corner of the NW1/4 of the NE1/4 of 1-86-12. The Board viewed the area, including the driveways entering the property. After fully reviewing the area, the Board returned to the courthouse. Supervisor Buch left directly from the site to attend another meeting.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 25, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 22, 2005 with the addition of the following:

"Moved by Sanders, seconded by Buch, to place an emergency release on the Governor Sherman Building door at a cost of approximately \$615.00. All members voting aye thereon. Motion carried."  
Both members voting aye thereon. Motion carried.

The clerk of court met with the Board to request additional storage space. The clerk stated that she currently has storage in an off-site garage; however it is inconvenient for her staff to go there to retrieve records. The clerk asked if she could have storage in the basement area of the courthouse; however other departments currently store records in that area. The clerk requested that the other departments find somewhere else and allow her to use the area instead. The Board advised that they would look into the matter further.

Moved by Buch, seconded by Vermedahl, to approve 12.5 hours of vacation carry-over requested by Michael Beumer, 16 hours of vacation carry-over requested by Bruce Anderson, and 34.5 hours of vacation carry-over requested by Rose Sackett. The carry-over is to be used by July 1, 2005. Both members voting aye thereon. Motion carried.

A contract for Phase II of the Communications Tower Project (radio and related equipment) was presented to the Board for consideration. The communications committee had met with RCSysystems and reviewed the equipment included in the contract. RCSysystems made concessions by allowing more trade-in value for used equipment (with the county being able to retain some of the used equipment) and lowered labor costs. The equipment for the hospital was removed from the contract and will be paid for with grant funds. The revised contract is for \$399,769.99 and includes moving the equipment from the FOX tower. Moved by Buch, seconded by Vermedahl, to sign the revised contract with RCSysystems for Phase II of the Communications Tower Project at a cost of \$399,769.99. Both members voting aye thereon. Motion carried.

The Board discussed the county's snow removal policy with the county engineer. The engineer stated that he did not believe that a split shift for employees would be advantageous; however he would extend the hours during weather events from 5:00 a.m. to 6:30 p.m. The engineer also stated that the Iowa Department of Transportation is not willing to share end loader at the Newhall shed, but the sharing of the storage facility should be investigated further. The Board directed the engineer to initiate the 5:00 a.m. to 6:30 p.m. work hours during weather events and to ask the local fire departments to plow or sand the roadways for emergency response vehicles if needed. The Board asked that these actions be taken voluntarily without amending the county's current ordinance.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

March 4, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 25, 2005. All members voting aye thereon. Motion carried.



The courthouse maintenance personnel met with the Board to discuss various maintenance quotes. Quotes for painting and plaster repair were received as follows: Eastwood Painting - \$2,439.99 and Jensen Wall Systems - \$2,485.00. Moved by Buch, seconded by Vermedahl, to contract with Eastwood Painting for paint and plaster repair to various areas in the courthouse due to the contractor's willingness to work weekends and evenings. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded Vermedahl, to purchase carpet replacement in the recorder's office from Michael and Dowd at \$1,060.73 not including any additional floor preparation or furniture moving. Both members voting aye thereon. Motion carried.

The Board requested that the maintenance department obtain quotes for replacing the air conditioning in the treasurer's office and the county attorney's office.

Judy Funk and Dave Cross representing the county's insurance carrier (Heartland Insurance Risk Pool (HIRP)) met with the Board to discuss the various insurance coverage issues and possible changes. Discussion was held regarding punitive damages and coverage for those types of claims. The Board also requested that HIRP update values for insurance purposes for facilities over \$100,000.

The engineer reported that the balance in the landfill account on February 28, 2005 was \$42,847.90.

The engineer spoke about manure lines crossing county roadways. The engineer stated that George Axmear has proposed a deviation from the original plan for the pipe under the roadway. The plan is to place a steel sleeve under the roadway and then running a separate hose or pipe through the sleeve. The current agreement requires that all parties involved sign an agreement setting forth their participation in pollution control liabilities. Axmear questioned if the contractor who is boring and placing a sleeve under the roadway has to also sign the agreement, stating that the boring contractor has no involvement since a separate line will carry the manure.

The Board discussed utilizing the Iowa Department of Transportation's (DOT) Newhall shed for storage of salt/sand mixtures. It was reported previously that the county would not be able to use the DOT's equipment (end loader); however they could store material and equipment at the site. Supervisor Buch stated that he spoke to the Director of the DOT in Des Moines and after speaking with him, it was his understanding that the DOT would be willing to work with the county. Engineer Parizek advised that he had recently been contacted by the district director for the DOT who relayed to him that the DOT would be more than willing to cooperate with the county in any manner, including the use of the end loader. The engineer is going to pursue cooperation with the DOT at the Newhall site.

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

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David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

March 8, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of March 4, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 71339 through 71748, for payment. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting momentarily.

Moved by Sanders, seconded by Vermedahl, to approve the liquor license and Sunday sales permit for Benton Golf Club, Inc. Both members voting aye thereon. Motion carried.

Supervisor Buch returned to the meeting.

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 Duane and Cindi Andrew, 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 on approximately two acres in Leroy Township. The change is on a parcel that is an old farmstead. The house had been removed approximately fifteen years ago. 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 approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the SW1/4 of 17-82-11 (Leroy 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 Deborah Denton, 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 on approximately two acres in Benton Township. Hearing all comment, it was moved by Sanders, 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 generally described as being a Part of the NE1/4 of the SE1/4 of 21-85-9 (Benton Township) for a single residential use provided that the county's subdivision ordinance is not violated. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for a public hearing on the county's FY06 budget, the Board took up the matter for consideration. The compensation board had provided a letter recommending a 3% across-the-board increase in salaries for elected officials. Present were three persons representing Farm Bureau, three members from the county attorney's office, the county engineer, and one member of the news media. Comments: Norm Sackett questioned if the levy rate would be increasing and the Board responded in the affirmative. Vermedahl commented that the Board's intention was to keep the county operating at a reasonable level and that increasing taxes was necessary. The Board advised that the budget is gone through line-by-line and every effort is made to keep the budget down; however the county cannot cut expenses so that taxes will never increase. The Board stated that it is their belief that the people want the county to continue in direction it has been going, adding that Benton County has enjoyed population growth and some increased tax base. Vermedahl added that residential growth has a large rollback percentage and it takes quite a bit of residential growth to realize much of an increase in the tax base. Supervisor

Sanders commented that another issue is growth in towns is primarily located in tax increment finance (TIF) districts and the added value to the tax base is not recognized by the other taxing entities for many years. Supervisor Vermedahl countered that he believes that TIFs are good but the cities need to work with other governments and that time limits need to be established and allow the TIF value to roll over into the base value. Discussion on the failed local option sales and how it would have helped to offset property taxes was held. It was asked if the Board thought about running the sales tax again with the board responding that they may consider it, but they need to be clearer as to how the money would be used. It was asked if a change to zoning would help with increasing the tax base and the board explained that the emphasis of the plan being researched is directing growth towards towns. Hearing no further comment, the chair declared the hearing closed at 10:15 a.m.

The Benton County Compensation Board recommended 3% across-the-board salary increases for elected officials for FY06. Moved by Sanders, seconded by Buch, to reduce the recommendations of the compensation board from 3% to 1-1/2%. Supervisor Buch commented on how the elected officials' salaries affect other employees in those specific offices adding that there are employees who are not "overpaid". Buch also commented that he doesn't like the way the current system works but the Board must abide by the law. Buch also stated that merit increases versus strictly across-the-board increases were more desirable in his opinion. Comments were heard that a 1-1/2% increase is going backwards and questioned if health insurance costs were changing for next year. Vermedahl stated that the cost to the employee for a family plan is increasing in FY06. Vermedahl also stated that a 3% increase was a fair recommendation in his opinion, adding that in his private business he gave a 3% raise. Vermedahl stated that people work hard for the county and different offices have been under a lot of stress because of their inability to increase staff due to budget constraints. Vermedahl continued that the County passed on changes in health insurance to the employees that not only changed the premiums being paid, but increased out-of-pocket expenses as well. Vermedahl stated that part of the thing about raises is being fair and that he would oppose a 1-1/2% increase. The chair called for the question. Voting aye was Sanders. Voting nay were Buch and Vermedahl. Motion failed.

Moved by Buch, seconded by Vermedahl, to accept the compensation board's recommendation of 3% increases for elected officials. Discussion: Supervisors Sanders stated that he was in agreement with Supervisor Buch and that the Board should look at merit increases and that what the Board was doing with the current issue was giving cost-of-living increases and not merit increases. Sanders stated that the Board should look at doing employee reviews and merit increases. Supervisor Vermedahl stated that no one on the compensation board's list is reviewed by the supervisors adding that the public reviews the elected officials. The chair called for the question. Voting aye were Vermedahl and Buch. Voting nay was Supervisor Sanders. Motion carried.

The Board then considered the wages and salaries for employees who are not covered by labor contracts, other boards, or deputies in elected offices. The auditor provided a list of current wages and also wages with a 3% increase, and any variance from the 3% increase requested by department heads. Comments were heard about the inability for part-time employees to ever advance in wage when all they were given were cost-of-living increases. The Board also received comments from the county that Mary Ann Blumer has duties that are comparable to top ranking deputies in other offices, yet the position is never given increases to compensate her more fairly. Supervisor Sanders stated that the last couple of years the Board granted wage increases "across-the-board" and he was not sure how to handle different requests. Al Schafbuch (Farm Bureau representative) commented that merit raises should be considered unless prior action of the Board put a 3% cap on all increases. Moved by Sanders, seconded by Buch, that a 3% across-the-board increase be granted for FY06 wages and salaries for those employees who are not covered by a labor contract, who are deputies in elected offices, or whose wages are set by other boards, and that merit increases being granted for the employees as by the department heads. The total salary and/or wage for FY06 for those employees receiving merit increases, including all cost-of-living increases is as follows:

Rosemary Sackett - \$21,368.00

Joy McGowan - \$24,368.00

Mary Ann Blumer - \$33,418.00

Diana Johnson - \$13.01 per hour

Betty Stone - \$15.88 per hour

Myron Parizek - \$75,000

Nickolas Rissman - \$45,100.00

Elaine Bolton - \$32,782.00

Penny Applegarth - \$23,764.00

Pam Gorsch - \$12.75 per hour

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-5. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

#### RESOLUTION #05-5

**BE IT REMEMBERED** that on this, the 8th day of March 2005, 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 2005-06 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 FY06 salaries for elected officials will be as follows:

County Attorney – \$73,860.39

County Auditor – \$47,991.70

County Recorder – \$47,991.70

County Supervisors – \$32,990.91

County Treasurer – \$47,991.70

County Sheriff – \$61,479.79

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

General Basic - \$50,000.00 – Emergency Response

General Basic - \$8,000 – Historic Preservation  
General Basic - \$47,765 – Special Projects (anticipated revenue from TIF/BCV)  
General Supplemental - \$50,000.00 – Election equipment  
Other (Closure/Post Closure) - \$641,420

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

The budget as adopted will approve the following property taxes for fiscal year 2005-06.

General Basic	\$3,075,070
General Supplemental	\$ 425,546
Mental Health Services	\$ 439,296
Rural Services Basic	\$1,757,869

**IT IS THEREFORE RESOLVED**, by the Benton County Board of Supervisors that the FY06 budget is hereby adopted.

Dated this 8th day of March 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

The Board recessed at 11:10 a.m. until 1:00 p.m.

The Board reconvened at 1:00 p.m.

The Board continued with the matter of a land use change requested by Kevin Higgins on a parcel located in a part of the NW1/4 of the NE1/4 of 1-86-12. Chairman Vermedahl stated that the Board had visited the site and the concerns of the Board were how much land is actually being sold and the access to the parcel. Mark Mossman, attorney for the applicant, stated that the buyer and seller were flexible as to the exact parcel orientation but there was approximately two acres being considered. Mossman added that the agreement also included the requirement for the buyer to provide an access. Discussion centered on encroachment of crop ground onto the original building site and whether the size of the building site as it existed prior to the encroachment should be considered when making a determination as a pre-existing use. Comments were also heard concerning the current farm lease agreement, the number of acres, and the exception of property included in the lease. The Board also discussed access to the property and the potential of taking ground out of production to accommodate an access. The Board added that the location of the access is limited due to sight distance requirements. It was commented that the amount of land coming out of production for the access would be minimal; however Supervisor Sanders questioned what the standard would be the next time. Hearing all comment, the chair declared the public hearing closed. The chair then stated that there was still a question as to the exact number of acres; however the question concerning access had been addressed. The chair asked for a motion stating that in his mind there were several options: Deny, Approve, or defer until a clear survey is done indicating the number of acres. The chair added that it is the county's philosophy to discourage developmental encroachment on ground that is in production, but also that development on pre-existing sites be encouraged. Moved by Buch to defer until a survey is completed so that the number of acres can be determined. Supervisor Buch then withdrew his motion. Moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately 1.8 acres and specifically a parcel 200 feet deep by 400 feet wide, generally described as being a Part of the NW1/4 of the NE1/4 of 1-86-12, for a single residential use. Further that a land use change is granted for an access to the property, which is not to extend more than 50 feet from the center of the road. Voting aye were Vermedahl and Buch. Voting nay was Sanders. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

March 11, 2005

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

Betty Wright, Benton County Recorder, met with the Board to request approval to hire Lexa Spiedel as a full-time employee in the recorder's office. Wright told the board that forty-seven applications were received and after consideration, it was her recommendation that Spiedel be offered the position. Moved by Buch, seconded by Sanders, to hire Lexa Spiedel as a full-time clerk in the recorder's office, effective March 28, 2005, at a starting salary of \$21,000.00. All members voting aye thereon. Motion carried.

Marc Greenlee met with the Board to request a merit increase for Barbara Greenlee. Greenlee explained that he has had concerns for years regarding the disparity of various positions in the courthouse, primarily between deputies, assistants, and other staff. Greenlee stated that he was unavailable to meet with the Board on Tuesday when salaries were discussed due to prior appointments. Greenlee stated that it appears that there are several individuals, specifically eight deputies in the courthouse with a wide range of salary. Greenlee stated that Barbara Greenlee has been employed

with Benton County for seventeen years, and that her position is comparable to deputies in other offices except when it comes to pay considerations. Greenlee went on to state that Webster's definition of "deputy" is "assistant or the second in command when his superior is absent". He stated that Barbara is often the only person in his office due to his duties outside of the office. Greenlee went on to say that there are a lot of dissimilarities between the positions in secondary roads, county attorney's office and the sanitarians office. Greenlee stated that the office managers in the other departments are not ultimately in charge due to the fact that there are assistants who are responsible in those offices when the department head is absent whereas in his office, Barbara is in charge in his absence. Greenlee stated that the Board is the direct authority over his department when it comes to compensation, adding that the Public Health Board has acquiesced their authority to the Board of Supervisors. Greenlee stated that he thought that the supervisors were only considering 3% salary increases. Greenlee also stated that, if acceptable, an individual not employed in an elected office could be paid the same as an 80% deputy in other offices. Greenlee commented that if there were not ever to be a narrowing of the gap then nothing would ever change, adding that he is just looking for some consideration. Supervisor Sanders asked Greenlee what he proposed at budget time. Greenlee stated that he had put 3% salary increases into his budget. Supervisor Vermedahl stated that Greenlee's comments were somewhat opposite of what was being discussed on Tuesday as far as merit increases. Vermedahl went on to say that merit raises are performance based and that there will be differences between positions. If the Board begins merit increases, in general there will always be a range of wages, but at this time the Board is not in a position to comment. Supervisor Buch stated that county conservation figured a 3% increase on all salaries and then divided that amount differently between the employees. Buch stated that maybe in the future that a dollar amount should be given to each department to be used for salary increases and then let the department decide how to divide it between their employees. Supervisor Vermedahl stated that traditionally the salary of the sanitarian's position has always matched the salary of county's attorney's office for a similar position. Greenlee stated that his focus is on what is different between his department and the other offices, adding that classifications need to be done for all positions and that the gap continues to grow wider and his interest is to see the gap come closer together. Supervisor Sanders stated that perhaps the Board jumped the gun a little bit and since the wages do not go into effect until July 1<sup>st</sup>, questioned whether the Board should wait and consider this request or grant the increase and then address the situation in the next budget year. Supervisor Vermedahl stated that the Board needs to determine whether evaluations are going to be implemented and tied to merit increases. Having no further discussion, it was moved by Sanders, seconded by Buch, to raise Barbara Greenlee's salary to \$33,418.00 effective July 1, 2005, which includes a merit increase as well as the 3% across-the-board increase. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the hire of Wayne McLaughlin as a part-time driver in Benton County Transportation, effective March 17, 2005, at a wage of \$9.55 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-4. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

#### RESOLUTION #05-4

WHEREAS, the Benton County Board of Supervisors adopted Resolution #04-31 establishing official depositories; and WHEREAS, Union Planters has been changed to Regions, NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #04-31 is amended to reflect the deletion of Union Planters, Vinton and the addition of the following:

Regions Bank

Vinton

\$ 5,000,000

All other aspects of the original resolution adopted on June 30, 2004, remain in full force and effect.

Dated this 11<sup>th</sup> day of March 2005.

Benton County Board of Supervisors

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

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

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #05-5. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### RESOLUTION #05-5

WHEREAS, Iowa law requires that producers file manure management plans and annual updates with the Benton County Board of Supervisors, and

WHEREAS, it is necessary for the Board of Supervisors to designate persons to receive said documents,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the auditor and all deputy auditors are hereby authorized to receive manure management plans, annual updates, and any associated documents on behalf of Benton County.

Dated this 11<sup>th</sup> day of March 2005.

Benton County Board of Supervisors

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to approve Radio Communications' Performance Bond for phase II of the radio communications tower project. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of March 8, 2005. All members voting aye thereon. Motion carried.

Richard Grovert met with the Board to request that landscaping be done at the Youngville Café. Grovert asked that work be done to the access road to eliminate the collection of water in certain areas due to the current slope and that secondary roads perform the work necessary. The county engineer stated that secondary roads could do the work; however these types of expenses are not authorized as secondary road expenses under Iowa Code and therefore the expenses would be billed to the county general fund. Supervisor Vermedahl questioned what the estimated cost of the request would be and if the engineer could schedule the work while in the area versus sending equipment and operators to that site solely for the project. Parizek questioned if the maintenance cost was the county's responsibility or Youngville's responsibility. The Board requested that Parizek determine how much work and cost would be involved to address the situation.

Moved by, seconded by, to approve 36 hours of vacation carry-over for Penny Applegarth, said carry-over to be used by July 1, 2005. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

March 15, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of March 11, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 8, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Wyatt Miller on a parcel located in the NE1/4 of the SE1/4 of 4-86-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to change the employment status of Nancy Jorgenson in the treasurer's office from part-time to full-time, effective March 19, 2005, at a starting salary of \$17,000 annually. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the Recorder's Quarterly Reports for the periods ending June 30, 2004 and September 30, 2004. All members voting aye thereon. Motion carried.

The time of 9:30 having arrived, and this being the time and date for receiving quotes for two 2005 patrol vehicles, the Board took up the matter for consideration. The bids were received as follows:  
Note: All vehicles have police packages.

2005 Chevrolet Impala (4 bids)

1. John Grieder Motors, Inc., Belle Plaine, IA - \$17,850.00 (no options noted)
2. Shaul & Ullerich, Blairstown, IA - \$17,600 (no options noted)
3. Junge Chevrolet, Anamosa, IA - \$17,578.00 options: +\$135.00 for full body undercoat, -\$31.15 engine block heater, -\$78.00 for full wheel covers
4. Holmes Auto Group, Des Moines, IA (state bid) - \$16,558 after deducting spotlight and manual, includes undercoating, limited slip differential; and full wheel covers

Ford Ltd Crown Victoria (3 bids)

1. Junge Ford, Center Point, IA - \$20,205.00, options: limited slip differential +\$112.00, full body undercoat +\$135.00, engine block heater -\$31.00 and full wheel covers -\$31.00
2. Dewey Ford, Des Moines, IA (state bid) - \$19,964.19, option: with finished grill \$20,050.10
3. Craig Griffith Ford, Vinton, IA - \$20,234.00, options: limited slip differential +\$112.00; full body undercoat +\$135.00; full wheel covers +\$31.00

Moved by Buch, seconded by Sanders, to purchase two Chevrolet Impala vehicles with police package on the state bid from Holmes Auto Group in Des Moines at a cost of \$16,558.00 each. All members voting aye thereon. Motion carried.

The county engineer spoke to the board about possible changes to the driveway resolution and Ordinance #30 on Class C Roads. The Board advised that they were willing to consider changes to the policies and requested that the engineer return with proposed drafts for consideration.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

March 22, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 15, 2005. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to approve the checks numbered 71750 through 72123, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to set April 19, 2005 at 9:15 a.m. as the time and date for a public hearing on a change in land use requested by Shannon and Jennifer Feuerbach in the SE¼ of the SW¼ of 2-83-12. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to set April 19, 2005 at 9:30 a.m. as the time and date for a public hearing on a change in land use requested by Harold and Cheryl Knaack in the SE¼ of the SW¼ of 16-84-11. Both 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. John and Kristin Holst submitted the application on land located in the N½ of the NW¼ of 11-84-10. 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 Sanders, seconded by Buch, to grant a farm exemption in the N½ of the NW¼ of 11-84-10 for a single residential purpose, as the applicants are currently involved in a farming operation. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to suspend taxes on parcel number 870-39800 in accordance with Iowa Code 427.9. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the courthouse lawn care bid from Nature's Corner for \$532.80 annually. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the application to adopt-a-road along county route D65 by Andy Gates. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Poweshiek Water Association in Sections 35 and 36 of Fremont Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for LaPorte City Telephone Company along 53<sup>rd</sup> Street and 22<sup>nd</sup> Avenue in Cedar Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the rehiring of Ken Erickson for part-time seasonal help with the secondary roads department starting on April 11, 2005 at \$9.00 per hour. Both members voting aye thereon. Motion carried.

Discussion was made regarding the temporary permit to cross roadway for purposes of manure disposal but no action was taken.

Moved by Sanders, seconded by Buch, to adjourn. Both members voting aye thereon. Motion carried at 11:00 a.m.

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Ronald Buch, Vice-Chairman

ATTEST: \_\_\_\_\_  
Brenda Sutton, Deputy Auditor

March 25, 2005

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

Supervisor Vermedahl reported that he had been approached by a clerk in the treasurer's office regarding the starting salary of Lexa Spiedel, a new hire in the recorder's office. Vermedahl stated that the employee was unhappy that a new hire would make more than she and other employees who had been with the county for six years or more. Kelly Geater, County Treasurer, stated that she too was upset with the inequity of wages and suggested that her staff be raised to \$21,500.00 since Spiedel was hired at \$21,000.00. The treasurer stated that she would like the board to approve raises for her employees immediately, plus receive a 3% increase on July 1<sup>st</sup>. Vermedahl stated that all new full-time hires should be started at a minimum of \$21,000.00. Moved by Buch, seconded by Sanders, to increase the salaries of Rose Sackett and Joy McGowan to \$22,000.00 annually effective March 19, 2005, with 3% increases on July 1, 2005. McGowan receives an additional \$3,000.00 for issuance of driver's license duties. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Dell Hanson, Larry Schlue, Kathy Van Steenhuyse, Van Zimmer to the Benton County Courthouse 100<sup>th</sup> Anniversary Committee. All members voting aye thereon. Motion carried. The Board expressed desire to appoint county employees to the committee also.

Moved by Sanders, seconded by Buch, to approve 10 days of vacation carry-over for Sharon Stueck an employee in the recorder's office. Said carry-over is to be used by July 1, 2005. All members voting aye thereon. Motion carried.

Supervisor Sanders requested that a joint meeting be held between the Board of Supervisors and the Benton County Pioneer Cemetery Commission. Sanders stated that he wanted to know what the long-term goals of the committee were. County Attorney David Thompson stated that the Board of Supervisors would be micro managing the cemetery commission. Discussion was held about a current issue with fencing off a cemetery under opposition of the landowner. Sanders reiterated that he wanted to know what the goals of the commission are and that he has other questions for the commission. The county attorney responded that Sanders should attend a commission meeting and ask his questions. After discussing the matter, it was determined that the Board of Supervisors would attend the next meeting of the Benton County Pioneer Cemetery Commission to be held in Van Horne.

Supervisor Buch left at 10:00 a.m.

The time of 10:00 a.m. having arrived, and this being the time and date for a hearing on a request for an appeal/variance to the Benton County Vicious Animal Ordinance, the Board took up the matter for consideration. Jon Nemmer had requested the hearing in accordance with the procedures set forth in the ordinance by filing the appeal with the Benton County Auditor on March 21, 2005. The hearing on this date is in response to that appeal and is being held within the time frame set forth in the ordinance. The auditor's office provided notice to Nemmers by telephone, as well as by certified mail, advising him of the time and date of the hearing on the appeal. Vince Snyder, Benton County Sheriff's Deputy, and David Thompson, Benton County Attorney, were present. Nemmers failed to appear, however he was

reached by telephone and allowed to provide testimony in that manner. Nemmers stated that he is unable to travel back and forth to Vinton due to a fixed income, adding that he is disabled and that by the end of the month he encounters financial difficulty. Nemmers was asked if the dog had been vaccinated for rabies. Nemmers responded in the negative. Nemmers stated that he believed that he was being discriminated against and noted that the Board of Supervisors was required to serve notice of the hearing to him. The county attorney opined that the appeal hearing should continue due to the animal being located across from the high school. Nemmers reiterated that he was being discriminated against. Supervisor Sanders stated that he did not believe that the Board should wait until April when Nemmers would be able to come to the meeting. The Board heard statements that the dog is not tied up when outdoors. Nemmers asked if he could bring the animal to the board meeting. Nemmers was told that the dog was not allowed at the board meeting. County Attorney Thompson advised Nemmers to obtain an attorney in the matter and that this hearing would be continued to Friday, April 1, 2005. Thompson added that the sheriff's department would serve notice of the hearing on Nemmers.

Moved by Sanders, seconded by Vermedahl, to set the 8<sup>th</sup>, 12<sup>th</sup>, and 19<sup>th</sup>, days of April 2005 at 10:00 a.m. as the time and dates for considerations on modification of Benton County Ordinance #30, Class C Roads. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST:

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Delane Kalina, Deputy Auditor

March 29, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 22, 2005, and March 25, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 20, 2005 at 9:15 a.m. as the time and date of a public hearing on a request for a land use change requested by William Reeves in the SW1/4 of 25-86-9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the hire of Bob Beyers at \$9.00 per hour and Don Merchant at \$8.75 per hour, as seasonal part-time employees in the weed department, effective April 11, 2005. All members voting aye thereon. Motion carried.

Gary Fordice met with the Board to provide an update on conservation activities. Fordice advised that conservation is still looking for a building to be used for environmental education. Fordice talked about workshops being attended by conservation employees, repair work to equipment, and removal of the dirt that from the silt from Hannen Lake. Fordice reported that all campgrounds are open with water being turned on April 15. Work at Wildcat Park continues with a new well being planned. Fordice also reported that an educational meeting is being organized on mountain lions; however plans have not yet been finalized.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Iowa Department of Human Services Community Mental Health Center Affiliation with Abbe Center for Community Mental Health. All members voting aye thereon. Motion carried.

A request for a farm exemption submitted by the Wallace Trust pursuant to the Benton County Agricultural Land Use Preservation Ordinance was presented to the Board for consideration. The request is to allow for a single residential use. Marc Greenlee, Land Use Administrator, reported that all parties of the Trust have signed the application. Greenlee reported that the applicant is actively engaged in a farming operation and the request meets the requirements of the ordinance. Moved by Buch, seconded by Sanders, to grant a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in the SW1/4 of 36-83-12 for a single residential use. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for a hearing Deborah Denton's appeal of the sheriff's order to remove a vicious animal under Benton County Ordinance #37, Animal Protection and Control, the Board took up the matter for consideration. Present for the hearing was County Attorney David Thompson, Sheriff's Reserve Officer Jim Rich, Deborah Denton, Michelle Tuttle, Donald Tuttle, Rhonda Hanson, and Kaye Hanzlik. The board heard comments as follows:

Officer Jim Rich, stated that he has been an officer with the Benton County Sheriff's Department for approximately four years and had served as a highway patrolman for thirty-one years prior to that. Rich told the board that approximately three weeks ago he investigated a complaint filed by Michelle Tuttle that Denton's dog was on her property and attacked Tuttle's dog. Rich advised that during his investigation, he observed that the Tuttle's owned a young black Labrador and an older yellow Labrador. The animal attacked was the older yellow Labrador; however Rich did not observe any injuries to the animal. Rich stated that as a part of his investigation he met with Kaye Hanzlik, a neighbor, who related that the Denton's animal had also been on her property and attacked her dog. Rich stated that he went to the Denton's residence to speak with Deborah Denton on several occasions; however Denton was not home. Rich advised that while at the Denton residence he witnessed a German shepherd weighing approximately one hundred ten to one hundred twenty pounds inside the Denton residence. The German shepherd appeared to be in "full attack mode" as it tried to come through a heavy sliding glass door. Rich stated that the dog had its teeth bared and was growling. Rich further stated that he has knowledge of dogs, having raised boxers, and that he is not afraid of large dogs; however had the animal broken through the glass door, Rich stated that he would have shot the animal or he would have been attacked. Rich again reiterated that the dog appeared to be attacking. Rich added that he tried to contact Denton by telephone but it had been disconnected.

Michelle Tuttle stated to the Board that on or about March 11, 2005, Denton's dog came onto her property and drug her yellow Labrador off her stoop. Tuttle further stated that two days later the yellow Lab gave birth. Tuttle told the Board that subsequent to that date, Denton's dog came onto her property and attacked the yellow lab again adding that the incident took place right near the property line. Tuttle told the Board that on one occasion her 14-year old son was

cutting across Denton's field when Denton's dog ran after him, knocked him to the ground, and tore his pants; however the child was not hurt. Tuttle also stated that the dog has come onto her property numerous times over the past three years and growled at her.

Kaye Hanzlik stated to the Board that she lives approximately one city block from the Denton residence, adding that the Tuttles live between her and Denton. Hanzlik stated that she has had problems with Denton's dog for the past four years. Hanzlik stated that when the kids were let off of the school bus, she would have to scream for them to hurry and get inside the door before Denton's dog could catch them. Hanzlik stated that the bus driver could verify her story. Hanzlik stated that she was unable to work in her yard in the mornings as the dog was always loose, and that she could not retrieve her mail from the mailbox without taking her car as she was in fear of the dog. Hanzlik stated that on one occasion she failed to take the car to the mailbox and Denton's dog "came after" her. Hanzlik stated that her dog, a terrier, came to help her and Denton's dog "just ripped up my terrier". Hanzlik stated that her son then came out of the house and Denton's dog attacked him, biting his artificial leg and ripping his jogging pants. Hanzlik stated that teeth marks were left in the artificial limb. Hanzlik stated that she had to stop receiving the newspaper, as she was unable to go out and get it, as the dog was always loose. Hanzlik also stated that the dog had knocked her grandson off his motorcycle a few years ago while he was driving on the public road causing injury to her grandson.

Rhonda Hanson stated to the Board that on one occasion she was helping the Tuttles with construction of a pole building on their property. Hanson advised that she was holding the ladder while Don Tuttle was on it. Hanson stated that at one point, Tuttle told her not to move as Denton's dog was right behind her. Hanson stated that Mr. Denton came and retrieved the dog.

Don Tuttle confirmed the statement of Rhonda Hanson, adding that the animal was growling and bearing its teeth when it was behind Hanson. Tuttle stated that he has witnessed the dog growling at other people who were in his yard. Tuttle added that Denton's dog is not loose at all times. When questioned if he believed that Dentons had the ability to control the dog, Tuttle responded in the negative. When questioned if Tuttle believed that the Denton dog put others at harm while in his own yard, Tuttle responded in the affirmative.

Deborah Denton provided a written statement to the Board as well as oral comments. Denton stated that she never wanted to create problems with her neighbors, but had held a lot of anger inside. Denton reported that when Tuttles constructed the pole building they left a dog out there for months that howled all night. Denton reported that other neighbors had requested that she, Denton, sign a petition regarding Tuttle's dogs, but she refused. Denton stated that Tuttle's dogs were on her property many times. Denton stated that every morning she lets her dog out of the house to go to the bathroom. The dog goes to the ravine on her property and the Tuttle dogs always come onto her property and play with her dog at that time. Denton reported that her dog is kept on a leash whenever outside at any other time. Denton told the board that the Tuttle's son comes onto her property and throws rocks at her dog while he is on his leash and hits the dog with a stick. Denton stated that that Tuttle's son has come onto her property on two different occasions carrying a gun. Denton further stated that the Tuttle's son has knocked on the windows of her home when he believed no one to be there in an effort to antagonize the dog. Denton stated that on this date (March 29, 2005), the Tuttle boy when boarding the school bus turned and pointed his finger at the dog, as if shooting at it, and stated he was going to kill the dog. Denton reported that Tuttle's dogs come onto her property and drag garbage all over, including deer carcasses. Denton further told the Board that she was not aware of any of the problems stated about her dog before today. Denton reported that her dog is kept inside, adding that she cannot leave it outside due to Tuttle's son hitting the animal. When questioned, Denton reported that the dog is vaccinated and treated by the La Porte City Veterinary Clinic, is not neutered, and is eight years old. Denton advised that she had witnesses to the fact that the Tuttle dogs run at large.

Hearing no further comment, the Board then considered the matter before them. The county attorney advised that based on the comments heard, Denton's dog would be considered a vicious animal as defined under section 37.02(5)(d) of the Benton County Ordinance #37, Animal Protection and Control. The county attorney advised that an animal that "has attacked any domestic animal or fowl on two separate occasions within a 12-month period" is defined as a vicious animal and is prohibited under section 37.16 of Ordinance #37. The county attorney continued that the board must find whether or not the dog is a vicious animal and either affirms the order of the sheriff's department or overturn the order. Supervisor Vermedahl commented that the dog has attacked another animal within the past twelve months according to the statements heard. Supervisor Sanders stated that there is a fine line between the dogs playing and fighting, adding that both parties involved allow their dogs to run at-large. Supervisor Buch stated that the dog has attacked other animals twice on two separate occasions and that it would have attacked the law enforcement officer.

Moved by Buch, seconded by Sanders, to deny the appeal of Deborah Denton and affirm the order of the Benton County Sheriff's Department to remove the animal from Benton County pursuant to Benton County Ordinance #37, as the animal meets the definition of vicious under subsection 37.02(5)(d). Discussion: Supervisor Vermedahl questioned if the Board found any reason to overturn the officer's view of the violation of the ordinance. Supervisor Buch commented that some dogs have good dispositions while others have bad dispositions, and the older the animal the more prone they are to have a bad disposition and based on the officer's comments he could not find otherwise. Supervisor Sanders stated that the dog has attacked other animals and no argument was heard that the injuries were "playful injuries". Question: All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss a proposed Relief Ordinance. Williams briefly pointed out the changes in the proposed ordinance from the current ordinance. The Board requested additional time to review the proposal and placed the matter back on the April 5<sup>th</sup> agenda.

Bob Mortensen of ProMap presented a contract to the Board for Phase II of the Geographical Information System project. The county attorney commented on several areas regarding the county's inability to take legal action if the contract language was approved in its current form. The auditor also requested that the amount of time given the county under the contract language be changed to allow more than thirty days to review and accept the project upon completion. The Board requested that the county attorney negotiate with ProMap's legal counsel regarding the language and that the matter be placed on a future agenda for consideration again.

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



ATTEST: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

April 1, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 29, 2005. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date set for hearing a request for an appeal on a sheriff's order to remove a dangerous animal pursuant to the Benton County Animal Protection Ordinance and/or a variance to the same, the Board took up the matter for consideration. Jon Nemmers had been ordered to remove his dog from Benton County by the Benton County Sheriff. Comments were heard as follows:

Reserve Sheriff's Deputy Vince Snyder stated that the sheriff's department received a complaint in August 2004 regarding Nemmer's dog. Deputy Ron Tippet and Deputy Snyder visited the Nemmer residence, which is located across the street from the high school in Belle Plaine, Iowa. Snyder stated the Nemmer was very willing and cooperative to the officer's questions and request to see the animal. Snyder advised that upon seeing Nemmer's dog, it was his opinion that the animal had the appearance of a pit bull. Deputy Tippet was assigned the case, however due to vacation scheduling, Snyder was asked to follow-up on the matter. Snyder stated that he returned to the residence and found the animal still there. Snyder stated that the animal was friendly and did not bark; however it did have the appearance of a pit bull and consequently an order to remove the animal was given to Nemmers in March 2005. When questioned about the demeanor of the animal, Snyder responded that the dog was friendly and the incident was the result of a complaint being received about a pit bull being kept across from the high school and it was running loose on 11<sup>th</sup> Avenue Trail, but that there was no complaint about vicious activity.

County David Thompson told the Board that he subpoenaed records concerning the dog from Countryside Vet Clinic in Belle Plaine. Thompson submitted correspondence signed by Dennis Whitsell, DVM, stating that the dog was born on October 1, 2002 and that the animal is listed as a pit bull. The letter further stated that Whitsell told Nemmers on March 19, 2005, that the dog was a pit bull. The letter also states that the dog does not have a current rabies vaccination. Other documents received from Whitsell note that a reminder was made on March 16, 2004, regarding the rabies vaccination. The county attorney advised the Board that documentation from a qualified expert states that the dog is a pit bull, and that by the owner's own statements the dog is allowed out of the house without being leashed. Further, the animal is not vaccinated. The county attorney stated that these facts meet the definition of a dangerous animal under Benton County Ordinance #37, Animal Protection and Control, and must be removed from Benton County.

Jon Nemmers asked that Gerry Bergert be allowed to speak on his behalf. Bergert is Nemmer's next-door neighbor and is familiar with dogs.

Gerry Bergert started by reminding the Board that just last week they ordered a German shepherd out of the county as the animal was vicious. The county attorney clarified that the animal was being removed because it was defined as a dangerous animal not a vicious animal. A dangerous animal is due to its breeding and its inherent physical characteristics that cause it to be dangerous, i.e. jaw strength. Bergert went on to say that Nemmer's dog is not vicious and that it is never off of the property unless in the accompaniment of Nemmer. Bergert stated that the dog does not bother sheep, cats, or dog, and reiterated that the dog is not a vicious animal. Nemmers added that the animal is not tied up during the day because it is not dangerous and loves kids.

Questioned about the dog's vaccination, Nemmers responded that he had not owned the dog since birth, that the dog had been vaccinated although Nemmers himself had never had the dog vaccinated with the required boosters. Nemmers stated that he did not want to vaccinate the dog if it was going to be destroyed. Nemmers stated that he lived right across from the high school and would not keep a dog if there were any possibility of the animal being dangerous.

Supervisor Vermedahl stated that the animal is considered dangerous by definition under the ordinance, adding that a pit bull is defined as dangerous whether it exhibits dangerous behavior or not. Vermedahl stated that it is not the activity but the breeding of this animal. Discussion continued as to what constituted a pit bull under the ordinance, including the different names and various percentages of pit bull blood. When asked if Nemmers acknowledged that the dog was part pit bull, Nemmers answered in the affirmative. When asked if would request a variance to the ordinance, Nemmers responded in the affirmative; however stated that he would not tie the dog up. Nemmers stated that he believed that the fastest way to make a docile dog mean was to tie the animal and that he would rather give his dog up than to tie it up. The county attorney stated that in order to grant a variance, the owner would need to demonstrate experience in handling and confining the animal, and if Nemmer was not willing to confine the dog then he did not meet the criteria to have a variance. Nemmers and Bergert both stated that the animal is a housedog, and reiterated that the dog never leaves the yard and does not have to be on a leash.

Supervisor Buch stated that he owns a housing development in that area and that he has driven past Nemmer's residence on many occasions and has always witnessed the dog on Nemmer's deck or in his yard. Supervisor Vermedahl stated that the county's ordinance is specific in its definition of a dangerous animal and that the Board needed to decide whether or not to grant a variance for any pit bull. Vermedahl stated that he had concerns regarding the lack of vaccination or updates to the vaccination even though a reminder was sent a year ago regarding the need for a booster. Vermedahl further stated that the owner indicated a lack of interest in keeping the dog leashed. Vermedahl stated it would have been ideal to have an expert stated that the animal was not a pit bull and that although the animal sounds like a nice dog, the Board's duty was to interpret and apply the ordinance. Supervisor Sanders added that section 37.19 of the county's ordinance speaks about variances and the manner in which the Board can grant variances. Sanders commented that he did not see any way for the Board to grant a variance due to Nemmer's own admission that he lets the animal out unleashed.

Moved by Sanders, seconded by Buch, to deny the appeal and affirm the sheriff's order to remove the pit bull. Regarding the request for a variance, there are no grounds to grant a variance as the owner in not going to provide the required facilities to confine the animal and therefore the request for variance is denied. Further discussion was heard regarding no need to tie the animal with Nemmers stating that if he has to have a leash on the animal every time it is outside that he cannot do that. The county attorney stated that to obtain a variance the owner would show that the dog is

up-to-date on vaccinations and that an outside kennel or fencing would be utilized to allow a person to feel safe and comfortable that the dog would not get out. Question: All ayes. Motion carried.

#### DECISION ON VARIANCE REQUEST

On April 1<sup>st</sup>, 2005, the Benton County Board of Supervisors met to consider the appeal of an order by the Sheriff for the removal of a dangerous animal pursuant to the provisions of Benton County Ordinance Number 37. Specifically, Jon Nemmers appealed an order dated March 9<sup>th</sup>, 2005, from Benton County Reserve Deputy Vince Snyder to remove his dog, Lexus, from the confines of Benton County within seven days. Mr. Nemmers further requests a variance under Section 37.19, so that he may be permitted to keep his dog.

Present at the time of hearing was Jon Nemmers, his neighbor and friend Gerry Bergert and Deputy Snyder. Deputy Snyder detailed the Sheriff's Department's action in this matter. The County Attorney provided the Board with photographs of Lexus and veterinarian records of Lexus from Dr. Dennis Whitsell, a veterinarian. The Board notes that Dr. Whitsell's records indicate he examined the dog on March 19<sup>th</sup>, 2005, and noted that the dog was a Pit Bull; his records further noted that the dog was not currently vaccinated for rabies and that a reminder this vaccination was due was sent on March 16<sup>th</sup>, 2004. Mr. Nemmers testified that his dog, Lexus, was four years old, was friendly, always stayed on his property, sleeps with one of his children, and was not vicious or dangerous. Mr. Nemmers further stated that his animal was not vaccinated and that he would get rid of the animal rather than be forced to keep the animal confined or on a leash.

It is important to note that Mr. Nemmers acknowledged Lexus was "part" Pit Bull.

Mr. Bergert stated that he was a friend and neighbor of John Nemmers and that he has extensive experience with Lexus and that Lexus was extremely friendly and not a hazard to anyone.

After a full hearing on the matter, motion was made by Supervisor Sanders to affirm the Order of Removal and to deny Mr. Nemmers' request for variance. This motion was seconded by Supervisor Buch. Further discussion ensued. Supervisor Vermedahl expressed concern about the dog's lack of current rabies vaccination and that the animal was not confined when outside of Mr. Nemmers' home. Supervisor Sanders expressed concern that a variance would not be appropriate under the circumstances of this case. After all discussion ceased, the matter was called for a vote with all three Supervisors, Vermedahl, Buch and Sanders voting Aye.

IT IS HEREBY ORDERED by the Benton County Board of Supervisors that the Order of Removal is affirmed. Jon Nemmers is hereby ordered to remove the dog, Lexus, from Benton County, Iowa. IT IS FURTHER ORDERED that Mr. Nemmers' request for a variance to keep Pit Bulls in Benton County, Iowa is denied.

Pursuant to Benton County Animal Control Ordinance Section 37.17, Jon Nemmers is hereby advised that he has the right to appeal this decision to the Iowa District Court within seven (7) days of the date of this decision.

Signed this 1<sup>st</sup> day of April, 2005.

BENTON COUNTY BOARD OF SUPERVISORS

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DAVID H. VERMEDAHL, CHAIRMAN

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RONALD R. BUCH

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JASON SANDERS

Moved by Buch, seconded by Sanders, to approve the auditor's quarterly report for the period ending March 31, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the Beer Permit and Sunday Sales and Outdoor Service Area for Watkins Community Athletic Association. All members voting aye thereon. Motion carried.

Mary McLaughlin, Data Processing Manager, met with the Board to request that the Board sign a contract with Computer Management Systems for an upgrade to the county's computerized real estate software. The software was purchased in 1999, and the need to upgrade is to allow for accuracy of data and taxation software. McLaughlin explained that the upgrade was budgeted in FY06; however it is necessary to enter into an agreement now so that the county can be scheduled with CMS. CMS has developed this newer version of software and those counties remaining on the old software will not receive enhancements to the software and maintenance issues will be placed on a lower priority than those on the newer version. The county attorney advised that he had reviewed the contract language and was comfortable with the protection afforded the county. Moved by Buch, seconded by Sanders, to authorize the chairman to sign and enter into a purchase agreement with Computer Management Services for an upgrade to InVision Real Estate software at a cost of \$63,600.00 with annual maintenance of \$30,931.25. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge receipt of the annual manure management plan updates filed by Derek Vopelak and Steven Kromminga. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set the FY06 wage of Mary Halstead at \$34,092.81, effective July 1, 2005. All members voting aye thereon. Motion carried.

The Board deferred reviewing the Grand Jury recommendations until next week.

Mary Williams, Benton County Social Services Director, Roger Witt, Carol Zander, and Bill Keller, met with the Board to discuss HIPAA security compliance. Mary Williams summarized the action needed and what action has been taken thus far. The county had appointed Jason Sanders as the security officer for Benton County. Williams strongly encouraged that the Board consider hiring a consultant to help with the compliance issues. Supervisor Sanders is to contact Webster County regarding consultation work.

Gene and Ann Womochil met with the Board regarding ditch erosion along their property due to the county removing dirt. The engineer stated that he viewed the area. The engineer advised that more rock needed to be added to the ditch bottom to address some erosion problems. The engineer stated that he spaded near the fence line in Womochil's field and found some larger rocks near the surface. The operator for that area recalled adding some larger chunk rock along the fence on the ditch side and then the grader leveled the area. Gene Womochil stated that he had thrown a lot of rock out into the ditch when he disc the field he pulled up a lot of rocks, but then went he went through with

the cultivator he didn't hit any. Womochil stated that perhaps he had gotten all of the rocks picked up, however he noted that he didn't farm right up next to the fence. Womochil stated that there is no way to build a fence due to the inability to drive a post. Womochil stated that he is concerned that the ditch will cave-in and is worried about driving his tractor along there. Womochil questioned what the county is going to do now. Womochil stated that the ditch was dug too deep. Womochil stated that in one area the dirt has caved away all the way up to the fence. Parizek stated that the fence line currently sits on a ridge and that Womochil's fence is two to three feet lower. Womochil stated that it is true in some areas. Parizek stated that he would like to put additional rock lined along the ditch to prevent erosion, Take fence out, push the top dirt back, slope it, put the top dirt back, and put the fence back in. Womochil stated that if the county is willing to hire a caterpillar to do the work if the county will remove the fence and build it back. The Board directed the county engineer to coordinate with Womochil to have the fence removed, at county expense, and dirt work done, at Womochil's expense, and the fence replaced, at county expense. Womochil stated that he would like to do further research as to whether he is responsible for any of the costs.

Moved by Sanders, seconded by Buch, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Section 1 of Florence Township on the Ben-Linn line. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set the price for two applications of MC-70 for 400 feet at \$480.00, with additional feet set at \$.85 per foot in 50-foot increments for 2005. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

April 5, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 1, 2005. All members voting aye thereon. Motion carried.

Scott Hansen and Steve Meyer met with the Board to discuss matters regarding emergency management. Hansen told the Board that his commission had reviewed the by-laws and policies, including the coordinator's job description. Hansen stated that one policy indicates that the coordinator is considered a county employee relative to health insurance and payroll matters, however there is no formal agreement between emergency management and Benton County. Hansen requested that the Board consider any other policy matters that need to be formalized. Hansen stated that he would formalize an agreement to address any of their concerns.

Steve Meyer also discussed the possibility of moving the emergency management director from the courthouse to another facility. Meyer stated that the commission considered that the courthouse needs additional room; however there would be additional costs to the commission. Meyer questioned if there would be additional revenue available from the county to pay for rent, etc. Supervisor Vermedahl stated that there would probably not be any additional revenue available for the county. Vermedahl added that he was not sure that he believed that the office should be moved.

The Board discussed a proposed relief ordinance and changes to Medicaid. Any action was deferred until legislative action is taken on the Medicaid issues.

Moved by Buch, seconded by Sanders, to set the FY06 wage of Carol Zander at \$12.00 per hour, effective July 1, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the sheriff's quarterly report for the period ending March 31, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to sign an Order to Remove Vicious Animal Owned by Deborah Denton as set forth below. All members voting aye thereon. Motion carried.

#### DECISION ON VARIANCE REQUEST

On March 29<sup>th</sup>, 2005, the Benton County Board of Supervisors met to consider the appeal of and order by the Sheriff for the removal of a dangerous animal pursuant to the provisions of Benton County Ordinance Number 37. Specifically, Deborah Denton appealed an order dated March 21<sup>st</sup>, 2005, from Benton County Reserve Deputy Jim Rich to remove her dog, a German Shepherd type dog named Tanga, from the confines of Benton County within seven days.

Present at the time of hearing was Deborah Denton, her neighbors, Michelle and Don Tuttle, Rhonda Hanson, Kaye Hanzlik and Deputy Rich.

The above listed individuals addressed the Board of Supervisors regarding this matter. A synopsis of their comments was set out in the Board of Supervisors March 29<sup>th</sup>, 2005, meeting minutes, a copy of which is attached hereto and by this reference made a part hereof.

After a full hearing on the matter, motion was made by Supervisor Buch to affirm the Order of Removal and to deny Ms. Denton's request for Appeal. This motion was seconded by Supervisor Sanders. Further discussion ensued. The matter was called for a vote with all three Supervisors, Vermedahl, Buch and Sanders, voting Aye.

IT IS HEREBY ORDERED by the Benton County Board of Supervisors that the Order of Removal is affirmed for the reason that said animal is a vicious animal pursuant to 37.02(5) (d) in that it "has attacked any domestic animal or fowl on two separate occasions within a twelve month period, " to-wit: the Board finds that Tanga attacked a dog belonging to the Tuttle's on two occasions in March, 2005, and on both occasions Tanga was not restrained and attacked the Tuttle's Labrador on the Tuttle's property. Accordingly, IT IS FURTHER ORDERED that Deborah Denton shall remove the dog, Tanga, from Benton County, Iowa, pursuant to County Ordinance 37.17 within seven days of today's date.

Pursuant to Benton County Animal Control Ordinance Section 37.17, Deborah Denton is hereby advised that she has the right to appeal this decision to the Iowa District Court within seven (7) days of the date of this decision.

Signed this 5<sup>th</sup> day of April, 2005.

BENTON COUNTY BOARD OF SUPERVISORS

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David H. Vermedahl, Chairperson

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Ronald R. Buch

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Jason Sanders

Supervisor Sanders spoke with the Board regarding HIPAA security. Sanders spoke with Webster County regarding have one of their employees provide consulting work for Benton County. Sanders advised that Webster County is willing to cooperate with Benton County for provision of the services. It is estimated that two days will be adequate to bring Benton County into compliance with the security rules. Webster County has proposed a charge of \$2,000.00 for the services. Moved by Buch, seconded by Sanders, to contract with Webster County for HIPAA security services at a cost not to exceed \$2,000.00, subject to contract language. All members voting aye thereon. Motion carried.

Robert and Sharon McElrath met with the Board regarding the maintenance of 56<sup>th</sup> Street Trail. McElrath presented a petition from residents along that road requesting that the County apply dust control, slow rock truck down, and fill the potholes. McElrath explained that rock trucks heavily travel the road, which creates an extreme amount of dust and large potholes. It was suggested that the rock trucks only use the road for either entering the quarry or for exiting the quarry, but not both ways. McElrath stated that many of the rock trucks are county trucks. S. McElrath requested that at the very least the county maintain the road and fill the potholes. Supervisor Vermedahl asked if McElraths had spoken with the quarry; however McElrath stated that the quarry advised that cannot do anything about it due to the quarry being located in Linn County. McElrath stated that there is a 35 mph speed limit on at least a portion of the road and the trucks are exceeding that limit. McElrath stated that he has gone to the sheriff's department but has not been able to get any assistance with the speeding. Supervisor Vermedahl stated that the Board would speak with the sheriff and the county engineer regarding the matter and encouraged McElrath to speak with the quarry owner again.

Sheriff Forsyth updated the Board on the communications tower. Forsyth advised that equipment has been ordered. Forsyth also stated that the county auditor had reminded him that he had not signed the Employee Handbook. Forsyth stated that he had employees who did not want to promote to non-union positions due to lesser benefits afforded to non-union employees through the Employee Handbook. Forsyth asked if the Board had given any more thought to the changes to the handbook. Vermedahl stated that the matter needed to be placed on the agenda for further action by the board. Forsyth advised that the squad cars are ordered and he still plans to have two supervisors assist with picking up the vehicles.

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

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David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

April 8, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 5, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set dates for land use hearings as follows: Jodene Ludden in the NW1/4 of the SE1/4 of 10-86-10 is set for April 29, 2005 at 9:30 a.m. and Dennis Albers in the NW1/4 of the NW1/4 of 15-83-12 is set for April 29, 2005 at 9:15 a.m. 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 Wyatt Miller, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. Hearing all comment, it was moved by Sanders, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the NE1/4 of the SE1/4 of 4-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Veterans Quarterly Report for the period ending March 31, 2005. All members voting aye thereon. Motion carried.

Rick Bramow met with the Board to discuss quotes received for placement of a deep sink in the men's restroom and replace the air conditioning in the treasurer's office. Bids for the air conditioning is as follows:

Vinton Plumbing and Heating - \$3,300 less \$400 for a standard 2-ton Sanyo  
Comfort Pro by FS - 3 quotes ranging from \$3,200 to \$3,800 for Rudd air conditioners  
Brecke - \$4,450.00 for a Carrier 2-ton ductless split air conditioner

Moved by Sanders, seconded by Buch, to award the quote to Vinton Plumbing and Heating to replace the air conditioning in the treasurer's office at a cost of \$2,900.00. Buch and Sanders voting aye. Vermedahl abstained. Motion carried.

Moved by Buch, seconded by Sanders, to hire Comfort Pro to replace the deep sink in the men's restroom at a cost of \$800.00 (only quote received). All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for the first consideration of an ordinance repealing Ordinance #30, Class "C" Roads, and replacing it with an amended version of the same ordinance, the Board took up the matter for consideration. The county engineer explained the changes being proposed to the current ordinance: definitions have an addition that defines the Area Service System, changes the requirement that a petition no longer must be signed by all adjoining landowners, change "objection" to "comment", change language referring to signage manual, and change the trespass section so that it refers to code section instead of stating the actual penalty.

Moved by Buch, seconded by Sanders, to approve the first consideration of Ordinance #47, Class "C" Roads. Roll Call Vote: Vermedahl – aye, Buch – aye, Sanders- aye. Motion carried.

Robert McElrath met with the Board again regarding the condition of his road, speeding traffic, and heavy truck traffic. The county engineer is to review the pothole situation on the road.

The engineer reported that the balance in the landfill bank account as of March 31, 2005, was \$48,404.56.

Moved by Sanders, seconded by Buch, to approve a utility permit for Mediacom Communications Corp. to place utility lines in the county's right-of-way in Eldorado, Fremont and Florence Townships beginning east of Newhall and to 29<sup>th</sup> Avenue, then south to Norway. All members voting aye thereon. Motion carried.

Representatives of the GIS Committee met with the Board to present a contract for final approval relative to the second phase of the GIS project. Bids had been received and reviewed prior and a recommendation made to contract with ProMap. The language of the contract had been thoroughly reviewed. Moved by Buch, seconded by Sanders, to authorize the chairman to sign a contract with ProMap Corporation for Phase II of the Geographical Information System (GIS). The cost of the contract is \$227,160.00. All members voting aye thereon. Motion carried.

The Board discussed the Grand Jury recommendations for 2005. The Board will look into relocating the veteran's office or remodeling the current office to make it more confidential, after consulting with the director; however relocating it in the auditor's vault is not an option the Board will explore at this time. The Board will speak with the Chief Judge regarding the need for a sound system in the courtroom. The Board will not separate the court reporter's desk in the magistrate's office as the bench and desk had been built to the court's wishes within the last ten years at a significant cost. The Board will speak with the Chief Judge about the elimination of the law library as the sheriff's office has a membership to Westlaw, which provides the requirement for providing legal resources to jail inmates. The metal shelving in the clerk's basement is being addressed.

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

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David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

April 12, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 8, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the hire of Larry Steffen as a part-time seasonal employee in Benton County Conservation, effective July 1, 2005, at a wage of \$9.25 per hour. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 72124 through 72547, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee and Nancy Farmer presented Benton County Public Health's Quarantine and Isolation Policy for review. The Public Health Board is requesting that the policy be adopted as an ordinance for Benton County. The Board directed that the policy be drafted in ordinance form and presented on April 19, 2005, for review and setting dates for consideration.

Marc Greenlee, Land Use Administrator, presented a request by Derald Merchant for a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance. The request for exemption is for the purpose of building a single residence. Merchant is actively engaged in a farming operation. Moved by Buch, seconded by Sanders, to approve a farm exemption in the S1/2 of the NE1/4 and W1/2 of SE1/4 of 13-85-11 to allow for a single residence. All members voting aye thereon. Motion carried.

Mary McLaughlin, Information Technology Manager, met with the Board to provide an update on her department. McLaughlin advised that her FY05 budget is doing well. She has encountered additional expenses from Computer Management Systems to move data from the old server to the new server. McLaughlin stated that she is working on enhancing security and back-up procedures. She is currently testing having off-site backup done through fiber optics and she is purchasing two finger print accessible keyboards for her office.

McLaughlin requested authority to attend the GMIS National Conference being held in Connecticut. McLaughlin stated that conference provided her the opportunity to network with other users and attend educational seminars.

McLaughlin stated that since the Board adopted the policy restricting out-of-state travel, McLaughlin was aware of three other offices (sheriff, engineer, and emergency management) that had gone out-of-state. Moved by Buch, seconded by Sanders, to approve out-of-state travel for Mary McLaughlin to attend the GMIS National Conference in Connecticut in July 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Karen Phelps and Roger Witt to the Courthouse 100<sup>th</sup> Anniversary Committee. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair and auditor to sign the Iowa Help America Vote Act County Voting System Compliance Plan. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for the second consideration of an ordinance repealing Ordinance #30, Class "C" Roads, and replacing it with an amended version of the same ordinance, the Board took up the matter for consideration. The county engineer explained the changes being proposed to the current ordinance: definitions have an addition that defines the Area Service System, changes the requirement that a petition no longer must be signed by all adjoining landowners, change "objection" to "comment", change language referring to signage manual, and change the trespass section so that it refers to code section instead of stating the actual penalty. Moved by Sanders, seconded by Buch, to approve the second consideration of Ordinance #47, Class "C" Roads. Roll Call Vote: Vermedahl – aye, Buch – aye, Sanders- aye. Motion carried.

The county engineer reviewed the Iowa Department of Transportation's Secondary Road Construction Program. The engineer explained which road improvement projects his department is planning, including bridgework,

seal coating, and resurfacing. Moved by Sanders, seconded by Buch, to approve the Iowa Department of Transportation's Secondary Road Construction Program. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Iowa Department of Transportation's Secondary Road Budget for 2006. All members voting aye thereon. Motion carried.

The engineer explained that he has the alignment almost completed in Benton County for the Oak Grove Road project, but is encountering difficulty in Linn County. He explained that he is still working on a design to cross a ravine that is eighty-foot deep. The engineer advised that it would take a bridge 1000 feet long to cross the ravine and therefore is researching filling the ravine with seventy feet of fill dirt and utilizing culverts.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

April 19, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 12, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded Sanders, to adopt Resolution #05-6. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### **RESOLUTION #05-6**

##### **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, 2005, 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, 2005 to June 5, 2005, for Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loose Strife.

Group 2. By June 1, 2005 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 19th day of April 2005.

Benton County Board of Supervisors

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David H. Vermedahl, Chairman

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Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to enter into an agreement with the North Central Iowa HIPAA 28E Group to provide initial HIPAA security services to Benton County at a cost of \$2000.00. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Shannon and Jennifer Feuerbach, 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 Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the SE1/4 of the SW1/4 of 2-83-12 (Kane Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to donate plat books to each ambulance service that serves Benton County, equal to the number of ambulance units in each respective service, with a maximum of two. 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 Harold and Cheryl Knaack, 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 Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the SE1/4 of the SW1/4 of 16-84-11 (Big Grove Township) for a single residential use. All members voting aye thereon. Motion carried.

Cindy Forsyth, Clerk of Court, met with the Board to discuss storage of files in her office. Forsyth currently has off-site storage and would like to move her records into the courthouse for easier accessibility. Forsyth stated that her civil records are being kept in a garage and she would like to have them in a climate-controlled environment. Forsyth was advised that she can have up to 10 days to produce a document if acting in good faith to produce said document. Forsyth then stated that she does not have the staff available to go off-site when the public wants access to off-site records. The Board advised that they would continue to work on the matter.

The time of 10:00 a.m. having arrived, and this being the time and date set for the third consideration of an ordinance repealing Ordinance #30, Class "C" Roads, and replacing it with an amended version of the same ordinance, the Board took up the matter for consideration. The changes being proposed to the current ordinance: definitions have an addition that defines the Area Service System, changes the requirement that a petition no longer must be signed by all adjoining landowners, change "objection" to "comment", change language referring to signage manual, and change the trespass section so that it refers to code section instead of stating the actual penalty. Moved by Sanders, seconded by Buch, to approve the third consideration of Ordinance #47, Class "C" Roads. Roll Call Vote: Vermedahl – aye, Buch – aye, Sanders- aye. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Ordinance #47, Class "C" Roads and repealing Ordinance #30, in its entirety as it is being replaced by Ordinance #47. Roll Call Vote: Aye – Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### RESOLUTION #05-07

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance repealing and replacing the Ordinance #30, Class C Roads, and

WHEREAS, the Benton County Board of Supervisors has held three public hearings on the proposed ordinance, and WHEREAS, the Board believes that it would be in the best interest of Benton County to repeal and adopt an ordinance regarding Class C Roads,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that an ordinance establishing Class C Roads should be and is hereby adopted. The auditor is directed to make publication in accordance with Iowa law. Dated this 19<sup>th</sup> day of April, 2005.

Benton County Board of Supervisors

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David H. Vermedahl, Chairman

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Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

The Board deferred action on reviewing building values for the Heartland Insurance Risk Pool.

Gene Womochil met with the Board regarding the problems he has incurred with work done by the county on the ditch adjacent to his property. Womochil had previously stated that he would help with correcting the situation by paying for the dirt grading if the county removed and replaced the fence. Womochil stated today that he is no longer interested in participating in correcting the problem that it is his opinion that the problem was caused by the county and the county should be solely responsible for correcting it. Womochil also stated that he has not calculated the loss he will incur for damage to approximately two acres of farm ground.

The Board discussed meeting with the Pioneer Cemetery Commission at their evening meeting. The county attorney suggested that the Board delay meeting with the Commission until next month's agenda due to pending litigation being discussed at this evening's meeting. The county attorney did not want the Board to be listed as witnesses in a court proceeding that may be a result of issues being discussed at the meeting tonight. Moved by Buch, seconded by Sanders, to defer meeting with the commission until their May meeting. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

April 22, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 19, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set dates for consideration of proposed Ordinance #48, Quarantine and Isolation, as follows: 1<sup>st</sup> Consideration - May 10, 2005 at 9:00 a.m., 2<sup>nd</sup> Consideration - May 13, 2005 at 9:00 a.m., 3<sup>rd</sup> Consideration - May 17, 2005 at 9:00 a.m. 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 William and Tabitha Reeves, 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 Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the SW1/4 of the SW1/4 of 25-86-9 (PolkTownship) for a single residential use. All members voting aye thereon. Motion carried.

The auditor advised the Board that an individual had brought a concern to her regarding the video camera placed in the basement. The camera provides video feed to the data processing department. The camera was originally placed so that it was aimed at the door accessing data processing. The camera has since been moved to view individuals accessing the hallway areas of the basement. Employees of data processing stated that the images are not being recorded. The Board discussed privacy concerns. Supervisor Buch stated that he did not have any issues with the camera; however he could understand where some people might. Supervisor Sanders stated that he did not believe that the camera needed to be present at all, but if the employees felt the need for the camera that it should at least be placed back in its original position. Moved by Sanders, seconded by Buch, to direct that the camera be placed back in its original place. All members voting aye thereon. Motion carried.

Allen McNamee met with the Board regarding the lack of "Road Closed" signs on 64<sup>th</sup> Street. Last Thursday, McNamee stated that he traveled on 64<sup>th</sup> Street. McNamee stated that he saw a sign that said "Road Work Ahead" and "No Road Signage". McNamee reported that he traveled east on 64<sup>th</sup> Street when he came upon barricades closing the road. McNamee asked the engineer on the site why there wasn't any "Road Closed" signs and was told it was not required. Supervisor Sanders stated that when the project was bid, it was the contractor's responsibility to place the appropriate signage. The contractor follows state law relevant to the signage and "Road Closed" signs are not necessary until you get to the last intersection before the specific area that is closed and that "Road Closed" signs were placed in those areas. The county engineer stated that he requested that the contractor at least put up a "Road Work Ahead" sign. The engineer also advised that if the weather held, the road would be open by the end of the weekend. Supervisor Vermedahl apologized for the inconvenience McNamee incurred.

The Board discussed a petition requesting the county to solve the dust problem on 61<sup>st</sup> St. Lane, 33<sup>rd</sup> Ave Dr., and 59<sup>th</sup> St. Terrace. The Board concurred that to set a precedent by providing dust control would not be in the best interest of the entire county due to the expense to taxpayers. Moved by Buch, seconded by Sanders, to direct the chair to draft a letter to the petitioners stating that providing dust control in rural areas at the county's expense is too cost prohibitive. All members voting aye thereon. Motion carried.

The Board discussed the size of road rock currently being used by secondary roads. Garth Beatty had contacted the Board and stated that he has had to replace three windshields due to the rock being thrown up. Beatty provided a sample of the road rock. The county engineer advised that he purchased ¾" to 1" size rock. Supervisor Sanders stated that he has three individuals contact him regarding the size of the rock being used. Supervisor Vermedahl stated that the county should look into purchasing smaller rock since complaints have been heard for a long time. Supervisor Sanders stated that residents who drive on gravel roads experience faster tire replacement when larger rock is used. Supervisor Vermedahl stated that the engineer should hold the quarry to a standard as the size of rock does not appear to be the size being purchased.

Moved by Buch, seconded by Sanders, to approve a utility permit requested by Iowa Telecom to place utility lines in the county's right-of-way along 13<sup>th</sup> Avenue in Section 9 and 10 of Iowa Township. All members voting aye thereon. Motion carried.

The Board then traveled to the Gene Womochil residence located in section 1 of Cedar Township to view the problems with the ditch after the county performed work on it. Womochil had approached the Board about the ditch work done by the County and the resulting damage. After viewing the ditch, the Board requested that the matter be placed on the April 29<sup>th</sup> agenda.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

April 26, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 22, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 72548 through 72879 for payment. Voided checks were 72880 through 72884. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chairman and auditor to sign the Polling Place Accessibility Grant for the Bruce-Cedar-Mt. Auburn precinct with the Iowa Secretary of State. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn at 9:35 a.m. All members voting aye thereon.

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Brenda Sutton, Deputy Auditor



April 29, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 26, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-8. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #05-8  
INTERFUND LOAN

BE IT RESOLVED by the Benton County Board of Supervisors to loan \$2,500.00 from the general fund to the flexible benefits fund. Said loan is to be repaid no later than December 31, 2005.

Dated this 29<sup>th</sup> day of April 2005.

Benton County Board of Supervisors

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David H. Vermedahl, Chairman

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Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Dennis L. Albers, 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 an abandoned building site. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the NW1/4 of 15-83-12 (Kane 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 Jodene Ludden and Brad Ludden, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. The requested change is to place a mobile home on pasture ground that is on the same general site as an existing home. The property will not be parceled and therefore is not subject to the county's subdivision ordinance. Robert Dietz filed written comment prior to the hearing, which opposed the requested change. The land use administrator had also received oral comments from Bob Duello regarding the number of residential homes placed (3 currently) on the fifty-acre site without the need for a subdivision. Hearing all comment, it was moved by Sanders, seconded by Buch, to defer a decision on a request for a variance to the Benton County Agricultural Land Use Preservation for a land use change on approximately a two acre parcel generally described as being a Part of the NW1/4 of the SE1/4 of 10-86-10 (Harrison Township) for a single residential use to allow the Board additional time to consider the request. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 30 hours of vacation carry-over for Tony Janney and 7 days of vacation carry-over for Mary Williams. Said carry-over is to be used no later than September 1, 2005. All members voting aye thereon. Motion carried. Both individuals have advised that they have events planned in July and August when the vacation will be used.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a letter of support for the Garrison 1<sup>st</sup> Responders to obtain USDA grant funds for a new \$55,000.00 response unit. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the filing of the annual manure management plan update submitted by Homer Narber Farm Inc. All members voting aye thereon. Motion carried.

The auditor updated the Board on the Watkins wastewater treatment project being done by Poweshiek Water. The project design has been approved; however the collection/treatment facility is still being negotiated with the Department of Natural Resources. Engineering costs will be submitted in the next few weeks for reimbursement under the Community Development Block Grant. Poweshiek Water has advised that in a best-case scenario, construction would begin this fall with completion by late spring 2006. Worst-case scenario would put construction in the spring of 2006 and completion in the fall of 2006.

Moved by Sanders, seconded by Buch, to request an extension to the Community Development Block Grant Contract #03-WS-040 for the Watkins Waste Water Treatment project. All members voting aye thereon. Motion carried.

The auditor also told the Board that Poweshiek Water has awarded a bid to Great Plain Contractors for construction of rural water lines in the Van Horne area.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for TIP Rural Electric Cooperative to place utility lines in the county's right-of-way in Sections 33 and 34 of Iowa Township in order to serve Van Schroeder. All members voting aye thereon. Motion carried.

Gene and Ann Womochil met with the Board regarding resolution of the ditch problem adjacent to his property. The engineer recommended that the county purchase five to ten feet of right-of-way across the field and put a 45% slope to the ditch and replace the fence. Womochil indicated that he would prefer hog-tight fence; however barb would be acceptable if there was a large cost difference. The engineer advised that the difference is estimated at about \$6.00 per rod. Womochil stated that this resolution was not what he would have done; however it was acceptable to him. Womochil stated that the fence would need to be taken out and replaced right away as he runs his cattle on the cornstalks during the winter. Moved by Sanders, seconded by Buch, to purchase five feet of right-of-way for a distance of 80 rods adjacent to the Womochil property in Cedar Township, Section 1, for the purpose of developing 45% slope to the ditch. The County

will remove the existing fence and replace it with woven wire fence of an equivalent size. The cost of the land is to be negotiated between the engineer and the Womochils. All members voting aye thereon. Motion carried.

Womochil then commented about the large rocks that had been pushed into his field. Womochil stated that he would determine if there were any more rock hazards in his field at his expense.

Gary Fordice updated the Board on conservation activities. Fordice explained that his department is experiencing difficulty with compensable time getting used due to vandalism occurring in the parks over the winter months. Fordice also stated that the conservation board was requesting a budget amendment.

Benton County Conservation Foundation Board was created with nine members, three of which are conservation board members. Supervisor Sanders questioned the requirement for open meeting laws since there was a quorum of conservation board members on the foundation board. Fordice replied that the county attorney opined that all meetings would have to public meetings with a record taken. Fordice went on to say that the Foundation had already received \$80,000 from the Kerkman estate. The auditor questioned if the funds were given to the Foundation or to Benton County Conservation. Fordice replied that he received a check payable to Benton County Conservation; however, the county attorney advised that he "hold onto" the check and not deposit it but rather wait until the Foundation was established and then request that the check be re-issued to Benton County Conservation Foundation. Fordice reported that the public was using the seeder that was donated to conservation last year. Fordice reported that the parks are open.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

May 2, 2005

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

Moved by Sanders, seconded by Buch, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Section 29 and 30 in Fremont Township along 29<sup>th</sup> Avenue. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of April 29, 2005. All members voting aye thereon. Motion carried.

Representatives of Radio Communications met with the Board regarding a security and fire alarm system for the courthouse. The Board toured the courthouse and discussed placement of the various equipment. Dave Berger advised that all panic buttons would be wireless, and smoke detectors located in within the rotunda area will be wireless. Smoke detectors in individual offices would be wired. Placement of required equipment in the offices will be determined in consultation with the department head. Wiring in the rotunda area will be kept at an absolute minimum. Berger explained that the digital video recorder will be located in the auditor's office vault and will only store images when the panic buttons are activated and if motion detection. Moved by Buch, seconded by Sanders, to proceed with purchasing the equipment presented with the exception that brass fire pulls are to be located in the rotunda area, and all other equipment will be white in color versus the traditional red. All members voting aye thereon. Motion carried.

Dick Fredericks met with the Board regarding the fencing between his property and Beau Chêne Subdivision. Fredericks explained that the Beau Chêne restrictive covenants required a hog tight fence; however Fredericks is questioning what the definition of a hog tight fence is. The county attorney stated that fencing is set forth in Iowa Code, but that the matter at hand is a civil matter in which Benton County is not involved. The county attorney stated that Fredericks should contact private counsel regarding the matter, as the Code of Iowa does not define "hog tight fence".

Moved by Sanders, seconded by Vermedahl, to approve a beer permit for Blairstown Demo Derby. All members voting aye thereon. Motion carried.

The Board proceeded with audit/cash control work by conducting a cash count in the recorder's office and county attorney's office.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

May 6, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of May 3, 2005. 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 continuing the hearing on a land use change requested by Jodene Ludden and Brad Ludden, the board took up the matter for further consideration. Supervisor Buch stated that there were currently three other residences on a the fifty-acre parcel owned by Ludden, and because parceling had not occurred the requirements under the county's subdivision ordinance did not have to be adhered to. Buch asked how many more residences would be placed on the property in a similar manner. Jim Ludden responded that no other homes would be located on the parcel. The question of density was discussed. Land Use Administrator Marc Greenlee stated that the current comprehensive plan sets out low-density development, which are no more than eight residences in a forty-acre tract. The proposed use will not exceed the low-density requirement. The Board asked about the comments received at the first hearing regarding the "disarray" of the property. Ludden stated that some of debris was from storms. Supervisor Vermedahl stated that he did not notice any significant debris. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a request for a variance to the Benton County Agricultural Land Use Preservation for a land use change on approximately a two acre parcel generally described as

being a Part of the NW1/4 of the SE1/4 of 10-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the filing of the annual manure management plan update submitted by G & R Feeders, Inc. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill bank account as of April 30, 2005 was \$51,918.77. The Board discussed touring the condition of various secondary roads. It was determined that a tour will take place on Tuesday, May 17, 2005, beginning at 9:30 a.m.

The City of Vinton requested a letter from Benton County approving three accesses onto secondary roads from Avonlae Estates, a subdivision located within the corporate limits of Vinton in section 22 of Taylor Township. The approval is required under the city's subdivision ordinance. The county engineer and the supervisors did not object to the three accesses onto county secondary roads as set forth in the preliminary plat of Avonlae Estates. All members voting aye thereon. Motion carried.

The Board discussed a letter received from Rhonda Saunders regarding dust control at the T-intersection west of Rodger's Park.

State Representative Dawn Pettengill met with the Board to discuss legislative issues. This was not an agenda item.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

May 10, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 6, 2005. All members voting aye thereon. Motion carried.

This being the date and time set for the first consideration of Ordinance #48, Quarantine & Isolation, the Board took up the matter for consideration. The county auditor explained that notice of the hearings had been provided to all official newspapers for Benton County; however, the Cedar Valley Times failed to publish the notice. The auditor further explained that under Iowa law, publication is not required provided the Board holds all three considerations. The Board advised that all three considerations would be held. Nancy Farmer, Public Health Director, explained the contents of and the need for the ordinance. Hearing no comment either for or against said ordinance, and having fully discussed and considered the same, it was moved by Buch, seconded by Sanders, to approve the first consideration of Ordinance #48, Quarantine & Isolation. Roll Call: Buch – aye, Sanders – aye, Vermedahl – aye. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Law Enforcement Contracts as follows: City of Norway - \$9,360.00 for 520 hours of coverage and City of Mt. Auburn - \$468.00 annually for 26 hours of coverage. All members voting aye thereon. Motion carried.

Roettger Farms, Inc. requested that penalty and interest be abated on his parcels due to family circumstance. Moved by Buch, seconded by Sanders, to deny abatement of interest and penalty on parcels numbered 790-01000, 590-15750, and 590-10460. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board regarding renewal of a contract with the Department of Human Services for client services. Moved by Buch, seconded by Sanders, to enter into a 3-year contract effective July 1, 2005, with the Department of Human Services, for client services at \$215.00 per month, which the county only pays 19% for Medicaid eligible clients. All members voting aye thereon. Motion carried.

The matter of approving claims was inadvertently left off of today's agenda. The county is required to pay claims on a timely basis and because paying claims on a bi-weekly basis has been established by past practice, the Board agreed to take action. Moved by Buch, seconded by Sanders, to approve checks numbered 72887 through 73278, for payment. Checks numbered 72885 and 72886 were voided. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

May 13, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 10, 2005. All members voting aye thereon. Motion carried.

This being the date and time set for the second consideration of Ordinance #48, Quarantine & Isolation, the Board took up the matter for consideration. The county auditor explained that notice of the hearings had been provided to all official newspapers for Benton County; however, the Cedar Valley Times failed to publish the notice until today. The auditor further explained that under Iowa law, publication is not required provided the Board holds all three considerations. The Board advised that all three considerations would be held. Nancy Farmer, Public Health Director, explained the contents of and the need for the ordinance. Hearing no comment either for or against said ordinance, and having fully discussed and considered the same, it was moved by Buch, seconded by Sanders, to approve the second consideration of Ordinance #48, Quarantine & Isolation. Roll Call: Buch – aye, Sanders – aye, Vermedahl – aye. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-9. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J"** 36

## **RESOLUTION #05-9**

BE IT RESOLVED by the Benton County Board of Supervisors that the tax, interest, and penalty on parcels 050-20500, 050-21550, and 050-21600, pursuant to Iowa Code 445.63, as said parcels are currently owned by the City of Blairstown.

Dated this 13<sup>th</sup> day of May, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to approve the following law enforcement contracts: City of Newhall - \$14,040.00 annually for 780 hours of coverage and City of Garrison - \$2,808.00 for 156 hours of coverage. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign a letter responding to the Iowa Department of Economic Development regarding the request for an extension to the Watkins Community Development and Betterment Grant. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to recess until 10:30 a.m. All members voting aye thereon. Motion carried.

The Board reconvened at 10:30 a.m.

Moved by Buch, seconded by Sanders, to enter into closed session to discuss pending litigation. All members voting aye thereon. Motion carried at 10:45 a.m.

Moved by Sanders, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

May 17, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 13, 2005. All members voting aye thereon. Motion carried.

This being the date and time set for the third consideration of Ordinance #48, Quarantine & Isolation, the Board took up the matter for consideration. The ordinance was available for public inspection; however no one had asked for a copy. Nancy Farmer, Public Health Director and Marc Greenlee, Sanitarian were present to answer any questions. There being no comment either for or against said ordinance, and having fully discussed and considered the same, it was moved by Buch, seconded by Sanders, to approve the third consideration of Ordinance #48, Quarantine & Isolation. Roll Call: Buch – aye, Sanders – aye. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Ordinance #48, in its entirety. Roll Call Vote: Aye – Buch and Sanders. Nays none. Motion carried.

## **RESOLUTION #05-10**

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance repealing and replacing the Ordinance #48 Quarantine & Isolation, and

WHEREAS, the Benton County Board of Supervisors has held three public hearings on the proposed ordinance, and WHEREAS, the Board believes that it would be in the best interest of Benton County to adopt an ordinance regarding quarantine and isolation,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that an ordinance establishing quarantine and isolation procedures should be and is hereby adopted. The auditor is directed to make publication in accordance with Iowa law.

Dated this 17<sup>th</sup> day of May 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to adopt Resolutions #05-11 and #05-12. Voting aye were Buch and Sanders. Nays none. Motion carried.

## **RESOLUTION #05-11**

### **TRANSFERRING FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$237,681.36 be transferred from the TIF Fund to the Debt Service Fund.

Dated this 17<sup>th</sup> day of May 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

**RESOLUTION #05-12  
TRANSFERRING FUNDS**

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

Dated this 17<sup>th</sup> day of May 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to acknowledge the hire of Brandon Johnson as a part-time seasonal employee with the Benton County Conservation Department effective May 14, 2005, at a wage of \$8.00 per hour. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl arrived at the meeting at 9:15 a.m.

The auditor updated the Board of contracts for cost allocation services that have been presented to the county for consideration. The Board requested that a representative of Cost Allocation Services, Inc. meet with the Board to explain their services.

Moved by Sanders, seconded by Vermedahl, to adopt Resolutions #05-13 and #05-14. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-13**

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 16, 2005, through the completion of the project.

From the NW corner of Section 1-T82N-R9W thence south and east 1.25 miles to the Benton/Linn County line along 74<sup>th</sup> Street Drive in Florence Township.

Signed this 17<sup>th</sup> day of May 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

**RESOLUTION #05-14**

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 23, 2005, through the completion of the project.

From 24<sup>th</sup> Avenue (Hwy 218) thence east one (1) mile to 25<sup>th</sup> Avenue along 68<sup>th</sup> Street along Eldorado/Eden Township line.

Signed this 17<sup>th</sup> day of May 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to enter into closed session to discuss pending litigation and personnel issues. All members voting aye thereon. Motion carried at 10:07 a.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:30 a.m.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

May 20, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 17, 2005. All members voting aye thereon. Motion carried.

Maintenance Supervisor Rick Bramow submitted the following quotes for air conditioning in the County Attorney's Office: Brecke - \$13650.00, Comfort Pro of New Century FS - \$4175.00, and Vinton Plumbing & Heating - \$4900.00. Moved by Sanders, seconded by Buch, to have Comfort Pro install the new air conditioner in the County Attorney's Office. All members voting aye thereon. Motion carried.

The meeting with Steve Wheeler has been moved to a later date not yet determined.

Moved by Sanders, seconded by Buch, to enter into closed session to discuss pending litigation. All members voting aye thereon. Motion carried at 9:30 a.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 9:47 a.m.

Judge Remley and Carroll Edmundson met with the board to discuss courthouse security. Also present during the discussion were County Attorney David Thompson, Sheriff Randy Forsyth, Chief Deputy Sheriff Mike Ferguson, and Steve Meyer. They discussed moving some of the cameras to different locations to accommodate the concerns of everyone and having a deputy sheriff present while court is in session.

Moved by Buch, seconded by Sanders, to acknowledge the hire of Josi Maas as a part-time seasonal employee with the Benton County Conservation Department effective May 1, 2005, at a wage of \$7.00 per hour. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a utility permit for John Harder/Leer Tiling & Construction to place utility lines in the county's right-of-way in sections 32, along 11<sup>th</sup> Avenue Trail, in Iowa Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn at 11:20 a.m. All members voting aye thereon.

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kaline, Deputy Auditor

May 23, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisor Vermedahl, Sanders, and Buch present. Chairman Vermedahl called the meeting to order at 4:00 p.m.

Moved by Sanders, seconded by Buch, to approve the minutes of May 20, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 73279 through 73629 for payment. All members voting aye thereon. Motion carried.

Mary Halstead the Benton County Transportation Director, informed the board of a Federal Drug & Alcohol Audit on June 8, 2005 at 11:00 a.m. There was also discussion on hiring two drivers, one in Vinton and one in Belle Plaine.

Moved by Buch, seconded by Sanders, to approve the following law enforcement contracts: City of Atkins - \$9,360.00 annually for 520 hours of coverage, City of Blairstown - \$14,040.00 for 780 hours of coverage, City of Keystone - \$4,680.00 for 260 hours of coverage, City of Van Horne - \$14,040.00 for 780 hours of coverage, and City of Walford - \$9,360.00 for 520 hours of coverage. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to enter into closed session to discuss personnel issues with Steve Wheeler at his request. All members voting aye thereon. Motion carried at 4:32 p.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 4:52 p.m.

Moved by Sanders, seconded by Buch, to adjourn at 4:53 p.m. All members voting aye thereon.

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

May 27, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of May 23, 2005. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, the Board proceeded to tour several county roads.

Moved by Sanders, seconded by Buch, to adjourn at 12:10 P.M. All members voting aye thereon.

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Deputy Auditor

May 31, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of May 27, 2005. All members voting aye thereon. Motion carried.

Representatives of the Geographic Information System (GIS) Committee met with the Board regarding the appointment of a GIS Board and GIS Coordinator. The GIS Committee had previously recommended that a Board be created consisting of the auditor, engineer, assessor, public user, and a rotating member selected from the sheriff, supervisor, or recorder. Moved by Buch, seconded by Sanders, to approve the recommendations of the GIS Committee and appoint the auditor, assessor, engineer, Chuck Juhl, and the sheriff to the Benton County GIS Board. All members voting aye thereon. Motion carried.

Discussion continued on the position and duties of the GIS Coordinator. It had been the recommendation of the GIS Committee that a GIS Coordinator be appointed; however a new employee was not to be hired to fulfill the position but rather the duties be combined with those in the information technology department. Mary McLaughlin, IT Director, presented a list of duties expected of the GIS coordinator for the Board's review. Moved by Buch, seconded by Sanders, to appoint Mary McLaughlin as the GIS Coordinator in conjunction with her duties as IT Director. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to allow Vinton Unlimited to use the courthouse lawn on June 23, 2005 and July 30<sup>th</sup>, 2005 for Party in the Park and Cat & Dog Days. All members voting aye thereon. Motion carried.

Representatives of the judicial system, the sheriff's office, and the county attorney met with the Board to discuss changes to the proposed courthouse security system. The court administrator requested that the following cameras be moved from their original proposed location: the courtroom to the 3<sup>rd</sup> floor hallway and from the auditor's office to the 2<sup>nd</sup> floor hallway. Discussion was also held on the inclusion of a burglar alarm system at an estimated cost of \$5,766.00. Sheriff Forsyth advised that he would do additional research on the burglar alarm system and return to the Board on June 3<sup>rd</sup>. The court administrator stated that the judge was requesting that a uniformed deputy be present during all court proceedings starting immediately. County Attorney Thompson suggested that the county hire an additional full-time deputy to provide courthouse security and patrol services. The sheriff advised that a part-time officer for approximately 20 hours per week would cost the county \$20,000 per year and was not included in his budget. It was reported that Jones County provides a deputy during all court proceedings; Tama County and Iowa County do not provide a deputy unless requested by the judge. Moved by Sanders, seconded by Buch, to table action on the courthouse security issues until June 3<sup>rd</sup> to allow the Board time to review the implications on the budget if the requests were granted. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Taylor Township Section 12 along 58<sup>th</sup> Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn at 10:55 A.M. All members voting aye thereon.

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David H. Vermedahl, Chairman

ATTEST:

Delane Kalina, Deputy Auditor

June 3, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 31, 2005. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set June 28, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Mardy Dehart on a parcel located in the NE1/4 of the SE1/4 of 4-86-10. Both members voting aye thereon. Motion carried.

Marc Greenlee presented a farm exemption application submitted by Darwin and Cheryl Funk. The request is to allow for construction of a single residence on a parcel containing 31.15 acres. The application states that 25 acres will be used for the commercial production of grain crops. Greenlee advised that the applicants qualify for the farm exemption under the county's ordinances. There being no further discussion, it was moved by Sanders, seconded by Vermedahl, to approve a farm exemption as allowed in the Benton County Agricultural Land Use Preservation Ordinance on a parcel containing 31.15 acres located in the NW Corner of the SW1/4 of the NW fractional 1/4 of 3-85-11 (Jackson Township) requested by Darwin and Cheryl Funk. Both members voting aye thereon. Motion carried.

Cindy Forsyth, Clerk of Court, met with the Board to request additional storage space for her records. Forsyth requested that other county offices move their files to off-site storage and allow her to store her records on site. Forsyth advised that she accesses the records more frequently than other departments do who have on-site storage. Forsyth also requested that additional shelving be built in her basement area. Supervisor Vermedahl stated that he would speak with other departments and the maintenance staff regarding Forsyth's requests.

Moved by Sanders, seconded by Vermedahl, to approve the Recorder's Quarterly Report for the period ending December 31, 2004. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the hire of Weston Krug as a part-time seasonal employee with Benton County Conservation at a wage of \$8.00 per hour, effective June 6, 2005. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Jarrod Hendricks as a temporary seasonal employee with secondary roads, at a wage of \$9.00 per hour, effective June 6, 2005. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the filing of manure management plan updates from the following: Rick Pickering in the SE1/4 of the SW1/4 of 1-83-12 and Higgins Finisher in the SW1/4 of the SW1/4 of 33-86-10. Both members voting aye thereon. Motion carried.

Ryan Clemens met with the Board to discuss services provided by Pre-Paid Legal Services, Inc. The company provides certain legal services free or at a reduced price for members. Employees may voluntarily apply for membership and the cost of the service is deducted from their payroll checks. The cost of membership ranges from \$15.95 per month to \$24.95 per month. The Board advised that Clemens should obtain signatures from at least ten employees who are

interested in participating in the program and return at the time. Signatures and solicitation may not be obtained while the employees are on county time.

No action was taken on the courthouse security system as the sheriff was unavailable due to an emergency call and the auditor was unaware that she was to review the FY06 budget to determine if money was available to hire a part-time deputy. The matter was placed on the June 7, 2005 agenda.

Moved by Sanders, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried at 10:30 a.m.

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David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

June 7, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 3, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set July 5, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Karl Korff and Ken Halstead on a parcel located in the SE1/4 of the NW1/4 of 26-82-11. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 73630 through 73962, for payment. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss recent legislative changes and their affect on current county ordinances and liability. Specifically, Williams discussed the Benton County Relief Ordinance and the language that states the county will provide medical, dental services and prescriptions to eligible persons. The new legislation eliminates "state papers" available to counties to assist residents for medical services. The "state papers" historically paid for said services at no cost to the county. Williams stated that the State's guidance regarding the legislative changes has been minimal at best, leaving the county in an awkward position on how to proceed. Williams explained that the county, under the current ordinance, could be liable for paying catastrophic medical expenses for eligible residents. Williams encouraged the Board to consider possible changes to the county's ordinance to provide limits on the amount of liability. The Board directed Williams to seek an opinion from the county attorney and proceed with amending the current ordinance prior to July 1<sup>st</sup>.

Moved by Buch, seconded by Sanders, to approve the contract and bond for Taylor Construction, Inc. for the bridge replacement project on 13<sup>th</sup> Avenue approximately two miles south of the Bruce Center shed. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at Blairstown on May 31, 2005, was \$55,406.08.

The sheriff and chief deputy met with the Board to discuss the courthouse security system and the request for a part-time deputy to provide courtroom security. The sheriff had advised that approximately \$20,000 was needed to provide for the part-time deputy. The auditor explained to the Board that in order to provide an additional \$20,000 in spending authority to the sheriff, unless the Board was going to reduce other departmental budgets within the service area, that the only option was to hold a budget amendment. The auditor further explained that historically the sheriff did not spend his entire budget and that funds may be available within the sheriff's FY06 budget. The sheriff stated that he had not been able to purchase upgrades to equipment this year, which accounted for the unspent funds in the current budget. Sheriff Forsyth further stated that he would like to put some of the unspent budget into an equipment replacement fund for future purchases. The money would be a part of the general fund but designated for said use and would require budget authority in order to be spent. The Board asked that the matter be placed on the June 10, 2005 agenda for consideration.

The sheriff provided further information regarding the proposed burglar alarm system. Moved by Buch, seconded by Sanders, to include the burglar system in the courthouse security system at an additional \$5,766.00. All members voting aye thereon. Motion carried.

Dick Fredericks met with the Board regarding a fence dispute between himself and Beau Chene Estates. Fredericks explained that there have been numerous delays in the construction of a hog-tight fence, which is required to be built by the owners of, or within, the subdivisions. Restrictive covenants filed by the Beau Chene Estates Subdivisions stated that a fence would be constructed and maintained when the subdivision was adjacent to agricultural uses. Fredericks explained that he raises and boards horses, which is an agricultural activity. Fredericks stated that he has had many communications with various owners within the subdivision but to no avail. Fredericks stated that he visited with the Assistant Benton County Attorney and the Linn County Attorney, who both advised that they could not give Fredericks legal advice; however the attorneys did state that the restrictive covenants set forth that the subdivision owners had to erect and maintain the fence. Fredericks subsequently hired private legal counsel regarding the matter, who sent letters to all affected residents. Fredericks further stated that Benton County's subdivision ordinance requires that all persons within the subdivision erect and maintain the fence. Fredericks further stated that he contacted Benton County Land Use Administrator Marc Greenlee, who sent written communication to the developers regarding their responsibilities under Benton County Ordinance #26. Fredericks questioned what the intention of Benton County's was relative to fencing when the ordinance was enacted. David Thompson, Benton County Attorney, stated that he will contact the developers and provide 30 days for them to comply with the ordinance or be cited for a violation of the county's subdivision ordinance. Thompson stated that the county's ordinance does not set forth the standard for the type of fence constructed; however the developer put the standard for a hog-tight fence in his restrictive covenants.

Moved by Buch, seconded by Sanders, to contract with Cost Advisory Services, Inc. for cost allocation services for FY05, FY06, and FY07 at a cost not to exceed \$3,850.00 annually. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. Both members voting aye thereon. Motion carried at 12:00 p.m.



David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

June 10, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 7, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the issuance of a handwritten check for two new patrol cars for the Sheriff's department. Both members voting aye thereon. Motion carried.

Clerk of Court Cindy Forsyth met with the board to discuss courtroom security and the disbanding of the Law Library. Forsyth will talk with the judges about these matters and come back to the board at a later date.

Moved by Buch, seconded by Vermedahl, to approve the creation of a reserve fund for the Sheriff's department. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a cigarette permit for Benton Golf Club and Kimm's Sinclair from July 1, 2005 through June 30, 2006. Both 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 county road W26 for 6½ miles. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Big Grove Township Section 13 along 21<sup>st</sup> Avenue Drive and in Taylor Township Section 24 and 25 along 60<sup>th</sup> Street. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried at 11:15 a.m.

David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

June 14, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 10, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the creation of a reserve equipment fund for the Health department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set a date for land use hearing for Andy Kuehl in the NE¼ of the NW¼ of 7-83-9 for Friday, July 8<sup>th</sup> at 9:15 a.m. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chairman to sign the FY06 State of Iowa's Grant-to-Counties program for well testing, plugging, and rehabilitation. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chairman to sign a rental agreement for a postage machine with Pitney Bows for \$2000.00 per year for the Treasurer's Office. All members voting aye thereon. Motion carried.

Mary Williams, Social Service Director, David Thompson, County Attorney and Mike Riege with Virginia Gay Hospital met with the board to discuss the Iowa Care Program. This discussion was for the purpose of amending Benton County's Support of the Poor (General Assistance) Ordinance #3. It was recommended to delete Part 5A and 5B of Section 6 and replace with a new number 5 as follows: "Urgent Medical or Dental Care: Benton County, as a payer of last resort, may pay for these services for an adult person eighteen years of age or older who has no health care coverage from any source nor has any current or future (within 90 days from date of application date) option to attain health care coverage. These services may be paid at the Medicaid rate not to exceed \$500.00 during a twelve-month period from the time that benefits are first paid. Either or a combination of examination, medication or other urgent treatment shall be prescribed by local Benton County providers to prevent further deterioration of the medical problem. Medical assistance may be granted on basis of medical necessity only and is based on the amount of county dollars available for such assistance. Benton County will not pay for the cost of medical attention resulting from the use and/or *abuse of legal or illegal substances.*" This change is needed due to the passing of Legislation HF 841 repealing the Indigent Care Program aka State Paper Program, which Benton County used to meet the medical need of eligible residents.

Mary Williams, Social Service Director met with the Board to discuss provider contracts for FY06. Williams explained the services provided by each provider and the rates being requested for FY06 with comparisons to FY05.

Moved by Sanders, seconded by Buch, to approve the following provider rates for FY06:

WCDC Inc – Work Activity \$8.14 per hour

Options of Linn County – Enclave \$13.38 per hour, Work Activity \$26.84 per ½ day, Work Activity Intensive \$43.48 per ½ day, Sheltered Work \$20.21 per ½ day, and Supported Employment \$53.08 per hour

Abbe Center for Community Care – Residential Care Facility \$93.94 per day and Residential Care Facility for persons with mental illness \$135.51 per day

North Star Community Service (Adults Inc) – Sheltered Work \$37.07 per day, Adult Day Care \$43.48 per day, Supported Employment \$37.63 per hour, and Supported Community Living \$26.02 per hour

St. Luke's Hospital – Mental and Substance Abuse Commitments \$460.24 per day

All members voting aye thereon. Motion carried.

Carroll Edmundson and Judge Remley met with the board via teleconference and Cindy Forsyth was present in the boardroom to discuss courtroom security. The judges feel there needs to be a part time deputy sheriff on duty whenever court is in session. Taking funds budgeted for the law library and spending it on a new part time deputy was discussed. The board decided to keep the law library as is and find another way to fund the deputy. Moved by Sanders, seconded by Buch, to approve the hiring of a part time deputy sheriff for courthouse security when court is in session. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the Law Enforcement Contract between Benton County and the City of Luzerne for the period beginning July 1, 2005 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 Sanders, to accept the resignation of Charles Johnston from the Secondary Roads department effective June 24, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve and authorize the chairman to sign the contract with Eide Bailly for FY05 auditing services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 11:00 a.m.

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

June 17, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Buch. Supervisor Sanders was absent. Chairman Vermedahl called the meeting to order at 7:45 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 14, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set June 28, July 1, and July 5 2005 at 9:00 a.m. as the time and dates for considerations on an amendment of Benton County Ordinance #3, Support of the Poor. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adjourn at 8:00 a.m. Both members voting aye thereon.

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Brenda Sutton, Deputy Auditor

June 21, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 17, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 73963 through 74403, for payment. All members voting aye thereon. Motion carried.

Mary McLaughlin, Information Technology Director, requested that \$6,500.00 of unspent FY05 budget funds be amended into her FY06 budget. McLaughlin explained that unanticipated equipment failures resulted in the inability to replace needed personal computers before the end of FY05. The Board advised that a budget amendment could not be done until after July 1; however they understood the issue and would likely amend her budget in FY06 for the \$6,500.00. McLaughlin is to return to the Board at a later date.

Nancy Beckman with the Department of Human Services and Nancy Farmer met with the Board to request that Benton County act as a fiscal agency and contract with an individual to perform coordination services for the DECAT Board. The supervisors requested that copies of the contracts between the State and Benton County and between Benton County and the contract worker be submitted to the county attorney for review. If the county attorney approves the contracts, the Board is willing to consider the request.

Marvin Bartosh met with the Board to request a fireworks permit for a private family reunion. Bartosh stated that he is a licensed pyrotechnician and is employed through J & M. Bartosh stated that insurance coverage was available for his activities. The Board advised that Benton County needed to be named as an "Additional Insured" on J & M's insurance policy for this specific event and that Certificate of Insurance indicating such would need to be provided. The Board advised that upon proof of the insurance request, that a permit would be issued subject to all other requirements being met. Bartosh agreed to obtain the necessary insurance certificate and return at a later date.

Moved by Sanders, seconded by Vermedahl, to approve the FY2006 Purchase of Service Contract between East Central Iowa Council of Governments and Benton County Transportation. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Section 11 of Taylor Township along 10<sup>th</sup> Avenue Drive. Both members voting aye thereon. Motion carried.

The county engineer advised that the Oak Grove Project is progressing with a public hearing on the condemnation will be held in approximately six weeks.

Scott Hansen met with the Board to ask if the Board had determined if any additional funds were available for the radio communications tower project. The estimated cost of the project had exceeded the county's funding limits and Emergency Management had agreed to provide an additional \$50,000.00, if needed. Hansen questioned if the county had additional funding available or if the entire \$50,000.00 would be required. The engineer stated that he would have approximately \$10,000.00 of additional funding and the sheriff advised that he had an extra \$30,000 left in his budget to apply to the radio communications tower project in FY06.

Moved by Sanders, seconded by Vermedahl, to approve the following wages/salaries for Benton County employees for FY2006. Both members voting aye thereon. Motion carried.

**BENTON COUNTY FY2006 Wages**

**SUPERVISORS**  
Ron Buch

\$32,990.91

per year

David Vermedahl	\$32,990.91	per year
Jason Sanders	\$32,990.91	per year
<u>AUDITOR'S OFFICE</u>		
Jill Marlow, Auditor	\$47,991.70	per year
Delane Kalina	\$38,393.36	per year
Hayley Rippel	\$33,594.19	per year
Brenda Sutton	\$38,393.36	per year
(50% Auditor and 50% Election)		
<u>TREASURER'S OFFICE</u>		
Kelly Rae Geater, Treasurer	\$47,991.70	per year
Kimberly Staab	\$38,393.36	per year
Michele Sauer	\$33,594.19	per year
Melinda Schoettmer	\$28,795.02	per year
Rosemary Sackett	\$22,660.00	per year
Joy McGowan	\$25,660.00	per year
Nancy Jorgensen (part-time)	\$18,750.00	per hour
Kristin Hopper (part-time)	\$7.43	per hour
<u>RECORDER'S OFFICE</u>		
Betty Wright, Recorder	\$47,991.70	per year
Sharon Stueck	\$38,393.36	per year
Lexa Speidel	\$21,630.00	per year
<u>ATTORNEY'S OFFICE</u>		
David Thompson, Co Attorney	\$73,870.69	per year
Anthony Janney, Asst Co Attorney	\$62,790.09	per year
Mary Ann Blumer	\$33,418.00	per year
Betty Stone (part-time)	\$15.88	per hour
Diana Johnson (part-time)	\$13.01	per hour
<u>MH-MR-DD RELIEF OFFICE</u>		
Mary Williams, Director	\$40,218.72	per year
(5% Relief and 95% MH-DD Service)		
Carol Zander (full-time)	\$12.00	per hour
(25% Relief and 75% MH-DD Service)		
Becky Jo Nisius (part-time)	\$ 8.24	per hour
(25% Relief and 75% MH-DD Service)		
<u>DATA PROCESSING DEPARTMENT</u>		
Mary McLaughlin, Manager	\$49,519.01	per year
Roger Witt	\$36,286.41	per year
<u>VETERANS AFFAIRS</u>		
Walter Kollmorgan	\$9,823.98	per year
Ervin Glinsmann (part-time)	\$55.00	per day
<u>COURTHOUSE MAINTENANCE</u>		
Rick Bramow	\$31,514.25	per year
Dennis Thompson	\$29,825.99	per year
<u>DISASTER SERVICES</u>		
Scott E. Hansen	\$45,994.00	per year
Robert Spangler	\$85.00	per month
<u>SOCIAL SERVICE MAINTENANCE</u>		
Beverly Baldwin	\$ 8.52	per hour
<u>SANITARIAN-LAND USE</u>		
Marc Greenlee, Administrator	\$52,333.91	per year
(40% Sanitarian and 60% Land Use)		
Barbara Greenlee	\$33,418.00	per year
(62 ½% Sanitarian and 37 ½% Land Use)		
<u>TRANSPORTATION DEPARTMENT</u>		
Mary Halstead, Manager	\$34,092.81	per year
Dana Burmeister (full-time)	\$12.02	per hour
Leo Brummer (part-time)	\$ 9.84	per hour
Cletus Friedman (part-time)	\$ 9.84	per hour
Catherine Wilkinson (part-time)	\$ 9.84	per hour
E. Duane Eldred (part-time)	\$ 9.84	per hour
James Fuller (part-time)	\$ 9.84	per hour
Christina Seitz (part-time)	\$ 9.84	per hour

Eloise Harvey (part-time)	\$ 9.84	per hour
<b>SHERIFF</b>		
Randall Forsyth, Sheriff	\$61,479.79	per year
<b>Chief Deputy</b>	<u>Base</u> <u>Longevity</u> <u>Total</u>	
Michael Ferguson	\$52,257.82 + 374.40 = \$52,632.22	per year
<b>Matrons part time</b>		
Brenda Hackbarth	\$10.63	per hour
Mary Rogers	\$10.63	per hour
Sadja Sondag	\$10.63	per hour
<b>Contract Typing part time</b>		
Tina Ehrig	\$10.95	per hour

**SECONDARY ROADS****Administration**

Myron Parizek, Engineer	\$75,000.00	per year
Nickolas Rissman, Asst. Engineer	\$45,100.00	per year
John Cody Hager, Engineer Tech.	\$15.70	per hour
Elaine Bolton, Office Manager	\$32,782.00	per year
Penny Applegarth	\$23,764.00	per year

**Management**

	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Daniel Higdon	\$16.95	\$0.25	\$17.20
Morris Higgins	\$16.95	\$0.30	\$17.25
Pam Gorsch	\$12.75		per hour

**WEED COMMISSION**

Michael Beumer	\$15.63	\$0.10	\$15.73	per hour
Bruce Anderson	\$15.47	\$0.05	\$15.52	per hour
Robert Beyer	\$ 9.00			per hour
Donovan Merchant	\$ 8.75			per hour

**SHERIFF UNION****Administration**

Jackie Michael, Office Administrator	\$16.03	\$0.10	\$16.13	per hour
Melissa Scott, Office Secretary	\$12.13		\$12.13	per hour

**Full Time Deputies**

	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
John Austin	\$18.96	\$0.18	\$19.14
Mark Johnson	\$18.44	\$0.15	\$18.59
John Lindaman	\$17.96		\$17.96
Ronald Tippet	\$17.96		\$17.96
Christopher Rider	\$17.96		\$17.96
Mark Phippen	\$18.48		\$18.48
Jerry Michael	\$18.48	\$0.05	\$18.53

**Dispatcher/Jailer (Full-time)**

	<u>Hourly Base</u>	<u>Longevity</u>	<u>Total Hourly</u>
Dorothy Wild	\$16.24	\$0.18	\$16.42
Susan Nelsen	\$15.82	\$0.10	\$15.92
Dawn Dunkelberger	\$15.18	\$0.05	\$15.23
Kyla Bolin-Davis	\$15.18	\$0.05	\$15.23
Sherri McGowan	\$16.24	\$0.18	\$16.42
William Reese	\$15.82	\$0.10	\$15.92
Michael Merino	\$15.18	\$0.05	\$15.23
Martin Halstead	\$13.92		\$13.92
Russell Denison	\$13.92		\$13.92
Jeremy Fisher	\$13.92		\$13.92

**Dispatcher/Jailer (Part-time)**

Kimberly McCullough	\$13.92	per hour
Michelle Thomson	\$12.97	per hour
William Thorman	\$12.97	per hour

**Reserve Peace Officer (part time)**

Gary Benson	\$15.92	per hour
Russell Glime	\$15.92	per hour
Gene Clerkin	\$15.92	per hour
Larry Feaker	\$15.92	per hour
James Rich	\$15.92	per hour
Vincent Synder	\$15.92	per hour

**Food Service/Janitorial**

Terri Higdon (full-time)	\$13.33	per hour
Doris Trefz (full-time)	\$12.86	per hour
Bonnie Ehlinger (part-time)	\$12.86	per hour
LaDonna Fairbanks (part-time)	\$12.86	per hour
Mary Rogers (part-time)	\$11.67	per hour
Cathy Wyckoff (part-time)	\$12.86	per hour

**DEA Assistant**

Sara Olson	\$10.1089	per hour
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**SECONDARY ROADS UNION**

	<u>Class</u>	<u>Base</u>	<u>Longevity</u>	<u>Total</u>
Jack Hopper	VID	\$16.05	\$0.30	\$16.35

Roy Staab	VG	\$15.64	\$0.30	\$15.94
Roger Junge	IVD	\$15.53	\$0.30	\$15.83
Daniel Carroll	VG	\$15.64	\$0.30	\$15.94
Brian Hartz	IC	\$14.32	\$0.25	\$14.57
Larry Christianson	IVD	\$15.53	\$0.25	\$15.78
Roger Calvert	IVD	\$15.53	\$0.25	\$15.78
Michael Benson	IVD	\$15.53	\$0.20	\$15.73
William Garbers Jr.	IVC	\$15.46	\$0.20	\$15.66
Dennis Hamlett	IVD	\$15.53	\$0.20	\$15.73
Marvin Andrews	VG	\$15.64	\$0.20	\$15.84
Roger Sturtz	IVC	\$15.46	\$0.20	\$15.66
Anthony Behounek	VD	\$15.69	\$0.20	\$15.89
Randall Sherwood	IVD	\$15.53	\$0.15	\$15.68
John Mayhew	VG	\$15.64	\$0.15	\$15.79
Thomas Johnson	IVC	\$15.46	\$0.15	\$15.61
Michael Gardemann	IVD	\$15.53	\$0.15	\$15.68
Mark Kelty	IIID	\$15.46	\$0.15	\$15.61
John Beck Jr.	IVD	\$15.53	\$0.15	\$15.68
Michael Myers	IVD	\$15.53	\$0.10	\$15.63
Richard Meyer	ID	\$15.46	\$0.10	\$15.56
Mark Wessling	IVC	\$15.46	*\$ .25+ \$.10	\$15.81
Scott McLaughlin	VID	\$16.05	\$0.10	\$16.15
Scott Gladson	IVD	\$15.53	\$0.05	\$15.58
Steve DeWitt	IVD	\$15.53	\$0.05	\$15.58
Marc Merchant	VG	\$15.64	\$0.05	\$15.69
Joshua McGowan	IVC	\$15.46	\$0.05	\$15.51
Douglas Kearns	VD	\$15.69	\$0.05	\$15.74
Don Burke	VD	\$15.69	\$0.05	\$15.74
William Grimm	VD	\$15.69	\$0.05	\$15.74
Daniel McKenna	VD	\$15.69	\$0.05	\$15.74
Kenneth Bahr	IVD	\$15.53	\$0.05	\$15.58
Jeff Winsor	VG	\$15.64	\$0.05	\$15.69
Matthew Cherveney	IIIC	\$15.46		\$15.46
Mark O'Brien	IVD	\$15.53		\$15.53
Steven Wheeler	IVA	\$13.73		\$13.73
Kenneth Erickson (part-time)		\$ 9.00		\$ 9.00
Jarod Hendricks (part-time)		\$ 9.00		\$ 9.00

**ASSESSOR'S OFFICE**

Larry Andresen, Assessor	\$52,358.00	per year
Diane Buckingham	\$38,166.00	per year
Janice Sarchett	\$36,978.00	per year
Danelle Yeager	\$22,337.00	per year

**CONSERVATION**

Gary Fordice, Director	\$41,112.00	per year
Karen Phelps, Naturalist	\$26,592.00	per year
Scott Bahmann, Rogers Park Ranger	\$31,792.00	per year
Jon Geiger, River Park Ranger	\$29,691.00	per year
Everett Leonard, Maintenance	\$29,691.00	per year
Ryan Rotter	\$24,842.00	per year
Larry Steffen (part-time)	\$ 9.25	per hour
Josi Maas (part-time)	\$ 7.00	per hour
Brandon Johnson (part-time)	\$ 8.00	per hour
Weston Krug (part-time)	\$ 8.00	per hour

The county attorney met with the Board to advise that he will not be using approximately \$3,600.00 of his FY05 budget. However, Thompson stated that he anticipates needing to replace his copy machine in FY06 and wanted the Board to be aware of that upcoming purchase. Thompson stated that if his budget does as well as it did in FY05 he should have adequate funds to purchase the equipment without asking for additional spending authority.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

June 24, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 21, 2005. All members voting aye thereon. Motion carried.

Cloyce Hutton, Duane Eldred, and Jackie Michael, from the City of Urbana met with the Board to discuss the status on 30<sup>th</sup> Avenue by Heartland Nature Estates. Michaels stated that she has concerns regarding the hill near the north drive into Heartland Nature Estates and that after speaking with various individuals she was unable to get a clear answer as to what and when the work will be done. Michael stated that she would like to have the knoll of the hill graded down due to the hazardous conditions that it creates, and that the January 4, 2005 minutes reflected that the concerns would be addressed. County Engineer Parizek stated that he did not recall the discussion on knocking the hill down; however he stated that the dust control crew is done and that he has several other jobs to sealcoat and he planned to do all roads at the same time. The engineer stated that the entire project would not take long once started and that he hoped to start it sometime during the first half of July. Supervisor Vermedahl stated that he would ask the city council to consider the county's rules and regulations with future developments located on a secondary road. County regulations would not allow an access in the location being addressed. Michaels requested clarification as to the hill and project. Supervisor Vermedahl stated that the hill would be shaved off as much as possible and that work should begin in the next month.

Auditor Jill Marlow advised that the State of Iowa would only be funding homestead tax credit at 78% on property taxes payable in 2005/2006. Marlow stated that Iowa law allows the Board of Supervisors to pass on the shortfall to the taxpayers. Moved by Sanders, seconded by Buch, that the shortage in homestead tax credit due to the State of Iowa is to be passed on to the taxpayers. All members voting aye thereon. Motion carried.

The engineer presented quotes on replacing the mechanic's truck, which is a 1-ton cab chassis pickup and new service body

Craig Griffith – Ford F350 - \$18,618.65 with trade-in

Ervin Motor – GMC Sierra 3500 – \$22,756.00 with trade-in

Junge Ford – Ford F350 – \$20,487.00 with trade-in

The engineer recommended that the truck be purchased from Craig Griffith Ford

Moved by Buch, seconded by Sanders, to purchase one Ford F350 from Craig Griffith Ford at a cost of \$23,718.65 less trade-in of \$5,100.00 for a net cost of \$18,618.65. Voting aye were Buch and Sanders. Supervisor Vermedahl abstained citing business conflicts. Motion carried.

The engineer stated that he had only obtained one quote on the service body for the truck and would like to return at a later date for a decision on the service body.

The engineer requested that the supervisors meet Tuesday afternoon to allow his office time to work on budget amendments for FY05. The Board stated that they would stay as late as needed.

Moved by Sanders, seconded by Buch, to approve the following vacation carry-over: Michael G. Ferguson – 40 hours and Jerry N. Michael – 36 hours. Said carry-over is to be used by October 1, 2005. All members voting aye thereon. Motion carried.

Quotes for plugging the wells at the Cedar Valley Ranch and dog pound were received as follows:

Speidel & Sons Well & Pump: \$3,331.00

Midway Well Service: \$2,299.50

Moved by Buch, seconded by Sanders, to award the quote for plugging wells at the Cedar Valley Ranch and the animal shelter (dog pound) to Midway Well Service at a cost not to exceed \$2,299.50. All members voting aye thereon. Motion carried.

Ryan Clemens of Legal Services, Inc. returned to the Board to request that the county allow for solicitation of pre-paid legal expenses through payroll deduction. The county attorney advised that the business was legal; however he believed that some type of disclaimer should be given to the employees advising that the county is not endorsing any attorney. Supervisor Vermedahl stated that if the Board agrees to allow the company to solicit the employees and offer the plan through payroll deduction, that all activities must take place outside of normal work hours and not on county time or property. Thompson expressed that county employees should be aware that the county is not endorsing any attorney. Moved by Sanders, seconded by Buch, to allow Legal Services, Inc. to offer services to county employees through payroll deduction. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, that Legal Services, Inc. cannot allow county employees to use the legal services against Benton County. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-15. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### **RESOLUTION #05-15**

##### **ESTABLISHING REQUIREMENTS FOR ISSUANCE OF FIREWORKS PERMIT**

**WHEREAS:** The Board of Supervisors, Benton County, Iowa, is empowered under the authority of Section 727.2, Code of Iowa, to grant a permit for the display of fireworks, by fair associations, amusement parks, and other organizations or groups of individuals approved by such county board of supervisors when such fireworks display will be handled by a competent operator, and

**WHEREAS:** the Board of Supervisors, Benton County, Iowa, has received several requests for fireworks display permits, and

**WHEREAS:** the Board of Supervisors, Benton County, Iowa, desires to grant permits only when a competent person will be in charge of the fireworks display to provide for the safety of all concerned.

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors, that criteria should be and is HEREBY prescribed for the issuance of permits for the display of fireworks in Benton County, Iowa.

**BE IT FURTHER RESOLVED** that the following definitions be used:

Applicant. The person or group who is applying for the permit.

Board. The Benton County Board of Supervisors.

Fireworks. Any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" shall not include gold star-producing sparkles on wires which contain no magnesium or chlorate or perchlorate, no flitter sparklers in paper tubes that do not exceed one-eighth (1/8) of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.

Operator. A person trained in fireworks safety who will set up and explode the fireworks.

Sponsor. The group paying for or otherwise providing for the fireworks display.

**BE IT FURTHER RESOLVED** that the applicant shall submit an application in writing on the form attached hereto and incorporated herein by reference.

**BE IT FURTHER RESOLVED** that no permit be issued until the chief of the fire department having jurisdiction over the site of the fireworks display has approved the location and fire prevention measures.

**BE IT FURTHER RESOLVED** that no permit be issued unless liability insurance coverage is procured to protect the applicant, sponsor, operator, and the public in an amount be determined by the Board, but in no event less than \$300,000. Benton County shall be listed as an additional insured on the liability policy, as evidenced by a Certificate of Insurance filed with the application for each display.

**BE IT FURTHER RESOLVED** that the applicant and operator be persons of not less than eighteen (18) years of age on the date of the proposed fireworks display.

**BE IT FURTHER RESOLVED** that the operator must meet the following fireworks safety requirement:

- a) Be certified as a Display Fireworks Operator by the Pyrotechnics Guild International, Inc. Such certification involves formal fireworks safety training, passing a fireworks safety test with an 80% rate of accuracy, and working with a guild member on at least three formal fireworks displays; or
- b) Possess a current, valid fireworks license issued by a state of the United States which requires formal safety training similar to that in a) above; or
- c) Demonstrate an equivalent degree of formal fireworks safety training and experience to the satisfaction of the Board.

**BE IT FURTHER RESOLVED** that any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, upon the conclusion of the display, shall make a complete and thorough search for any unexploded fireworks or fuses thereof which have not exploded or functioned.

**BE IT FURTHER RESOLVED** that the Benton County Sheriff or his or her designee may suspend any permit issued pursuant to this resolution should he or she determine that the health, safety, and/or welfare of the public requires the suspension, or should the applicant and/or operator fail to meet or follow the safety qualifications as set out in this resolution.

Dated this 24<sup>th</sup> day of June 2005.

Benton County Board of Supervisors

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

**APPLICATION FOR FIREWORKS PERMITS**

To: Benton County Board of Supervisors, 111 East 4<sup>th</sup> St., Vinton, Iowa 52349

Applicant: \_\_\_\_\_ Phone \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Phone \_\_\_\_\_

Address: \_\_\_\_\_

Date/Time of Display \_\_\_\_\_

Location of Display \_\_\_\_\_

Operator: \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Qualifications of the Operator (proof may be required)

1. \_\_\_\_\_ Fireworks Operator License from another state (attach current copy)
2. \_\_\_\_\_ Pyrotechnics Guild International, Inc. certification (attach current copy)
3. \_\_\_\_\_ Other formal fireworks safety training. Please specify and attach copies of any documents that support your statements:

Certificate of Insurance attached naming Benton County as additional insured: \_\_\_\_\_

Fire Prevention Measures: \_\_\_\_\_

I approve of the location and fire prevention measures for this Fireworks display:

Fire Chief: \_\_\_\_\_ Date \_\_\_\_\_

I hereby affirm that I have read the Benton County Fireworks Permit Resolution #05-; that I understand the Resolution's terms; that no person shall handle or explode Fireworks while under the influence of alcohol, narcotics, or drugs which could adversely affect judgment, movements, or stability; that no persons will set up or explode Fireworks who is not 18 and qualified as set out above or who is not under the direct supervision of the Operator; that the Operator will conduct a thorough search for any unexploded Fireworks or fuses; that any unexploded Fireworks will be stored or disposed of in a safe manner; and that the Sponsor, Operator, and I will follow its terms and the laws of the State of Iowa.

Further, I specifically agree to protect, defend, and hold Benton County, its officers and employees, and the Fire Chief who signs this application harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I am applying.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

The Benton County Board of Supervisors approves this Application on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
Chairman, Benton County Board of Supervisors

cc: Benton County Sheriff's Department

Marv Bartosh met with the Board regarding a fireworks permit. The Board advised that the county now has a permit process and Bartosh meets the requirements; however the permit requires the signature of the local fire chief. Bartosh is to obtain the signature and submit the application on Tuesday for approval.

Terry Johnson of Genesis Development met with the Board to update them on various activities relative to client services. Genesis is currently serving approximately twenty-two clients in supported community living programs in Vinton, and approximately twelve to thirteen clients in the Belle Plaine area. Johnson does not anticipate much change in the current number of clients being served. Johnson told the Board about other areas of the state being served by Genesis and the overall growth plans of the company.

Doug Dunkel met with the Board to discuss the sight hazard at the Oak Grove Church corner due to tree growth and sign placement. Supervisor Sanders stated that once the new Oak Grove Road is completed and that intersection will probably be changed. Dunkel asked that the situation be addressed immediately by moving the signs and cutting the trees back. Supervisors Vermedahl and Buch stated that they would be traveling that road and will review the situation.

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

\_\_\_\_\_  
David H. Vermedahl, ChairmanATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

June 28, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of June 24, 2005. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date for a public hearing on Ordinance #49, amending Ordinance #3, General Relief. Supervisor Vermedahl opened the public hearing. There were two members of the public present. Hearing no comment either for or against the proposed ordinance, Chairman Vermedahl declared the hearing closed. Moved by Buch, seconded by Sanders, to approve the first consideration of Ordinance #49, Amendment to Benton County Ordinance No. #3, Which Prescribes the General Relief Program in Benton County, Iowa. Vermedahl, Buch, and Sanders, vote aye. Nays none. 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 Mardy Dettart, 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 Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately a two acre parcel generally described as being a Part of the NE1/4 of the SE1/4 of 4-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the fireworks permit application submitted by Marvin Bartosh of rural Dysart. Bartosh has submitted the necessary documentation in accordance with Benton County Resolution #05-15. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolutions #05-16, #05-17, #05-18, and #05-19. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION # 05 – 16  
APPROPRIATIONS**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2005, 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.

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, 2005.

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 2005-2006 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 2005-2006 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2006.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 30, 2005, the vote thereon being as follows:

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Resolution #05-17

**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
Midwest One Bank & Trust	
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

Regions 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, 2005.

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

Attest: \_\_\_\_\_

Jill Marlow, Auditor

**RESOLUTION #05-18**

**FY03 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 2005-2006 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, 2005, 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	\$ 115,000.00
General Basic	General Supplemental	\$ 806,000.00
General Basic	Conservation Land Acquisition	\$ 45,000.00
Rural Services Basic	Secondary Road	\$1,350,000.00
Rural Services Basic	Sanitary Disposal	\$ 189,840.00
Sanitary Disposal	Closure/Post Closure	\$ 70,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2005-2006 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.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J"** 51

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 Board of Supervisors of Benton County, Iowa, on June 30, 2005, adopted the above and foregoing resolution.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

## **RESOLUTION #05-19**

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 2006:

Betty Wright, Recorder	
Farmers Savings Bank & Trust – Vinton	\$150,000
Randall Forsyth, Sheriff	
Farmers Savings Bank & Trust – Vinton	\$ 250,000
Randall Forsyth, Sheriff	
US Bank	\$ 1,000
Randall Forsyth, Sheriff	
Regions Bank	\$ 100,000
Jill Marlow, Auditor	
US Bank	\$ 5,000
Myron Parizek	
Benton County State Bank	\$200,000

Signed this 30th day of June, 2005.

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

Attest: \_\_\_\_\_  
Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #05-20. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #05-20**

### **Interfund Transfers and Amending Resolution #04-32**

BE IT RESOLVED by the Benton County Board of Supervisors that \$765.00 be transferred from the General Basic Fund to the CDBG Fund; and

BE IT FURTHER RESOLVED that Resolution #04-32, adopted on June 30, 2004, is hereby amended to reflect that the amount of transfer from Sanitary Disposal to Closure Post Closure is to be \$71,500.00.

Signed this 30th day of June, 2005.

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

Attest: \_\_\_\_\_  
Jill Marlow, Auditor

The Board briefly discussed adopting an ordinance for National Flood Insurance Program. The matter was placed on the August 2, 2005 agenda to allow the Board the opportunity to review material provided to them regarding the program.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-21. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-21  
REPAYING LOAN**

WHEREAS, the Benton County Board of Supervisors authorized a loan in the amount of \$2,500.00 through resolution #05-08 on April 29, 2005 from the General Basic Fund to the Flexible Benefits Fund, and  
WHEREAS, the Board now desires to make a partial repayment to the General Basic Fund,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$2000.00 loaned to the Flexible Benefit Fund from the General Basic Fund be repaid.  
Dated this 28th day of June 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #05-22. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**RESOLUTION #05-22  
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 0002 Function 14100	Fund 0002 Function 15000	\$ 265.00

**SERVICE AREA 3**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0002 Function 32000	Fund 0002 Function 31000	\$ 66.00

**SERVICE AREA 9**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0001 Function 92100	Fund 0002 Function 92100	\$2,810.00
Fund 0001 Function 92100	Fund 0002 Function 92200	\$5,700.00
Fund 0011 Function 92300	Fund 0011 Function 92200	\$ 3.00
Fund 0060 Function 92300	Fund 0060 Function 92100	\$ 37.00

**SERVICE AREA 8**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0029 Function 81100	Fund 0001 Function 81100	\$ 345.00

**SERVICE AREA 6**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0001 Function 61100	Fund 0002 Function 61100	\$638.00

**SERVICE AREA 4**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0010 Function 40410		\$ 218.00
Fund 0010 Function 40420		\$13,930.00
Fund 0010 Function 40430		\$ 6,161.00
Fund 0010 Function 40440		\$ 1,988.00
Fund 0010 Function 40730		\$12,675.00
Fund 0010 Function 41120		\$ 394.00
Fund 0010 Function 41210		\$ 1,282.00
Fund 0010 Function 41220		\$ 807.00
Fund 0010 Function 41330		\$ 350.00
Fund 0010 Function 41420		\$ 624.00
Fund 0010 Function 41430		\$ 173.00
Fund 0010 Function 41630		\$ 3,994.00
Fund 0010 Function 41640		\$ 2,111.00
Fund 0010 Function 41650		\$ 3,065.00

Fund 0010 Function 42120	\$ 394.00
Fund 0010 Function 42640	\$ 37,273.00
Fund 0010 Function 42720	\$ 12,574.00
Fund 0010 Function 43120	\$ 394.00
Fund 0010 Function 43320	\$ 2,192.00
Fund 0010 Function 44500	\$ 204.00
Fund 0010 Function 41320	\$ 2,338.00
Fund 0010 Function 42320	\$ 61,400.00
Fund 0010 Function 42310	\$ 17,063.00
Fund 0010 Function 41710	\$ 20,002.00

**SERVICE AREA 7**

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0020 Function 70000	Fund 0020 Function 71100	\$ 6,000.00
Fund 0020 Function 70100	Fund 0020 Function 71100	\$ 3,000.00
Fund 0020 Function 71000	Fund 0020 Function 71100	\$53,000.00
Fund 0020 Function 71200	Fund 0020 Function 71100	\$60,000.00
Fund 0020 Function 71400	Fund 0020 Function 71100	\$24,000.00
Fund 0020 Function 71400	Fund 0020 Function 72100	\$ 2,000.00
Fund 0020 Function 72000	Fund 0020 Function 72100	\$39,000.00
Fund 0020 Function 72200	Fund 0020 Function 72100	\$13,000.00
Fund 0020 Function 72300	Fund 0020 Function 72100	\$88,000.00

Dated this 28th day of June 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Representatives of Abbe Center met with the Board to review mental health services being provided to Benton County residents. Cindy Kaestner, Director of the Abbe Center, presented statistics showing the number of persons served and the costs to maintain an office in Vinton and Belle Plaine. Kaestner stated that the Abbe Center is able to maintain offices in Benton County due to the continued block grant provided by Benton County.

Moved by Sanders, seconded by Buch, to approve contracts with the following providers for client services in FY06. Said contracts are effective July 1, 2005 through June 30, 2006 unless otherwise noted. All members voting aye thereon. Motion carried.

Systems Unlimited - \$136.74/day for residential care facility services

REA, Inc. - no cost increase from FY05 - day program services

Reach for Your Potential - \$63.36/day for work activity services and \$25.09/hour for supported community living services

ASAC - \$34.18/day for substance abuse residential post hearing

Mercy Hospital - \$405/day for pre-hearing related to commitment services and \$445/day for post-hearing services related to commitments

Abbe Center for Community Mental Health - \$200,000 for modified fee for service grant for mental health services

Goodwill Industries/Iowa City - \$16.09/1/2 day for sheltered workshop services, \$35.00/1/2 day work activity group services 1:2-5, \$31.99/hour for work activity individual services 1:1, \$46.17/hour for supported employment services, \$47.75/hour for supported community living services, \$11.40/hour for enclave services

Prairie View Management, Inc. - \$72.75/day for residential care facility (6 month contract only) and \$34.00/hour for supported community living services

Nancy Farmer and Nancy Beckman met with the Board regarding the contracting of a Decat Coordinator. County Attorney David Thompson advised that the independent contractor has procured the necessary insurance. Thompson also stated that Benton County would need to have changes in the contract regarding the payment section (4.2), the insurance section (7.0) and the indemnification section (6.0) of the proposed contract.

Chairman Vermedahl requested that the Board take action on Client Authorization to Bind Coverage and Client Confirmation of Schedule and Exposures to provide insurance coverage for Benton County effective July 1, 2005. This item was not on the agenda due to failure of the insurance company to provide timely information; however it is necessary in order for Benton County to have insurance coverage on July 1<sup>st</sup>. Moved by Buch, seconded Sanders, by to authorize the chair to sign the Heartland Insurance Risk Pool's Client Authorization to Bind Coverage and Client Confirmation of Schedule and Exposures. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

July 1, 2005

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

The time of 9:00 a.m. having arrived, and this being the time and date for a public hearing on Ordinance #49, amending Ordinance #3, General Relief. Supervisor Vermedahl opened the public hearing. No members of the public were present. Auditor Jill Marlow questioned the provision in the amendment that treatment had to be ordered by a local Benton County physician, stating that in an accident situation a patient would be transported to the nearest medical facility, which may or may not be in Benton County. Marlow questioned if an otherwise qualified individual would be denied service if they were treated in another county under those circumstances. Social Services Director Mary Williams stated that the ordinance would state that treatment had to be ordered by a Benton County physician and therefore the individual would not be eligible for services. Marlow questioned that was the intention of the Board. After discussing the matter, it was determined that the wording should be modified to allow for services outside of Benton County when necessary. Moved by Sanders, seconded by Buch, to modify the proposed ordinance by deleting the language, "local Benton County physician" and in lieu thereof add, "licensed medical or dental provider". Further the ordinance is modified with the addition of "**SECTION 2. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law." Voting aye on the motion to modify the proposed ordinance was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Hearing no comment either for or against the modified proposed ordinance, Chairman Vermedahl declared the hearing closed. Moved by Sanders, seconded by Buch, to approve the second consideration of Ordinance #49, Amendment to Benton County Ordinance No. #3, Which Prescribes the General Relief Program in Benton County, Iowa, as modified. Vermedahl, Buch, and Sanders, vote aye. Nays none. Motion carried.

The Board then discussed waiving the third consideration of Ordinance #49. It was stated that due to legislative changes that went to effect on this date, and the financial liability that will be placed on Benton County if Ordinance #3 is not amended and an event occurs, that time is of the essence in adopting Ordinance #49. Further, there has not been any public input regarding Ordinance #49 at the first or second consideration. Fully discussing the waiving of the third consideration, it was moved by Buch, seconded by Sanders, to waive the third consideration of Ordinance #49, Amendment to Benton County Ordinance No.3 for the reasons discussed. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-23. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### **RESOLUTION #05-23**

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance #49 Amendment to Benton County Ordinance No. 3, and  
WHEREAS, the Benton County Board of Supervisors has held two public hearings on the proposed ordinance, and  
WHEREAS, the Board believes that it would be in the best interest of Benton County to adopt the ordinance amending Ordinance #3 due to financial liability to Benton County,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #49, amending Ordinance No. 3 should be and is hereby adopted. The auditor is directed to make publication in accordance with Iowa law.

Dated this 1<sup>st</sup> day of July 2005

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Gary Fordice, Executive Director of Benton County Conservation, advised the Board that he overspent his FY05 budget by \$21.22. Fordice explained that the budget was exceeded due to bad checks being returned. Iowa law prohibits a department head to authorize an expenditure that exceeds an appropriation.

Dave Henkel, Chairman of the Benton County Conservation Board, updated the supervisors on the recent land purchase made by Benton County Conservation. The conservation board purchased approximately forty acres adjacent to Hannen Lake at a total cost of \$135,000.00. Henkel explained that the immediate purchase was made possible through an agreement with the Iowa Natural Heritage Foundation (the Foundation) through an Unconditional Purchase Agreement signed by Henkel on June 10, 2005. The Foundation purchased the property with the understanding that Benton County would purchase the property from them. Henkel explained that the conservation board would utilize approximately \$23,000.00 that is currently in the Environmental Project Fund, the Conservation Land Acquisition Fund, and money available through the Benton County Conservation Foundation, and various grant applications. However, the agreement with the Iowa Natural Heritage Foundation required that payment be made by July 1, 2006, or in the alternative that a real estate loan is entered into between Benton County and the Iowa Natural Heritage Foundation, which would provide for annual payments until July 1, 2010. However, Henkel could not provide definitive funding arrangements. The agreement also requires approval by the Board of Supervisors. Supervisor Vermedahl stated that Henkel would have to return to the Board with a detailed plan of how the purchase would be funded before the Board could provide approval. Henkel agreed to return with the requested information. Supervisor Sanders commented that he believed that the purchase was not handled in proper manner stating that decisions and commitments were made without first obtaining the proper approvals. Sanders stated that the conservation board would have had time to discuss the purchase with the supervisors prior to entering into any purchase agreement, that action had been taken without prior authority being obtained, and that care should be taken in the future to ensure that proper meetings are held before decisions and contracts are entered into.

Moved by Sanders, seconded by Buch, to approve the recorder's quarterly report for the period ending March 31, 2005, and the auditor's and sheriff's quarterly reports for the period ending June 30, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a utility permit requested by Qwest to place utility lines in the county's right-of-way in Jackson Township along 59<sup>th</sup> Street. All members voting aye thereon. Motion carried.

The engineer presented quotes for a service/utility box for a truck at secondary roads as follows:

Stuber Truck - \$8,988.20

Future Line - \$7,213.52

Cortez - \$8,416.00

Moved by Buch, seconded by Sanders, to purchase a service/utility box from Future Line at a price of \$7,213.52. All members voting aye thereon. Motion carried.

The engineer recommended that the county purchase a used Gradall 4100 ditch digger. The equipment has 105 hours of use and is priced at \$238,845.00. Having fully discussed the matter, it was moved by Buch, seconded by Sanders, to authorize the engineer to purchase the used Gradall 4100 at a price of \$238,845.00. All members voting aye thereon. Motion carried.

Tammy Wetgen-Kefterson met with the Board regarding contract services as a decategorization (Decat) coordinator. Wetgen-Kefterson has been the coordinator for the Decat Board through the State, however due to funding changes it was necessary to contract through the county. The county attorney presented a contract for the Board and Wetgen-Kefterson's consideration. At this time, Benton County has not received a contract from the State, which sets forth the funding for the position, and therefore no action on the contract with Wetgen-Kefterson was taken.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

July 5, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of June 28, 2005, and July 1, 2005. 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 Karl Korff and Ken Halstead, 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 land 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, and generally described as being a Part of the N1/2 of the SE1/4 of the NW1/4 of 26-82-1 (Leroy Township). All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill bank account on June 30, 2005 was \$2,688.43.

The county engineer spoke with the Board regarding implementation of a fee for electronic waste. The engineer explained that Midwest Electronic Recovery would pickup electronic waste collected at the landfill at various prices. The engineer questioned if the supervisors wanted to pass the cost on to county residents and businesses. The engineer advised that currently commercial business is not allowed to landfill electronic waste; however private individuals are still allowed. Supervisor Buch stated that the county should prohibit land filling electronic waste and all board members agreed that the county's recycling ordinance should be amended to require that all electronic waste be recycled. After fully discussing the issues concerning electronic waste and recycling, it was moved by Buch, seconded by Sanders, that the following fees be established for electronic waste brought to the Benton County landfill, said fees being the same as those being charged to Benton County for disposal of the waste. The fees are effective August 1, 2005. Buch and Sanders voting aye. Vermedahl voting nay stating that if the county charged more then people would take the waste directly to the recycler instead of the county being involved. Motion carried.

Computer Monitors: \$7.00

Televisions under 19" - \$8.00

Televisions 19" and over - \$15.00

Large console televisions - \$20.00

Desktop printers/fax/copiers - \$3.00

Large printers/fax/copiers - \$15.00 (on casters)

All prices are on a per item basis.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

July 8, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 5, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 32 hours of vacation carry-over requested by Rick Bramow and 16 hours of vacation carry-over requested by Dennis Thompson. Said carry-over is to be used no later than October 1, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #05-24. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

**RESOLUTION #05-24**

**Amending Resolution #05-10**

IT IS HEREBY RESOLVED that Resolution #05-10 adopted on May 17, 2005, is hereby amended as follows:

The first paragraph is stricken and replaced as follows:

"WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed Ordinance #48 Quarantine & Isolation, and"

All other parts of the resolution adopted on May 17, 2005, are to remain in full force and effect.

Dated this 8th day of July 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl

\_\_\_\_\_  
Ron Buch

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

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Vermedahl, to approve the Veteran's Quarterly Report for the period ending June 30, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Vinton Cruise Committee's request to use the courthouse lawn on July 16, 2005. 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 Andrew Kuehl, 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 and approve a land use change on approximately a two acre parcel generally described as being a Part of the NE1/4 of the NW1/4 of 7-83-9 (Fremont Township) for a single residential use. All members voting aye thereon. Motion carried.

The Board discussed changing the current policy limiting the number of terms an individual can serve on the health board and conservation board. The Board questioned the auditor as to why the policy was adopted originally. The auditor responded that an incident happened where a board member was not re-appointed and there was much discussion surrounding the matter. The Board believed at the time that new appointees would bring new ideas to the boards and that by establishing term limits new people were more likely to be appointed. Supervisor Vermedahl stated that the term limits reduced the Board's ability in whom they appointed. The Board delayed action on the matter until they could speak with members of the Board of Supervisors who enacted the policy.

Moved by Buch, seconded by Vermedahl, to approve the following provider contracts for client services for

FY06:

Cedar Centre: Initial Evaluation - \$236.00; Medical Testimony - \$100.00; Daily care - \$75.00/1/4 hour and \$111.00/1/2 hour; Discharge plan - none

Associated for Behavioral Health - Initial Evaluation - \$150.00; Medical Testimony - \$160.00; Daily Care - \$50.00/hour; Discharge Plan - \$100.00

Cedar Rapids Psychiatry - Initial Evaluation - \$150.00; Medical Testimony - \$100.00; Daily Care - \$50.00/hour; Discharge Plan - none

Mercy Psychiatry Clinic - Initial Evaluation - \$155.00; Medical Testimony - \$100.00; Daily Care - \$50.00/hour; Discharge Plan - \$160.00

Goodwill Industries/Cedar Rapids - Work Activity - \$27.46/1/2 day; Sheltered Work - \$13.97/1/2 day; Supported Community Living - \$46.89; Supported employment - \$52.26/hour; Job Placement - \$52.26/hour; Enclave - \$10.73/hour Echo Plus - Work activity - \$26.47/day

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into the Iowa Department of Human Services Letter of Agreement providing activities, which include administration and coordination of Decategorization programming for the Benton/Iowa Decategorization Project. The term of the agreement is July 15, 2005 through June 30, 2006. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into an Agreement between Benton County and Tammy Wetjen-Kesterson for the period beginning July 15, 2005 through June 30, 2006, providing for independent contractor services relative to the Decategorization Project for Benton/Iowa. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set July 29, 2005 at 10:30 a.m., as the time and date for a public hearing on changing the road classification from B to C on 56<sup>th</sup> Street between V37 and 11<sup>th</sup> Avenue. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to defer approval of the Integrated Roadside Vegetation Management Plan update until the Roadside Vegetation Inventory is received. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

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

Jill Marlow, Auditor

July 12, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 8, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 74404 through 75029, for payment. Both members voting aye thereon. Motion carried.

John Nietupski representing Grantwood Area Education Agency met with the Board to discuss a plan for emergency response and crisis management for schools. Grantwood is applying for a grant to assist with developing of a



plan to ensure that all school districts and school buildings in Benton County be prepared to respond and recover from crises affecting schools. Nietupski requested Benton County's support in the development of the plan be entering into a Memorandum of Understanding with Grantwood. Moved by Buch, seconded by Vermedahl, to adopt Resolution #05-25. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

**RESOLUTION #05-25**

WHEREAS, the Benton County Board of Supervisors supports efforts to promote emergency response and crisis management in Benton County; and  
WHEREAS, Grantwood Area Education Agency is developing a plan to assist school buildings and school districts to respond to emergencies and crises,  
NOW THEREFORE BE IT RESOLVED that Benton County enter into a Memorandum of Understanding with Benton Grant Wood Area Education Agency.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

**MEMORANDUM OF UNDERSTANDING**

**Between Grant Wood Area Education Agency**

**And**

**The Benton County Board of Supervisors, Representing Local Government Interests**

**PURPOSE:**

Grant Wood Area Education Agency (Grant Wood) desires to improve and strengthen emergency response and crisis management plans in Benton County, at the district and school-building level by addressing the four phases of crisis planning: Prevention/Mitigation, Preparedness, Response, and Recovery. Therefore, Grant Wood proposes to work in partnership with Kirkwood Community College's National Community and Training Response Center, Benton County law enforcement, public safety, public health, mental health, and County officials to submit a proposal to the US Department of Education, Office of Safe and Drug-Free Schools Emergency Response and Crisis Management grant competition (CFDA 84.184). The title of this proposed project is the ***PROactive Emergency Planning*** (PREP) Project. The purpose of this MOU is to demonstrate the roles, responsibilities, support, and commitment of each of the Partners, and if funded provide the framework for implementing the Project.

**The PREP Project goal** is to ensure that all school districts and school buildings within Benton County are prepared to respond and recover from crises, including domestic or international acts of terror, technological or natural disasters. This goal will be achieved through Grant Wood AEA, districts and community partners working together to strengthen and improve district and building emergency response/crisis management (ER/CM) plans. The school districts involved in the PREP Project that serve residents of Benton County include: Belle Plaine, Benton Community, and Vinton-Shellsburg.

**ROLES AND RESPONSIBILITIES:**

Parties to this MOU agree jointly that if the PREP Project is funded their role is to represent the interests of their government, department, or agency and there responsibilities are as follows:

- 1) Assign personnel to represent the interests of there respective government, agency, or department.
- 2) Receive and review district ER/CM plans.
- 3) Offer recommendations for plan improvement.
- 4) Assist in staff training related to our respective areas of expertise.
- 5) Work with districts to implement the RR/CM plans in the event of an emergency.
- 6) Enter into a more formal 28E Memorandum of Agreement if needed or required if the PREP Project is funded.

**DURATION:**

This MOU becomes effective after all PREP Project Partners have signed their respective MOUs and the US Department of Education, Office of Safe and Drug-Free Schools, has awarded funding for the PREP Project. This MOU will expire on March 31, 2007 unless otherwise amended.

**PROCEDURES FOR AMENDING**

This MOU may be amended at the request of any of the Parties to Grant Wood AEA and as approved by the Parties signing this specific MOU.

**PARTIES:**

The following are the commitment parties to this MOU for Benton County:

Signature		Date
Name: Ronald Fielder	Title: Chief Administrator	Representing the Interest of Grant Wood AEA

Signature		Date
Name	Title	Representing the Interest of The Benton County Board of Supervisors

Moved by Buch, seconded by Vermedahl, to approve the hire of Dennis Parizek as a part-time driver with Benton County Transportation, effective July 12, 2005, at a training wage of \$9.00 per hour. Upon successful completion of the training, background investigations, and obtaining all necessary licenses, the hourly wage will increase to \$9.84. Both 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 27<sup>th</sup> Avenue Drive in section 35 of Harrison Township. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Brian Hartz from Benton County, effective June 22, 2005. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

July 15, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 12, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set August 9, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Rebecca Rojohn on a parcel located in the NW1/4 of the NE1/4 of 10-85-10. Both members voting aye thereon. Motion carried.

Dandeena Schadle met with the Board to seek permission to use the courthouse lawn on July 16, 2005, from approximately 3:00 p.m. to 8:00 p.m. to do face painting. Supervisor Vermedahl stated that the county has already given permission to the Vinton Cruise Committee to use the courthouse lawn during that time and date. Schadle advised that she had contacted the Vinton Cruise Committee about setting up her business; however they charged a \$75.00 vendor fee. Supervisor Vermedahl commented that the Cruise Committee provides scholarships for area youth, and they incur expenses advertising and attracting people to the event. Supervisor Vermedahl stated that the Cruise Committee has charged for vendors for years and that the county should support the Cruise Committee and not allow vendors to circumvent them by coming to the Board of Supervisors. Schadle stated that she has operated at various events and usually pays 10% of her profits. Schadle stated that she offered to pay that amount to the Cruise Committee however they would not waive the \$75.00 fee. Supervisor Buch stated that the organization that sponsors the 4<sup>th</sup> of July events in Belle Plaine charges a fee for vendors and that it was much higher than 10%, and the amount charged should be up to the Cruise Committee. Supervisor Buch added that it was his position that the county should support the Cruise Committee in this matter.

Moved by Buch, seconded by Vermedahl, to approve a \$500.00 increase in the cost to close the well at the Cedar Valley Ranch. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Kent Stufflebeam to the Courthouse 100<sup>th</sup> Anniversary Committee. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the treasurer's semi-annual report for the period ending June 30, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the engineer to sign the necessary documents relative to the resignation of Brian Hartz. Both 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 61<sup>st</sup> Street Trail in section 32 of Benton Township. Both members voting aye thereon. Motion carried.

The county engineer advised that he continues to work on the Oak Grove Road project. He spoke with a property owner that was planning to build a home and wanted to insure that the road would not interfere with his plans; however changing the road alignment may have significant increased costs to the county.

Mary Halstead updated the Board that she was getting a bus through East Central Iowa Council of Governments to replace the one totaled in an accident. The bus has a diesel engine and Halstead questioned if secondary roads would be available to do maintenance on it. The engineer stated that they do some diesel work and that she should speak with his shop foreman. Halstead also said that her newly hired employee should have the necessary licenses by the end of next week.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

July 26, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 15, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 75030 through 75416, for payment. All members voting aye thereon. Motion carried.

Dick Fredericks did not come to the board meeting to discuss the fence issue with Beau Chene Estates.

Conservation Director Gary Fordice updated the Board on activities in the conservation department. Fordice reported that the conservation board approved vacation carry-over of 50.5 hours for Everett Leonard. The conservation board has been discussing the need for an office for Karen Phelps. Corine Kimm has resigned as chairman of the Benton County Conservation Foundation. They are working on a Wildlife Habitat Grant for the land purchased next to Hannen Park.

Moved by Sanders, seconded by Buch to approve Resolution #05-26. Vermedahl, Sanders, and Buch all ayes. Nays none. Motioned carried.

**RESOLUTION #05-26**

**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, 2003, 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.

***MH-DD Fund***

07/02/2002	#44951	\$151.20	Nelson Law Office
		\$151.20	

***Secondary Roads Fund***

03/01/2003	#51712	\$313.50	Cedar Valley Freightline
		\$313.50	

**Grand Total:**

**\$4**

This resolution adopted on the 26<sup>h</sup> day of July, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Ronald Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to approve a utility permit for Keystone Communications to place utility lines in the county's right-of-way in Section 30 of Kane Township along 11<sup>th</sup> Avenue and Sections 2 & 11 of Kane Township along 69<sup>th</sup> Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 31.5 hours of vacation carryover for Nick Rissman to be used by October 1<sup>st</sup>, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to approve the transfer of Rut Money back to the City of Luzerne to cover the cost of electricity for their street lights with two payments of \$630.00 each. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to accept the resignation of Becky Jo Nisius effective July 29, 2005 from Benton County Social Services. All members voting aye thereon. Motion carried.

John Mitchell came to talk to the Board and County Engineer Myron Parizek under the public interest comments portion of the agenda. Mitchell wanted to complain about 32<sup>nd</sup> Avenue south of Shellsburg to Highway 30.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Hayley Rippel, Deputy Auditor

July 29, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 26, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge hiring of Vicky Schwenker starting July 25, 2005 with a salary of \$22,337.00 per year. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Section 26 of Leroy Township along 20<sup>th</sup> Avenue. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve Resolution #05-27. Vermedahl, Sanders, and Buch voting aye. Nays none. Motioned carried.

RESOLUTION #05-27

**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>BG-4830</u>	<b>20 ton</b> 0.3 miles east of the N¼ corner of section 23-84-11 (Big Grove Township) on 65 <sup>th</sup> Street
<u>FL-4710</u>	<b>20 ton</b> 0.2 miles east of the N¼ corner of section 11-82-9 (Florence Township) on 75 <sup>th</sup> Street

Signed this 29<sup>th</sup> day of July 2005.

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Jason D. Sanders

\_\_\_\_\_  
Ronald R. Buch

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

Delane Kalina, Deputy Auditor

The time of 10:30 a.m. having arrived, and this being the time and date for the public hearing for Level B Road classification of 56<sup>th</sup> Street in Monroe Township to Level C Road, the Board proceeded with the hearing. Landowners Jean Staveley, Rick Staveley, David Crees, Arthur Schrader, Phyllis Schrader, and County Engineer Myron Parizek were present. All land owners favored putting gates on road.

Moved by Vermedahl, seconded by Buch, to close the public hearing at 10:43 a.m. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to approve Resolution #05-28. Vermedahl, Sanders, and Buch voting aye. Nays none. Motion carried.

RESOLUTION #05-28

**WHEREAS**: Benton County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier, and

**WHEREAS**: The County, after consultation with the County Engineer, has the authority to specify certain road within the County as Area Service "C" roads, pursuant to Iowa Code section 309.57, and

**WHEREAS**: The County is requesting that the following road be classified as an Area Service "C" road:

\_\_\_\_\_  
All of the road, 56<sup>th</sup> Street, commencing 50 feet east of the E. ROW line of the Public Roadway  
along Co Route V37 (near the NW corner of Sec. 6, T85N, R12W); thence running east to 100  
feet west of the W. ROW line of the Public Roadway along 11<sup>th</sup> Avenue (near the NE corner  
of Sec. 6, T85N, R12W). A total road length of approximately 1.0 mile.  
\_\_\_\_\_

**WHEREAS**: The maintenance on all Area Service "C" roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed.
3. Bridges. Bridges on Area Service "C" roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained as on a regular road.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service "C" roads.
7. Shoulders. Shoulders will not be maintained.
8. Crown. A crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspection will not be conducted.
12. The gate shall be purchased and installed by the County and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

**WHEREAS**: The only persons who will have access right to the road shall be:

1. The Owner, lessee, or person in lawful possession of any adjoining land.
2. The agent or employee of the owner, lessee or person in lawful possession of any adjoining land.
3. Any peace officer.
4. Any magistrate.
5. Any public employee whose duty it is to supervise the use or perform maintenance of the road.

6. Any agent or employee of any utility located upon the road.

**THEREFORE BE IT RESOLVED** By The Board of Supervisors of Benton County that this County does hereby establish the road described above as an Area Service "C" road, with restricted access and a minimal level of maintenance.

Signed this 29<sup>th</sup> day of July, 2005

\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Jason Sanders

\_\_\_\_\_  
Ronald Buch

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

August 2, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 29, 2005. All members voting aye thereon. Motion carried.

Mary McLaughlin met with the Board to request a \$6,500.00 amendment to the FY06 Data Processing budget. McLaughlin reminded the Board that she had spoken with them earlier in the year and was returning to insure that any budget amendment would include her department. The Board agreed to include an amendment of \$6,500.00 to her budget when the FY06 budget is amended.

Marc Greenlee presented a farm exemption application submitted by Rick Osterkamp on Parcel D located in Sections 2-85-9 and 11-85-9. The parcel contains 30 acres and the applicant states that 22 acres or more will be used for the commercial production of hay. Greenlee advised that the application meets the requirements set forth in the county's ordinance for granting a farm exemption. Moved by Buch, seconded by Sanders, to approve a farm exemption on Parcel D located in Sections 2-85-9 and 11-85-9 as allowed under the Benton County Agricultural Land Use Preservation Ordinance as the applicant is actively engaged in a farming activity. All members voting aye thereon. Motion carried.

Marc Greenlee and David Thompson met with the Board regarding the status of the zoning commission's review of the county's comprehensive plan. Greenlee stated that the commission is having trouble getting a quorum to attend the meetings; however those members in attendance have been reviewing a LESA (Land Evaluation & Site Assessment) program. Greenlee added that the last five or six meetings of the zoning commission have not had a quorum attend and questioned if the commission should continue to formulate policy direction in the absence of a quorum. Greenlee stated that no minutes are taken at the meetings since a quorum is not present. Greenlee asked if a legal issue could arise since the policy is being formulated without a quorum. Greenlee stated that no action is taken, but discussion is held that results in amendments being made to the document for review at the next meeting. Greenlee consulted with Chad Sands, a consultant with East Central Iowa Council of Governments (ECICOG), who has stated that a quorum is not needed until the final recommendation of the plan is adopted. The county attorney advised that any meeting where there is not a quorum and direction is being given to ECICOG is a violation of the open meetings law. If a quorum is not present then discussion should not be held on matters that should be held before the commission. The fact that no motions are being made and no minutes are being taken is inappropriate. Greenlee questioned if commission members are losing interest or if the summer months are causing the lack of attendance. Greenlee stated that his office has even tried telephoning members prior to the meeting to remind them and yet some members still do not attend. ECICOG is sending material to each member prior to the meeting, again stating the date, and still there is not full attendance. Greenlee suggested that members be contacted about their interest in remaining on the commission. The Board agreed that the members should be contacted and asked about their continued interest in the commission and Supervisor Vermedahl agreed to draft a letter to the commission members. Greenlee went on to state that the LESA system would be a dramatic change from the current land use policy. Greenlee stated that Sands advised that the land use ordinance would be abolished; however, Greenlee stated that an ordinance must be in place in order to implement the new LESA system provided that is the direction ultimately taken. Greenlee stated that LESA may not allow someone to build a home in a wooded area at the end of a gravel road where current policy may allow it. Greenlee further stated that their will be an expectation that he perform courtesy reviews and crunch the LESA numbers and if those reviews are done will the Board charge a fee for that service. The Board discussed the use of the LESA system with differing views being stated as to whether a LESA system should be implemented. The auditor suggested that if the Board did not intend to entertain adoption of a LESA system that the commission should be notified due to the costs being incurred by the county for consultant fees. Greenlee stated that he has applied the LESA system to random areas throughout the county and has found that some past approved land use changes would not have been approved through LESA while others would. Questions have been raised as to how the comprehensive plan and the LESA system will be implemented.

In other business, Marc Greenlee requested that the Board consider compensating him monetarily for overtime work. Greenlee stated that he does get time off; however his regular workday is 9-1/2 hours long as he is at work from 6:30 a.m. and 4:30 p.m. every day. Greenlee stated that other employees take time off to compensate when they are required to put in extra time, but he is not able to. Greenlee added that he does call in and check his voice mail on days

he is not in the office and attends meetings outside of those hours. Vermedahl stated that Greenlee is considered to be in a professional position and that he was hired to do a job and whatever time is required to do the job then that is what is necessary. County Attorney Thompson stated that employees in the sheriff's office are provided overtime pay and do not perform any extra duties. Supervisor Sanders stated that he agreed with Supervisor Vermedahl in that Greenlee was hired to do a job. Thompson asked Supervisor Sanders if he would have a problem with Greenlee coming in at 10:00 a.m. and Sanders responded that if the job is getting done then he did not have a problem with those hours. Thompson stated that Greenlee has been putting in a lot of additional time due to the comprehensive plan being reviewed and that Greenlee's office is under a lot of stress due to the type of work and involvement with the public. The Board did not take any action on Greenlee's request.

The county auditor explained to the Board that the Internal Revenue Service changed its rules regarding flexible spending accounts. Previously, an employee had to incur medical and/or childcare expenses prior to January 1<sup>st</sup> of the following year for those expenses to be eligible for reimbursement through a flexible spending account. The new rules allow the employer to amend the Section 125 Plan (flexible spending accounts) and allow employees to incur expenses through March 15<sup>th</sup> of the following year. Marlow explained the drawbacks and the advantages of amending the county's plan. After hearing all discussion, it was moved by Sanders, seconded by Buch, to adopt Resolution #05-29. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #05-29  
PLAN AMENDMENT TO BENTON COUNTY  
125 FLEXIBLE BENEFITS PLAN DOCUMENT  
(Plan language change effective January 1, 2005)

BE IT RESOLVED by the Benton County Board of Supervisors, that the Benton County 125 Flexible Benefits Plan Document be amended as allowed under the Internal Revenue Service regulations as follows:

Flexible Unreimbursed Medical Expense Plan

Benefits Under 125 Flexible Benefits Plan

**2. Amount of Benefit**

- (a) The total Health care costs paid by the participant and attributable to health services rendered during the plan year or grace period must not extend beyond the fifteenth day of the third month following close of plan year and regardless of whether such costs are paid by the participant during such plan year.

(b)

- 8. Flexible Spending Account Annual Amount.** The participant will not be entitled to receive any direct or indirect payment of any amount that represents the difference between the actual Flexible Spending Account Expenses that they have incurred and the annual coverage level that was elected and paid for. Any unused Flexible Spending Account funds from the previous Plan year may be carried forward and used within the two and a half month grace period. All requests for Flexible reimbursement in the following Plan year will be applied toward the unused carried over portion before being charged against your current year allocation. The participant will forfeit any amount allocated to the Flexible Spending Account if that amount has not been applied to the Flexible Spending account for any Plan Year by the end of the 90 day run out period following the end of the plan year for which the election was made.

***Dependent Care Expense***

Benefits Under 125 Flexible Benefits Plan

**2. Amount of Benefit**

- (a) The total child and dependent care costs paid by the participant and attributable to child and dependent care services rendered during that plan year or grace period must not extend beyond the fifteenth day of the third month following close of plan year and regardless of whether such costs are paid by the participant during such plan year.

- 7. Dependent Care Annual Amount.** The participant will not be entitled to receive any direct or indirect payment of any amount that represents the difference between the actual Dependent Care Expenses they have incurred and the annual coverage level that was elected and paid for. Any unused Dependent Care Account funds from the previous Plan year may be carried forward and used within the two and a half month grace period. All requests for Dependent Care reimbursement in the following Plan year will be applied toward the unused carried over portion before being charged against your current year allocation. The participant will forfeit any amount allocated to the Dependent Care Assistance Plan if that amount has not been applied to the Dependent Care Account for any Plan Year by the end of the 90 day run out period following the end of the plan year for which the election was made.

BE IT FURTHER RESOLVED that claims eligible for reimbursement under the plan amendment shall be received by the county's third party administrator no later than June 30<sup>th</sup> of the new year for consideration. Claims received by the TPA after June 30<sup>th</sup> for reimbursement for claims paid under this amendment shall not be considered.

Dated this 2<sup>nd</sup> day of August 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

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

\_\_\_\_\_  
David H. Vermedahl, ChairmanAttest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

August 9, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 2, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 75417 through 75784, 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 Rebecca Rojohn, 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 on approximately two acres in Taylor Township. The house had been removed approximately fifteen years ago. 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 10-85-10 (Taylor Township) for a single residential use. All members voting aye thereon. Motion carried.

Mary Williams asked the Board about joining the NACO prescription drug plan. The program has been a pilot program in various counties and provides for discount drugs for residents of Benton County that do not have prescription drug insurance. There is no cost to the county or to the participants. The Board requested that Williams look further into the program

Moved by Buch, seconded by Vermedahl, to enter into a contract with Hillside Estates for residential care facility services at \$65.07 per day, effective July 1, 2005 through June 30, 2006. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Benton County Integrated Roadside Vegetation Management General Plan. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Sharon Stueck from the recorder's office effective September 30, 2005. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Iowa Telecom to place utility lines in the county's right-of-way in sections 3 and 4 of Harrison Township under 25<sup>th</sup> Avenue and 50<sup>th</sup> Street Drive. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on July 31, 2005 was \$7,597.52.

John Mitchell met with the Board regarding various issues. Mitchell commented about the large rock being put on the gravel roads (74<sup>th</sup> Street between 31<sup>st</sup> & 32<sup>nd</sup> Avenue). Mitchell advised that he spoke with the hauler, who stated that one-inch rock is being spread. Mitchell questioned why that large size of rock was being used, adding stated that at 1:00 a.m. after the rock was applied, nine cars of kids were on the road spinning donuts, etc., with one car ending up in the ditch. Mitchell stated that the size of rock invites that type of activity. Vermedahl questioned if law enforcement had been contacted regarding the incident and Mitchell responded that he did not witness the activity, but someone else reported it to him. However, Mitchell did not believe that law enforcement had been contacted. Mitchell continued commenting that the next day the road was graded and that a large ridge was left across the middle of the intersection causing a local farmer to push the rock with his tractor in an effort to fill in the ridge. Mitchell stated that he then took his harrowgator down the road and leveled the road all out including the intersection. Mitchell stated that yesterday (August 8, 2005), the grader came and graded the intersection again and again left a large ridge. Mitchell stated that he has driven all over the county and found that other areas are not graded the same way. Mitchell stated that there is a dirt road that is used as a playpen by the grader, adding that the county doesn't even own the road. Mitchell stated that he believes that it is the theory of the maintainer operator that because there are stop signs, that he can make intersections anyway he wants. Mitchell questioned why he had to put up with the conditions of the roads in his area. Mitchell asked about the cost of resurfacing the Shellsburg road and stated Highway 201 needed resurfaced more than the Shellsburg and Atkins roads. Mitchell questioned why the grader operator was in an area that resulted in the sheriff's office being contacted. Mitchell continued that the road grader went down into the ditch and sloped it by bringing dirt up onto the road surface making the gravel road into a mud road. Mitchell stated that approximately twenty phone calls were made to engineer's office regarding the matter. Mitchell questioned why asphalt wasn't extended at the intersections to improve the access onto the highway when the roadway is being resurfaced. The engineer reported that he looked into the cost and it wasn't feasible. Supervisor Vermedahl stated that he would drive the area with Mitchell on Friday; however Mitchell stated that he did not want Vermedahl to tour the roads without the other two supervisors present. The Board agreed to tour the roads on Monday, August 22, 2005.

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

\_\_\_\_\_  
David H. Vermedahl, ChairmanAttest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

August 15, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch joined the meeting at the location near Norway at approximately 8:00 a.m. Chairman Vermedahl called the meeting to order at 7:30 a.m.

The Board met for the purpose of touring and viewing the maintenance and condition of secondary roads in the Norway area. John Mitchell had requested the meeting for said purpose. The county engineer was also present for the

inspection. After viewing various roads with Mitchell, the Board met with Norman and Kevin Miller, who along with Mitchell voiced concerns about the maintenance of the road, including but not limited to the crowning of the roads, rough intersections, chunks of sod being pulled onto the roadway, and banking of "S" curves.

The Board was questioned, as well as the engineer, as to their position on how the roads could be improved. It was stated that crowning of the roadway is necessary to keep the water draining off otherwise ruts would be created. The Board advised that they would consider the issue further.

The purpose of the meeting being completed, Supervisor Buch left. However, due to Supervisors Sanders and Vermedahl traveling in the same vehicle, the meeting was not adjourned until arrival in Vinton.

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

David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Hayley Rippel, Deputy County Auditor

August 16, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of August 9, 2005 and August 15, 2005. Both members voting aye thereon. Motion carried.

The treasurer met with the Board to provide an update on the upgrade to the Department of Transportation's driver's license program. The treasurer was informed on August 5, 2005, that the State of Iowa will no longer provide T1 lines to driver's license sites other than the courthouse, which will affect the service being offered in Belle Plaine. The State may still provide upgraded equipment to traveling teams; however that has not been determined as of this date. The cost to Benton County will be approximately \$630.00 per month for a T1 computer line from Belle Plaine to Vinton. The new upgrade will go online in April 2006. There is a cost analysis being done by the State and the County Treasurers Association to determine the actual cost of issuing a drivers license by the county treasurer, which may result in an increase/decrease in the fees being retained by the counties. The City of Belle Plaine has offered to help with the cost if possible. Supervisor Vermedahl questioned if the Belle Plaine site could utilize a microwave system instead of a T1 line. The treasurer advised that a dedicated T1 line had to be installed at the courthouse due to Department of Transportation regulations and she did not know if they would allow a microwave linked system.

Jackie Michaels presented two federal reports to the Board for signature. The reports are required as a part of the county receiving forfeiture monies from the federal government. Michaels did advise that she is unable to balance the forfeiture account at this time. Moved by Sanders, seconded by Vermedahl, to authorize the Chair to sign the Federal Equitable Sharing Agreement and the Annual Federal Certification Report. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to request an extension to the Community Development Grant #03-WS-040 for the Watkins waste water treatment and disposal system. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a Beer Permit for the Blairstown Lions Club for Sauerkraut Days. Both members voting aye thereon. Motion carried.

Representatives of the Vinton and Shellsburg library attended the Board meeting to observe how money was being spent in Benton County. The librarians added that the libraries are always in need of money. Supervisor Vermedahl commented that he anticipates large impacts on the secondary roads and sheriff's department budgets due to fuel increases. The librarians added that the librarians in Benton County are being pressured by the State to ask the county for additional funding.

Renaë Tharp updated the Board on the Courthouse 100<sup>th</sup> Anniversary Committee. Tharp advised that the Committee would like to open the casket (time capsule) located in the corner stone of the courthouse. The Board stated that there would have to be assurances that it would not affect the structural integrity of the structure before they would consider allowing the request. The county engineer was asked to research the issue. Tharp also stated that the committee is going to begin setting dates for the celebration and making decisions on fund raising activities.

Don Martin, Vinton City Coordinator, met with the Board regarding the electronic disposal fee at the landfill imposed August 1, 2005. Martin advised that the City has scheduled its fall clean-up day for October 1<sup>st</sup>, and has already sent notices to the residents regarding the event. Martin stated that the City was unaware of the new fees until now. Martin added that he was unable to find an equitable solution on handling the electronic waste at this point in time and was requesting that the separation and disposal fee be waived for the city's clean-up day. Supervisor Vermedahl commented that the County's desire is to keep the heavy metals out of the landfill. The county engineer asked if the electronic waste could be separated from the regular waste and Martin responded that he thought that could be accomplished. The engineer advised that he did not consider city clean-up days when he recommended that a fee be attached to the disposal of electronic goods and that he was willing to assist in resolution of the matter. Moved by Sanders, to waive the fee on the disposal of electronic goods by the City of Vinton for the October 2005 fall clean-up day, and that the engineer is directed to cooperate with the City of Vinton in the transportation of the electronic waste to the landfill with the understanding that the City of Vinton will separate the material at the collection site. Both members voting aye thereon. Motion carried.

Don Martin also spoke about the dog pound location. Martin stated that a residential subdivision will someday be developed in that area and the developer, as well as the City, would like the Board to consider moving the facility to another location. The City is suggesting that the facility be placed near the sewer plant.

Sheriff Forsyth advised the Board that he would be returning to discuss various matters with them at their next meeting; however he did state that the communications tower project is moving a little slower than hoped but is progressing. Sheriff Forsyth added that the Mt Auburn tower site is not done yet as the tower site is still being determined.

The sheriff advised that no hiring has been done yet, and that he would be discussing the Reserve Peace Officer program where reserve officers will work for one dollar per year, adding that increasing the number of reserve officers will require Board action changing the number of employees authorized in his department.

The sheriff also reminded the Board that he would be discussing FY06 budget amendments.



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

\_\_\_\_\_  
David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

August 18, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders, and Buch present. Chairman Vermedahl called the meeting to order at 6:00 p.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of August 16, 2005. All members voting aye thereon. Motion carried.

The Board discussed the problem with the Iowa State Association of Counties' fall school to be held November 13, 14, and 15<sup>th</sup>. The city elections are required to be canvassed on November 15<sup>th</sup>. ISAC has recommended that an electronic meeting be held at the time of the canvass for the simple purpose of tabling the matter until a later date when the Board will be back from the school. The Board advised that they would be attending the fall school and would take the necessary action with regards to the canvass.

Supervisor Vermedahl told the other members of the Board that several positions on the Pioneer Cemetery Commission will be up for reappointment at the end of the year. Vermedahl advised that he thought two of the three members would seek re-appointment; however Gene Davis has advised that he intends to resign from the commission. The Board discussed the method to be used to find replacement members, i.e. placing advertisements in the official newspapers or just by finding interested persons. Moved by Sanders, seconded by Buch, to appoint members by contacting interested persons and not to advertise due to cost. All members voting aye thereon. Motion carried.

Sheriff Forsyth requested that the Board authorize up to 80 employees in his office. Forsyth currently employs forty-two persons on a full and/or part time basis, and has what he believes is authority to currently hire up to sixty-three. Supervisor Buch asked if the sheriff would reduce over-time pay if additional staff were allowed. The sheriff advised some positions were required for courthouse security. Supervisor Buch questioned if Jackie Michael was an office manager or administrator. Sheriff Forsyth advised that she was classified as the office administrator. Moved by Sanders, seconded by Buch, to adopt Resolution #05-30. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #05-30

ESTABLISHING THE NUMBER OF EMPLOYEES IN THE SHERIFF'S OFFICE

WHEREAS, Iowa Code 331.903 (1) sets forth, "The number of deputies, assistants, and clerks for each office shall be determined by the Board and the number and approval of each appointment shall be determined by the Board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board."; and

WHEREAS, the Sheriff has requested that the number of employees be re-established in said office;  
NOW, THEREFORE BE IT HEREBY RESOLVED by the Benton County Board of Supervisors that the number of employees in the office of the sheriff be set at the following:

Chief Deputy 1  
Second Deputy 1  
Full-time Deputies – 9  
Reserve Officers – 11  
Reserve Officers (non-paid) – 10  
Transport Officer – 1  
Communications Specialist – 6  
Communications Specialist (part-time) – 6  
Corrections Officers (full-time) – 6  
Corrections Officers (part-time) – 6  
Food Service (full-time) – 2  
Food Service (part-time) – 6  
Matrons (part-time) – 8  
Typist (part-time) – 3  
Office Manager (full-time) – 1  
Office Administrator (full-time) – 1  
Office Secretary (full-time) – 1  
DEA Secretary (full-time – approval is only upon receipt of grant funds) – 1  
Total Employees (excluding sheriff) - 80

Dated this 18<sup>th</sup> day of August 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Sheriff Forsyth updated the Board on the communications tower project and stated that he currently is working out the details for utilization of a tower for Mt. Auburn. A local farmer has a tower on his property that would be a better

site and the tower is a little taller versus placing the antennae on the Mt. Auburn water tower. The farmer is willing to allow the county to use the tower free-of-charge; however the sheriff advised that the county would require a contract for some type. Forsyth suggested that the individual consider taking a tax deduction for donating the use of the tower. Forsyth advised that all of the county's original equipment has been placed on the new tower, and most of the new equipment has been installed but is not operational yet. Forsyth advised that he did check on installing a microwave link for the treasurer to use for driver's license in Belle Plaine and it would be possible; however it is unsure if the Department of Transportation will allow the use of microwave links at this time.

Sheriff Forsyth questioned the starting wage of a part-time employee who has not worked for a period of several years. Forsyth asked if the part-time employee would start at the rate they would have been paid had they worked, a starting wage for a new hire, or at the wage they were last making. The Board recommended offering a wage that is equivalent to the same level as the employee was making when he/she last worked.

Betty Wright met with the Board requesting that the Board allow her to hire a new employee to replace the deputy who is retiring from her office. Wright explained that the workload is at a level where she needs two full-time employees consisting of a deputy and a clerk. Supervisor questioned what the starting salary would be for a new hire. Wright responded that she hired her last clerk at \$21,000.00 but the starting wage is dependent upon qualifications. Discussion was held regarding the pay of the deputy who will replace the current first deputy. Supervisor Buch stated that it was not required to pay the new deputy what the current deputy makes due to inexperience. Moved by Buch, seconded by Sanders, to advise that the recorder has discretion as to the replacement of personnel in her office; however the Board will not amend the recorder's FY06 budget to accommodate staffing. All members voting aye thereon. Motion carried.

The Board then met with the Zoning Commission in the courtroom. Discussion was centered on implementation of a Land Evaluation & Site Assessment system (LESA) in Benton County. Supervisors Sanders stated that he had several concerns with specific portions of the draft presented and wanted to confirm that the proposal would come before the Board of Supervisors for modification if needed. Supervisor Vermedahl stated that he favored the LESA system.

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

David H. Vermedahl, Chairman

Attest:

Jill Marlow, Benton County Auditor

August 23, 2005

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

Supervisor Sanders arrived at 9:03 a.m.

Moved by Buch, seconded by Sanders, to approve the minutes of August 18, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 75786 through 76154, for payment. All members voting aye thereon. Motion carried.

Walt Kollmorgen met with the Board to request additional compensation due to additional state mandated duties. Kollmorgen advised that the state is now requiring that all county veteran's affairs commissions visit all veterans and widows of veterans in the county to ascertain if they are eligible for assistance from Veteran's Affairs. Currently, the State is notifying Kollmorgen of the number of people needing to be interviewed. Kollmorgen advised that at times he is required to contact representatives of the patients in order to complete the interviews. Kollmorgen advised that after interviewing the residents, he is required to complete up to a twenty-six-page report. Kollmorgen advised that he is spending a substantial amount of time in addition to his regular duties. Kollmorgen suggested \$25.00 per hour additional compensation while working on this project. Supervisor Sanders questioned what would happen if Benton County did not comply with the mandate. Kollmorgen advised that he would not want to contradict the governor and the Director of Iowa's Veterans Affairs. Supervisor Vermedahl stated that he could not fault Kollmorgen for wanting compensated for the additional work. Supervisor Sanders offered to research what other counties are doing before a decision is made on the additional compensation. Moved by Sanders, seconded by Buch, to table a decision on the request for additional compensation for the veteran's affairs director until August 30, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set September 16, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Justin Dennis on a parcel located in the NE 1/4 of the NE 1/4 of 2-82-9. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance. Kim Kuenstling submitted the application on a parcel located in the SW 1/4 of the SW 1/4 of 8-86-12. Greenlee advised that the applicant currently owns approximately eighty acres and the applicant states that he will continue putting approximately seventy-five acres in a corn/soybean rotation. Moved by Buch, seconded by Sanders, to approve a farm exemption as authorized under the Benton County Agricultural Land Use Preservation Ordinance on a parcel in the SW 1/4 of the SW 1/4 of 8-86-12 as the applicant is currently engaged in a farming activity. All members voting aye thereon. Motion carried.

The Board of Supervisors discussed a Flood Insurance Program in Benton County. Supervisor Vermedahl stated that adoption of a FIP would increase the workload of the land use administrator. Vermedahl added that the adoption of FIP would allow homeowners to buy flood insurance in the unincorporated area of the county. The Board discussed the affects on bridge projects and development in the flood plain. The Board placed the matter on the September 6, 2005 agenda for further consideration.

Mary Williams discussed the NACo (National Association of Counties) Drug Discount Card Program. The program provides a discount card to any resident of Benton County who does not have insurance for pharmaceuticals, including drugs for pets if obtained through a pharmacy. Williams explained the benefits of the program. Moved by Buch, seconded by Sanders, to enroll Benton County into the NACo Drug Discount Card Program at no cost to Benton County. The program is to be administered through the Social Services department with public awareness programs and administrative duties being done by the Social Services department. All members voting aye thereon. Motion carried.

The Board discussed the condition of the gravel roads in the Norway area with the county engineer. Supervisor Vermedahl directed the engineer to take the necessary action to correct the following: removing the ridges in the intersections, undercutting driveways is to cease, and the "S" curve located west of Millers needs to have the banking problem corrected. Supervisor Buch advised that the roads were crowned too high in places. Supervisors Sanders added that the grader was cutting into the ditch too far causing an unusual amount of grass and sod to be brought out onto the road. Supervisor Sanders also echoed the comments of Supervisor Vermedahl, adding the he, Sanders, was not impressed with the condition of the roads in that area. The engineer assured the Board that the allegations of the maintainer being on private property had been investigated and any action, if necessary, had been taken. Supervisor Vermedahl warned that any more reports of that type of activity would have serious consequences. Supervisor Sanders asked the engineer if he agreed with the comments and concerns of the Board, and the engineer responded that he was actively seeking resolution to the driveway and intersection problems. Supervisor Vermedahl requested that this matter be placed on the September 6, 2005, agenda for follow-up.

Supervisor Buch questioned the engineer on the current advertisement for a person to fill a bridge crew position in his department, adding that the bridge crew has not constructed a bridge in two years according to the engineer. Supervisor Vermedahl questioned what the bridge crew did if they do not build bridges. Engineer Parizek advised that the position being filled is on the bridge crew; however those employees are used in the areas where the department may be operating with a temporary shortage of personnel, i.e. telescoop operator, maintainer operator, rock hauling, etc. The engineer clarified that the bridge crew may still build small bridges in the future.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

August 26, 2005

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

Supervisor Sanders arrived at 9:05 a.m.

The Board met with representatives of various communities within Benton County and members of Black & Veatch. Black & Veatch has been awarded a contract with FEMA to provide digitized mapping of the flood plains in Benton County. David Rensing, P.E., explained what the project entailed and how the product would and could be utilized. Rensing requested that the county provide any mapping information that may be utilized by them in preparing the flood maps. Rensing advised that the flood maps would be provided to Benton County in a digitized format that can be integrated into a geographical information system. Rensing also requested any information or available information be sent to him.

The Board moved their meeting back to the supervisor's room in courthouse at 9:50 a.m.

Moved by Buch, seconded by Sanders, to approve the minutes of August 23, 2005. All members voting aye thereon. Motion carried.

Bob Mahood, Conservation Board Member, and Gary Fordice, Conservation Director, met with the Board to update them on conservation activities. Fordice advised that Ryan Rotter, Hannen Park Ranger, was unable to attend the law enforcement academy as required by his position, and therefore could not maintain his employment with Benton County Conservation. Fordice advised that the conservation board tabled action on a nature center until further research could be done. The conservation board has also authorized that utility bills could be paid before obtaining their approval due to timely payment requirements. Fencing on the north side of Hannen Park will be worked on, and conservation is continuing to find grants funds for the Fry property. Fordice stated that if a Habitat Grant is obtained, no structures can be placed on the property and therefore part of the Fry property would not be eligible for Habitat funds so that a nature center could be constructed near Hannen. Fordice and Mahood commented on the recent event at Minnie Estema Park. Mahood advised that a group had reserved the camping sites; however more people arrived at the park and a party ensued. Local law enforcement was required and several arrests were made. The organization was advised that they would not be allowed to use the park for similar events in the future. Fordice advised that the conservation department does allow individuals to reserve all of the campsites for family reunions. Fordice also stated that the neighboring property owner by Hannen Park has begun logging his property.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-31. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-31**  
**SUBORDINATION AGREEMENT**

WHEREAS, Christine and Gene Schwartz, made and executed a Forgivable Loan Agreement in favor of Benton County, on the 7<sup>th</sup> day of April, 2002, which Forgivable Loan was recorded on the 1<sup>st</sup> day of July, 2003, in Benton County, Iowa, Book 327, Page 42 of the Benton County Recorder's Office;

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

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

NOW, THEREFORE, the Benton County agrees to subordinate its Forgivable Loan Agreement recorded as Book 327, Page 42 of the records of Benton County, Iowa, to the mortgage given by Christine and Gene Schwartz to Bank Iowa, 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: \_\_\_\_\_  
David Vermedahl, Chair, Board of Supervisors

Dated this 26th day of August 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5 (c) and 21.5(g). All members voting aye thereon. Motion carried at 10:30 a.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 10:55 a.m.

Moved by Buch, seconded by Sanders, to retain Carlton Salmons as legal counsel for Benton County for the current matter, which is presenting a conflict of interest for the county attorney. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Auditor

August 30, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of August 26, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-32. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-32**

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from September 1, 2005, through the completion of the project.

From the NW corner of Section 34-T86N-R12W thence south one (1) mile to the SW corner of Section 34-T86N-R12W along 13<sup>th</sup> Avenue in Bruce Township.

Dated this 30th day of August 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to approve a utility permit for Telecom to place utility lines in the county's right-of-way along 16<sup>th</sup> Avenue north of Luzerne. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the application submitted by Frontier Natural Products Cooperative for Adopt-a-Highway along 30<sup>th</sup> Street from the south edge of Norway to where the road curves to the east. All members voting aye thereon. Motion carried.

Betty Wright, Benton County Recorder, met with the Board to request a FY06 budget. The recorder stated that the fees are collected from recorded documents and deposited into the Recorder's Electronic Transaction fund. The recorder then utilizes those funds to implement the County Land Records Information System as mandated by the State. Also, part of the fee must be remitted to the State. The recorder advised that additional budget authority needed to be budgeted to allow her to remit the State's share.

Sheriff Forsyth and Deputy Mike Ferguson met with the Board requesting that their FY06 budget be amended. The sheriff explained that he had \$155,697.00 of unspent budget authority in FY05 less \$57,422.00 of uncollected revenue for a net difference of \$98,275.00. The sheriff requested that the Board amend his FY06 budget for that amount. The additional budget authority would provide for an additional vehicle, security equipment, vehicle equipment and increased fuel costs. The sheriff also requested an additional \$24,000 for grants, \$40,000 for forfeiture account, and \$7,500.00 commissary account which all have offsetting revenue in the same amount.

Moved by Sanders, seconded by Buch, to approve the hire of the following part-time reserves, effective immediately, at \$15.92 per hour: Jeffery Lee Harnish, Richard Calvin Stallman, Paul Allen McIntire, and Gary Joseph Butz. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the hire of the following part-time reserves, effectively immediately at \$1.00 per year: Clinton Charles Sandburg, Daniel James Mulder, Barry Lee Werner, Gloria Marie Holmes and Rusty Denison. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to serve Notice of Termination of Farm Lease to Larry Sturtz, Tim Miller, and Stoney Creek Farm (Derald Merchant) on property owned by Benton County to allow for a new bids to be submitted. All members voting aye thereon. Motion carried.

Walt Kollmorgen returned to the Board to request additional compensation for state mandated surveys that he is conducting. The Board had visited the issue last week and asked Kollmorgen to return on this date, which would allow the Board time to research what other counties were doing. The Board requested that Kollmorgen meet with the Veterans Affairs Board for their recommendation and return to the board for a decision.

Mary Williams reviewed the proposed policy for Benton County's relief program. The Board directed Williams to make several changes and return with the final draft.

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

David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 2, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of August 30, 2005. All members voting aye thereon. Motion carried.

The Board discussed changing the policy regarding the appointment of conservation board members and public health board members. The current policy limits members to two terms, with appointments to fill vacancies considered as one term. Supervisor Vermedahl stated that he would like to see the language regarding term limits removed and therefore allow the Board of Supervisors to use their discretion when making appointments. Supervisor Sanders expressed concern over the length of time an individual could serve, adding that term limits provides a means for other individuals the chance to serve. After fully discussing the various pros and cons, it was moved by Buch, seconded by Sanders, to adopt Resolution #05-33. Voting aye was Buch and Sanders. Vermedahl voting nay. Motion carried.

Resolution #05-33

Amending Resolution #94-84

WHEREAS, the Benton County Board of Supervisors adopted Resolution #94-84 on November 22, 1994; and  
WHEREAS, Resolution #94-84 adopted certain policies for Benton County, and specifically adopted the policy titled "Conservation and Public Health Board Members"; and  
WHEREAS, said policy in part sets forth term limits for members appointed to the conservation board and public health board; and  
WHEREAS, the Board of Supervisors desires to amend said policy regarding term limits for members appointed to the conservation and public health boards;  
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the seventh un-numbered paragraph of the Benton County Policy Regarding Conservation and Public Health Board Members adopted on November 22, 1994, is amended as follows:

By striking the following paragraph:

"Conservation Board and Public Health Board members shall be limited to two consecutive terms. A Board member appointed to fill an unexpired term, shall only be eligible to apply for re-appointment for one additional term, regardless of the length of the unexpired term."

And inserting in lieu thereof the following:

"Conservation Board and Public Health Board members shall be limited to two consecutive terms. A Board member appointed to fill an unexpired term shall be eligible to apply for re-appointment pursuant to the following:

1. If less than one-half of the unexpired term is remaining when filled by appointment, then the Board Member shall be eligible to apply for two consecutive terms.
2. If one-half or more of the unexpired term is remaining when filled by appointment, then the Board member shall only be eligible to apply for one more additional consecutive term.

The remaining parts of Benton County Policy Regarding Conservation and Public Health Board Members adopted on November 22, 1994, remains in full force and effect.

Dated this 2nd day of September 2005.

Benton County Board of Supervisors

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to authorize the auditor to destroy election material as allowed by law. All members voting aye thereon. Motion carried.

Mary Williams spoke with the Board about changes to the language in the proposed relief policy. The changes that the Board requested in earlier sessions had been drafted into a final document for final approval. Moved by Sanders, seconded by Buch, to approve the Relief Policy as presented and to set the matter of adopting the policy by resolution and repealing the current ordinance on a future agenda. All members voting aye thereon. Motion carried.

Renae Tharp met with the Board to provide an update on the Benton County Foundation and the 100<sup>th</sup> Anniversary Committee's plans and activities. Tharp advised that grant application criteria for the Benton County Foundation has been formulated and will be released in the near future. Tharp reported that the 100<sup>th</sup> Anniversary kickoff for October 14, 2005, and would like to take the time capsule from the cornerstone of the courthouse. Roger Witt was present and reported that Schoonover Tuckpointing has viewed the foundation and stated that it would take several hours to remove the stone and capsule at a cost of several hundred dollars. The contents would then be on display during the celebration. Once the celebration is over, the capsule and contents are to be placed back into the cornerstone and resealed. Moved by Buch, seconded by Sanders, to authorize the removal of the time capsule in the cornerstone of the courthouse. All members voting aye thereon. Motion carried.

Renae Tharp reported to the Board on applications for the Benton County Economic Development grants. Benton Development has received seven applications for economic development grants. The Benton Development Group has reviewed the grants and decided to grant \$700.00 to the Shellsburg Library. Moved by Buch, seconded by Sanders, to release \$700.00 to Benton Development Group as requested. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-34. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-34**

WHEREAS, this structure at this location due to age and design, has reached the point in time where a more restricted weight limit should be imposed,

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

LE-0030                      6 ton  
250 feet south of the NW corner of section 19-82-11 (Leroy Township) on 16<sup>th</sup> Avenue  
(Luzerne St in Luzerne)

Signed this 2<sup>nd</sup> day of September 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

The engineer spoke to the Board about a 28E Agreement regarding maintenance of farm-to-market extension(s) within the corporate limits of Luzerne. The agreement sets forth the requirements for maintenance by the city and the county on the farm-to-market roads. The engineer will be meeting with the City of Luzerne on September 6, 2005 at there meeting to discuss the agreement.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 6, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 2, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set 9:30 a.m. on September 30, 2005, as the time and date for a public hearing on a land use change requested by Larry Phelps on a parcel located in the NW1/4 of SW1/4 of 25-86-10, also to set 9:15 a.m. on September 30, 2005, as the time and date for a public hearing on a land use change requested by Lori and Mike Shannon on a parcel located in the NE1/4 of the NE1/4 of 25-86-10. All members voting aye thereon. Motion carried.

The Board discussed adoption of the National Flood Insurance Program. The matter has been brought to the Board's attention due to the wastewater treatment being installed in Watkins. Federal grant programs require that the county adopt a National Flood Insurance Program for certain properties to be eligible for the services provided by those grants. No action was taken.

The engineer advised that due to dry weather conditions, he has not been able to grade the roads in the Norway area, as he would have liked. However, the engineer did state that a significant amount of work has been done to improve the road conditions in other ways. Since the weekend rain, the grader should be able to begin doing grade work today. The driveway work will be easier addressed once harvest begins due to crops being planted right up to the fence line.

Moved by Sanders, seconded by Buch, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in Sections 16 and 21 of Fremont Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in Sections 25 of Iowa Township. All members voting aye thereon. Motion carried.

Walt Kollmorgen, Veteran's Affairs Director, met with the Board regarding additional compensation for additional work being required by the State. Kollmorgen stated that he spoke with the Veteran's Affairs Commission regarding the additional compensation. The Commission told Kollmorgen that it was their belief that he should be compensated for the additional work. Kollmorgen also advised that the Veteran's Affairs Directors would be holding a statewide meeting in October and that further direction may be forthcoming after that meeting. Kollmorgen suggested that he return after that with additional information.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 9, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 6, 2005. All members voting aye thereon. Motion carried.

Gene Davis, Chairman of the Benton County Pioneer Cemetery Commission, spoke with the Board about positions that will be up for re-appointment at the end of the year. Davis advised that he, Deb Christianson, and Edwon Yedlik are all up for re-appointment. Davis and Christianson would like to be re-appointed; however Edwon Yedlik has requested that he be appointed to the commission's advisory committee instead of being re-appointed to the commission. Wayne Shannon was present and requested that he be appointed to the commission. Shannon moved to Benton County over a year ago, and was previously involved with the Jasper County Pioneer Cemetery Commission. Supervisor Vermedahl stated that the names would be considered for re-appointment at the beginning of the year and thanked the commission for updating the Board on the commission's activities and the names of persons willing to be appointed.

Betty Wright, County Recorder, requested approval to hire Rachele Berry as a new employee in her office. Wright advised that fifty-nine applicants applied. Supervisor Vermedahl questioned if any veteran applied for the position and if the procedures were completed regarding veteran's preference laws. Wright advised that she would review the applications again to insure veteran's preference compliance. The matter is to be placed on the next agenda for action.

Representatives of Wellmark met with the Board to discuss customer service issues. The Board discussed Health Savings Accounts, reporting issues, and lack of vaccinations being covered. Wellmark also spoke about future consumerism services that will be available to members. Discussion included recent legislative action and the affect on insurance companies.

Moved by Buch, seconded by Sanders, to approve a fireworks permit requested by Don Neve for the weekend of September 10th and 11th, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve contracting with the Iowa State Auditor's Office to conduct certain accounting procedures regarding the forfeiture fund. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account as of August 30, 2005, was \$13,778.00.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 13, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders, and Buch present. Chairman Vermedahl called the meeting to order at 10:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of September 9, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 76155 through 76557, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the hire of Rachele Berry as a full-time employee in the Benton County Recorder's Office, effective October 3, 2005, at a starting annual salary of \$21,000.00. All members voting aye thereon. Motion carried.

The amendment to the 28E Agreement for Driver's License with the Department of Transportation was removed from the agenda until further documentation is provided.

Marc Greenlee, Land Use Administrator, spoke with the Board regarding flood insurance for Benton County. Greenlee explained that he would have concerns as to the effect implementation of a flood insurance program would have on his office. Greenlee also stated that it was his understanding that this issue was primarily being discussed due to several homes near Watkins that were located in the flood plain being unable to connect to the waste water treatment facility in Watkins. Greenlee explained that alternative septic systems could be utilized in those areas although they would be more expensive to the property owner. Greenlee further stated that it was not the workload that concerned him, but rather the liability that the county might incur when allowing a vent be cut into the wall or cutting the bottom of the existing door off to allow more airflow. Moved by Buch, seconded by Sanders, to approve cutting the door off to increase airflow into the office. All members voting aye thereon. Motion carried.

The Board reviewed the recommendations for solving an air quality issue in one of the offices located in the Governor Sherman Building. It was suggested that either a vent be cut into the wall or cutting the bottom of the existing door off to allow more airflow. Moved by Buch, seconded by Sanders, to approve cutting the door off to increase airflow into the office. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, ChairmanAttest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 16, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of September 13, 2005. All members voting aye thereon. Motion carried.

Robert Fischer, Vinton City Attorney, met with the Board regarding taxes assessed against the City of Vinton on Maple Lane Subdivision. Fischer advised that Iowa Code 427.1 provides that certain classes of property shall not be taxed and that 427.1(2) further defines property that shall not be taxed and it states in part, "The property of a county, township, city...when devoted for a public use and not held for pecuniary profit." Fischer further stated that the City purchased the property for the purposes of urban renewal by providing development opportunities for low to moderate-income individuals. Fischer stated there is an attorney general's opinion dated March 30, 1967, stating that property being held by a city under Chapter 403 shall be exempt from taxation. Assessor Larry Andreesen stated that it was his opinion that it is gray area in current law whether the property is exempt from taxation. Andreesen stated that he errors on the side of taxation and not exemption when considering these types of issues. Andreesen stated that there isn't much legal precedence in this matter. The Board requested that Andreesen check with other counties; however Andreesen advised that unless the City provided him with the names of other cities with similar developments, that he would not have time to research the matter. The issue was placed on the September 21, 2005, agenda for further consideration.

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 Justin Dennis, 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 on approximately one acres in Florence Township. Moved by Buch, seconded by Sanders, to close the public hearing. All members voting aye thereon. Moved by Buch, seconded by Sanders, 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 NE1/4 of the NE1/4 of 2-82-9 (Florence Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application submitted by Brent Geater for a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance. The applicant advised that he would be grazing cattle in the timbered area of the parcel. Moved by Buch, seconded by Sanders, to approve a farm exemption on a parcel located in the NE1/4 of the NW1/4 of 15-86-10 (Harrison Township) for the purposes of constructing a single residence.

The time of 9:30 a.m. having arrived, the Board proceeded with canvassing the results of the Regular School Election held on September 13, 2005. Moved by Sanders, seconded by Buch, to approve said canvass and that the canvass be filed in the records of the auditor's office. All members voting aye thereon. Motion carried.

The engineer updated the Board on the Oak Grove Road project. The engineer advised that the project is at the point where communication needs to be made with the property owners along the roadway either personally or in a group setting. A public hearing will need to be held if any property will go through condemnation. The engineer estimates that land acquisition will take place this fall and winter with construction beginning in the spring of 2006.

The Board discussed the snow removal policy and priority routes. Discussion was held on changing snow removal hours to provide for an additional hour of coverage during peak travel times. The matter was placed on the October 7, 2005 agenda for further discussion.

The Board discussed the courthouse security system. Moved by Buch, seconded by Sanders, to enter into closed session. All members voting aye thereon. Motion carried at 11:15 a.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:50 a.m.

Moved by Sanders, seconded by Buch, that the security cameras are to record activity twenty-four hours a day, seven days a week. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set October 4, 2005, October 7, 2005, and October 11, 2005, at 10:00 a.m. as the time and dates for considerations on an ordinance repealing the general relief ordinances. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the resignation of Sara Olson as the Drug Enforcement Administration secretary from the sheriff's department, effective this date. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, ChairmanATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

September 20, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 16, 2005. All members voting aye thereon. Motion carried.

The county engineer spoke to the Board regarding the Cedar Valley Ranch sewer project. The City of Vinton is installing sewer lines in the recently annexed area southeast of Vinton, and the county has requested that the Cedar Valley Ranch be connected to the municipal sewer system. The engineer stated that the City is requesting authority to trench across the land owned by the County that surrounds the Cedar Valley Ranch. The engineer stated that the project is estimated to be completed by July 1, 2006. The current lagoons will then be left for several years and then leveled subject to the Department of Natural Resources' approval. Moved by Buch, seconded by Sanders, to authorize the City of



Vinton to trench across county owned property surrounding the Cedar Valley Ranch for the purpose of placing an eight-inch sewer line. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the resignation of Jack Hopper from secondary roads, effective September 30, 2005. All members voting aye thereon. Motion carried.

Don Martin, City Coordinator, and Robert Fischer, City Attorney, and Larry Andreesen, County Assessor, met with the Board regarding abatement of taxes assessed against the City of Vinton for property in Maple Lane Subdivision. Bob Josten, an attorney with Dorsey & Whitney, spoke with the Board via telephone. Supervisor Vermedahl updated everyone present regarding the issue. Attorney Josten stated that the Board has the statutory power to abate the taxes. Attorney Robert Fischer stated that under Chapter 403, Tax Increment Finance, that the area in question is a part of the City of Vinton's urban renewal district and plan. Fischer advised that the City passed a resolution at the time the land was purchased that stated in part that the "purchase was to benefit low to moderate-income families" and that "resale price can be no more than costs." Fischer and Josten agreed that as long as City owns the land and the land is devoted to a public use and the city does not make a profit then the property is exempt from taxation under Chapter 427. Clarifying that the land is being sold for a public purpose and should not be taxed. Josten stated that some cities are use property to make a profit and therefore the property would be taxed. Don Martin stated that part of the property is currently in alfalfa and is being mowed but that the city does not receive any money from it. The county assessor commented that he does not disagree with the tax abatement and the tax-exempt status; however if hay is being made off of the property, etc. then it becomes taxable whether any income is made or not. The property can only be used for the public good and not for the benefit of a private individual. Moved by Buch, seconded by Sanders, to adopt Resolution #05-35. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #05-35  
Abatement of Taxes

WHEREAS, the City of Vinton owns property known as Maple Lane Subdivision to Vinton, Iowa; and  
WHEREAS, it is the opinion of the Board of Supervisors that the property was obtained for the a public purpose pursuant to City of Vinton, Iowa Resolution No. 05-01-06 adopted on May 10, 2001 by the Vinton City Council and is exempt from taxation,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following 2004 taxes assessed and payable in 2005/2006 are abated in full: 250-00400, 240-00360, 240-00370, 240-00380, 240-00390, 240-00410, 240-00420, 240-00430, 240-00440, 240-00460, 240-00470, 240-00480, 240-00490, 240-00660, 240-00670, 240-00680, and 240-00710.

Dated this 20<sup>th</sup> day of September 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

September 23, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 20, 2005. All members voting aye thereon. Motion carried.

Mark Kely representing the Public Professional and Maintenance Employees, Local 2003 (secondary roads union) presented the initial bargaining proposal to the county.

Kyle Hummel visited the Board to express his concern about the roads around Rodger's Park and the amount of traffic, especially during the recent cross-country track meet held at the park.

Marc Greenlee, Land Use Administrator, presented the application submitted by Eric Bossler for a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance. The exemption is being requested to allow Bossler to construct a residence on a parcel located in the SW1/4 of the SW1/4 of 24-83-11. Bossler is actively engaged in a farming activity as required by the ordinance. Moved by Sanders, seconded by Buch, to grant a farm exemption to Eric Bossler for the purpose of constructing a single residential home in the SW1/4 of the SW1/4 of 24-83-11. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set October 14, 2005, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Kristine Dillion and Clint Lawrence on a parcel located in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 in 29-85-9. All members voting aye thereon. Motion carried.

Roger Witt and Renae Sharp updated the Board on the activities of the 100<sup>th</sup> Anniversary Committee. The committee has scheduled October 15<sup>th</sup>, 2005, at 10:00 a.m. as the time and date for opening the casket (time capsule) that was located in the cornerstone of the courthouse. The committee also plans to hold the final celebration event on July 4, 2007, as the dedication of the courthouse was held on July 4, 1907. Supervisor Buch expressed concern with the July 4<sup>th</sup> date, stating that was the day that Belle Plaine holds their annual event. Supervisor Vermedahl suggested July 8<sup>th</sup>, 2007 as the date. The committee also plans to sell crocks, calendars, and pins as fundraiser items. The committee also requested that Martha Long be appointed. Long recently completed extensive research about the history of the courthouse and provided the information to the committee. The next meeting of the 100<sup>th</sup> Anniversary Committee is scheduled for October 7, 2005, at 2:00 p.m. at the Law Enforcement Center conference room.

Chris McGovern and Taylor Moffitt with Bradford Medical Insurance met with the Board to discuss health insurance services their company could provide to Benton County. The Board was told that Bradford Medical Insurance is the largest independent health insurance company in the state and that they would like to develop a long-term business relationship with Benton County. They requested permission to quote the county's health insurance coverage, adding that they only work with quality insurance carriers and would present two quotes from insurance companies with varying philosophies. They explained a little about their company's internal organization and again requested permission to quote on the county's health care insurance. Moved by Buch, seconded by Sanders, to allow submission of quotes on the county's health insurance for consideration. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to sign the Compliance Assurance Agreement submitted by the Decat Coordinator to allow for the receipt of grant money. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Certification of the FY04 Cost Allocation Plan prepared by MAXIMUS. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried at 11:25 a.m.

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

September 27, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of September 23, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 76558 through 76964, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Section 25 of Polk Township along 53<sup>rd</sup> Street Trail. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the hire of Mark Christy and Jack Tenant as part-time reserve officers with the sheriff's department, effective this date, at a hourly wage of \$15.92. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the resignation of Martin Halstead from the sheriff's department, effective October 4, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-36. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### RESOLUTION #05-36

WHEREAS, the City of Keystone, Iowa (the "City") has begun the process to amend the Keystone Urban Renewal Area, pursuant to Chapter 403 of the Code of Iowa to add additional property; and  
WHEREAS, a small portion of the property which is proposed to be added to the Keystone Urban Renewal Area is located outside the city limits and is legally described as shown on Exhibit A hereto, (the "Additional Property"); and  
WHEREAS, in accordance with paragraph 3 of Section 403.17 of the Code of Iowa, a city may exercise urban renewal powers with respect to property which is located outside but within two miles of the boundary of a city only if the city obtains the consent of the county within which such property is located; and  
WHEREAS, the City Council of the City has requested that the Board of Supervisors of Benton County adopt a resolution giving its consent that the City may exercise urban renewal powers with respect to the Additional Property;  
NOW, THEREFORE, it is hereby resolved by the Board of Supervisors of Benton County, Iowa, as follows:  
Section 1. The Board of Supervisors of Benton County hereby gives its consent that the City of Keystone may exercise urban renewal powers pursuant to Chapter 403 of the code of Iowa with respect to the Additional Property.  
Section 2. This Resolution shall be deemed to meet the statutory requirements of paragraph 3 of Section 403.17 of the Code of Iowa and shall be effective immediately following its approval and execution.  
Passed and approved this 27<sup>th</sup> day of September, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

#### EXHIBIT A Legal Description

Auditor's Parcel "B" containing 0.45 acres, and all that part of Auditor's Parcel "A" lying westerly of the East Line of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 14, Township 83 North, Range 12 West of the 5<sup>th</sup> P.M., Benton County, Iowa, containing 0.14 acres, more or less. This description is intended to represent all that portion of Auditors Parcels "A" and "B" that are contained within said Southwest Quarter of the Southeast Quarter of the Northeast Quarter of said Section 14.

The time of 10:00 a.m. having arrived and this being the time and date for a public hearing on amending the FY06 budget, the Board took up the matter for consideration. There was no one from the public or the media present. No comments had been filed prior to the hearing. Hearing no comment, it was moved by Sanders, seconded by Buch, to adopt Resolution #05-37. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-37****AMENDING THE FY01 COUNTY BUDGET**

**BE IT REMEMBERED** on this, the 27th day of September 2005, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 8, 2005. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published as required by law. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for and against the amendment as follows: No taxpayers were present. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety & Legal Services	+158,775
County Environment & Education	+3,400
Government Services	+185,000
Administration	+35,000
Capital Projects	+60,000

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$237,000

All line items shall be amended where necessary within each department budget. All departmental appropriations are amended to reflect the above increases/decreases in expenditures.

There will be no tax increase for FY06.

This resolution adopted on the 27th day of September 2005.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow  
Benton County Auditor

The Board met with the various department managers regarding an employee appreciation day and to provide updates on other activities. The Board also discussed the need for departments to find ways to conserve on energy due to sharply increasing prices and projections for increases in heating costs.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

September 30, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 27, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a liquor and beer permit submitted by the American Legion George G. Luckey Post #57. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set October 21, 2005 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Kevin and Deb Kacena on a parcel located in the W1/2 of the NW1/4 of the NW1/4 of 34-86-10 and to set October 21, 2005 at 9:30 a.m. as the time and date for a public hearing on a land use change requested by Shane and Carrie Ewing on a parcel located in the E1/2 of the NW1/4 of the NW1/4 of 34-86-10. 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 Mike and Lori Shannon, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. The parcel is adjacent to a parcel that was land use changed on August 9, 2005, and also adjoins a residential subdivision. The parcel will be accessed by a private drive that is currently located on the secondary road system. The applicants are currently working with a contractor on the location of a septic system. The soil has an approximate 47 corn suitability rating. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately two acres generally described as being Parcel B in the NE1/4 of the NW1/4 of 10-85-10 (Taylor) 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 Larry Phelps, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a change to a single residential use. The parcel will be accessed by a private drive that meets Benton County's driveway criteria. The applicant will install a new septic system and well. The soil has an approximate 87 corn suitability rating. The

applicant owns forty acres but it is not in production of food or fiber. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation and approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the SW1/4 of 25-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-38. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #05-38  
APPOINTMENT OF DEPUTY RECORDER

WHEREAS, the Benton County Recorder has requested that Lexa Spiedel be appointed as a deputy recorder; and WHEREAS, the current deputy recorder is retiring on this date,  
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors approves the appointment of Lexa Speidel as a deputy recorder, effective October 3, 2005, at a salary that is equal to 65% of the elected official's annual salary.  
Passed and approved this 30<sup>th</sup> day of September 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Hayley Rippel, Deputy Auditor

Moved by Sanders, seconded by Buch, to contract with Iowa Northland Regional Transit for client services at a rate of \$25.00 for one-way transportation. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Martha Long to the Benton County Courthouse 100<sup>th</sup> Anniversary Committee. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-39. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #05-39  
MEMORANDUM OF AGREEMENT BETWEEN BENTON COUNTY, IOWA AND THE IOWA DEPARTMENT OF  
TRANSPORTATION  
ADDENDUM TO SECTION VI. FINANCING

WHEREAS, the Benton County Treasurer has requested that Benton County amend its Agreement with the Iowa Department of Transportation regarding the issuance of driver's license, and  
WHEREAS, said amendment would provide for additional fees to be retained by Benton County,  
THEREFORE BE IT RESOLVED by the Board of Supervisors that the Agreement entered into between Benton County, Iowa and the Department of Transportation is hereby amended as follows:

THIS ADDENDUM TO PAGE 6 OF SECTION VI. FINANCING OF THE AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_, 2005, by and between Benton County, Iowa, hereinafter referred to as the County, and the Iowa Department of Transportation, hereinafter referred to as the State. A copy of the addendum is attached and incorporated by this reference hereto.

Dated this 30<sup>th</sup> day of September, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Hayley Rippel, Deputy Auditor

Moved by Buch, seconded by Sanders, to acknowledge the receipt of the manure management plan update filed by Sunrise Feedlot. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Hayley Rippel, Deputy Auditor

October 4, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Buch present. Supervisor Sanders was absent. Chairman Vermedahl called the meeting to order at 9:40 a.m.

Marc Greenlee, Land Use Administrator, presented the application submitted by David Duncalf for a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance. The exemption is being requested to allow Duncalf to construct a residence on a parcel located in the W1/2 of the NW1/4 of the SW1/4 of 33-83-11. Duncalf is actively engaged in a farming activity as required by the ordinance. Moved by Buch, seconded by

Vermedahl, to grant a farm exemption to David Duncalf for the purpose of constructing a single residential home in the W1/2 of the NW1/4 of the SW1/4 of 33-83-11. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #05-40. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

Resolution #05-40

WHEREAS: Benton County Secondary Roads Department has a laborer position to fill on the bridge crew and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED By The Benton County Board of Supervisors that Eric Hummel be hired to fill the position on the bridge crew at a starting wage of \$12.75 per hour starting October 17, 2005.

Signed this 4<sup>th</sup> day of October 2005.

Benton County Board of Supervisors

David H. Vermedahl, Chairman

Ronald R. Buch

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

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve the sheriff's and auditor's quarterly reports for the period ending September 30, 2005. All members voting aye thereon. Motion carried.

No action was taken on adjusting wages for election officials.

The time of 10:00 a.m. having arrived, and this being the time and date for the first consideration on an ordinance repealing the relief ordinance and its amendments. There were not any members of the public or media present. Hearing no comment, it was moved by Buch, seconded by Vermedahl, to approve the first consideration of Ordinance #50, An Ordinance Repealing the Benton County General Relief Ordinance and amendments thereto. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Dennis Hummel as a full-time correctional officer in the sheriff's department, effective October 4, 2005, at a starting wage of \$9.71 for training, and to approve the hire of D.J. Mulder as a part-time correctional officer in the sheriff's department, effective October 4, 2005, at a starting wage of \$9.71 for training. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve paying out 60 hours of vacation to Mike Merino, due to the recent resignation of Martin Halstead creating a temporary shortage of correctional officers. Both members voting aye thereon. Motion carried.

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

David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

October 7, 2005

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 30, 2005 and October 4, 2005. Both members voting aye thereon. Motion carried.

The County delivered its initial bargaining proposal to the Public Professional and Maintenance Employees, Local Union 2003, International Brotherhood of Painters and Allied Trades, AFL-CIO for 2006-2007.

Moved by Buch, seconded by Vermedahl, to approve the Veterans Affairs Quarterly Report for the period ending September 30, 2005. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blairstown landfill account was \$19,852.45 on September 30, 2005.

The engineer discussed snow removal and priority routes for the upcoming winter season. A sand/salt storage area will be placed at the Department of Transportation's shop on Highway 30, to provide a quicker refill of sanding trucks in that area of the county. The engineer has been reviewing route schedules and the possibility of moving drivers around on paved routes during snow events and hitting the areas with the highest volume of traffic; however, it is his opinion that he stay with the same routes but start the trucks earlier where the highest volume of traffic is in the county. Supervisor Vermedahl asked about response to conditions that were dangerous in the opinion of law enforcement and/or emergency personnel. The engineer advised that he has spoken with the sheriff and hopes that there is an understanding that secondary roads will respond when necessary in specific areas, but caution will be taken to not call secondary roads when conditions are widespread and will need the entire department to respond. Supervisor Vermedahl stated the county should publish the snow removal plan indicating the order in which routes will be maintained. Supervisor Buch questioned about using different products, i.e. liquid salt, on the roadways. The engineer advised that he did not want to apply some products to roadways if it would be detrimental to the road surface. Supervisor Vermedahl that a written plan be drafted making it clear how roads will be addressed and publish it in the newspapers, and that it be clarified with the sheriff's department as to the expectations with them. Supervisor Vermedahl requested that the matter be revisited on October 28th.

The time of 10:00 a.m. having arrived, and this being the time and date for the second consideration on an ordinance repealing the relief ordinance and its amendments. There was no one present. Hearing no comment, it was moved by Buch, seconded by Vermedahl, to approve the second consideration of Ordinance #50, An Ordinance Repealing the Benton County General Relief Ordinance and amendments thereto. Both members voting aye thereon. Motion carried.

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

David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 11, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of October 7, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 76965 through 77340, for payment. All members voting aye thereon. Motion carried.

Moved Buch, seconded by Sanders, to authorize Chairman Vermedahl to sign the State Grant program for Election Assistance for Individuals with Disabilities for various precinct improvements. All members voting aye thereon. Motion carried.

This being the date and time set for the third consideration of Ordinance #50, An Ordinance repealing the Benton County Relief Ordinance and Amendments Thereto, the Board took up the matter for consideration. The ordinance was available for public inspection in accordance with Iowa law. There were no members of the public present. Mary Williams, Social Services Director, was present to answer questions. There being no more comment either for or against said ordinance, and having fully discussed and considered the same, it was moved by Buch, seconded by Sanders, to approve the third and final consideration of Ordinance #50, an Ordinance Repealing the Benton County Relief Ordinance and amendments thereto. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to adopt Resolution 05-41. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-41**

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance repealing **Ordinances #3, #7, and #49**, General Assistance; and

WHEREAS, the Benton County Board of Supervisors has held three public hearings on the proposed ordinance; and WHEREAS, the Board believes that it would be in the best interest of Benton County to repeal the General Assistance Ordinance and all amendments thereto,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #50 An Ordinance Repealing the General Assistance Ordinance and all Ordinances amending said General Relief Ordinance should be and is hereby adopted and ordained. The auditor is directed to make publication in accordance with Iowa law.

Dated this 11<sup>th</sup> day of October, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Brenda Sutton, Deputy Auditor

Moved by Buch, seconded by Sanders to adopt Resolution #05-42 and #05-43. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #05-42  
Benton County  
General Assistance  
Policies and Procedures Manual

**INDEX**

**Section I – General Provisions**

- A. Purpose and Legal Authorization .....1
- B. Definitions.....1-2

**Section II – Administration**

- A. Personnel.....3
- B. Duties of the Department.....3
- C. Application for Assistance.....3
- D. Initial Determination.....4

**Section III – Eligibility Criteria**

- A. Complete Application.....4
- B. Eligibility of a Needy Person.....4
- C. Eligibility of a Poor Person.....4
- D. Agree to use own resources.....5
- E. Apply private health insurance.....5

F.	Assistance of last resort.....	5
G.	Legal resident of United States.....	5
H.	Employment.....	5
I.	Frequency.....	5
J.	Age requirement.....	5
K.	Other reasons for denial of assistance.....	6
Section IV – Financial Reimbursement.....		6
Section V – Disbursement of General Assistance		
A.	Rent.....	7
B.	Utilities.....	7-8
C.	Food.....	8
D.	Transportation.....	8
E.	Medical.....	9
F.	Burial.....	9-10
Section VI – Appeal.....		10-11
Appendix A – Burial Price List Resolution.....		12

#### Section I – General Provisions

- A. PURPOSE AND LEGAL AUTHORIZATION: The guidelines and procedures set out in this manual implement the provisions of General Assistance Resolution # 42 of Benton County. Together, the Resolution and this Manual are an expression of the humanitarian nature of the people of Benton County and their desire to assist those in need. It is also the intent of this document to fulfill statutory obligations imposed on the county by Chapter 252 of the Code of Iowa. The General Assistance Program shall be administered by the Benton County Social Services Director and/or Designee, who is appointed by, and responsible to, the Board of Supervisors.
- B. DEFINITIONS:
1. Applicant: The person making application to the Department shall fall under the description of one of the following categories:
    - a. Family Unit: The individual applying and all members of the immediate family, i.e., spouse including common law, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the individual, and anyone else who is a dependent of the individual for federal tax purposes as long as they currently reside with the individual.
    - b. Unrelated individual: A person who is not living with relatives. Examples may include a roommate, lodger, foster child, ward, or an employee.
    - c. Household living unit: All persons who live in a residence where there are shared common kitchen, dining or bedroom facilities or there are shared utilities or rental payments or lease.
  2. Awaiting Approval and Receipt: Means a poor person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied. It does include a person who has had an application denied, has appealed and is awaiting the final decision.
  3. Board: The Benton County Board of Supervisors
  4. Completed Application: The Application Form completed, signed and all necessary supporting documentation completed and filed with the Department.
  5. Department: Benton County Social Services, 303 1<sup>st</sup> Avenue, Vinton, Iowa
  6. Designee: Department staff who accept applications and issue decisions based on Manual guidelines.
  7. Director: The Benton County Social Services Director who is appointed by the Benton County Board of Supervisors.
  8. Emergency: A combination of circumstances which calls for immediate action, or, something arising unexpectedly calling for prompt or urgent action.

9. General Assistance: County payment made on behalf of poor or needy persons for basic needs of rent, utilities including heating fuel, and food. General Assistance also includes limited medical and dental services, transportation and burial expenses.
10. Gross Income: Income includes the following: money, wages and salaries before any deductions; net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from Social Security, public assistance (including Family Investment Program or Temporary Assistance for Needy Families), Supplemental Security Income; training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, lump-sum payments such as Social Security, tax refunds, rent reimbursements and rebates; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.
11. Liquid Assets: Cash or any other item of property of the applicant that can be readily converted to cash within seven (7) days with or without penalty.
12. Needy Person(s): A person who is lawfully residing in Benton County, Iowa, or who is a transient in the County, and, who, because of circumstances which are not attributable to that person, needs emergency assistance.
13. Poor Person(s): A person who has no property, exempt or otherwise who is lawfully in Benton County, Iowa, and, who because of a physical or mental disability, is unable to engage in gainful employment and otherwise cannot earn a living.
14. Resources: The value of all real and personal property of the applicant including assets from any source which includes but is not limited to items such as cash, checking and savings accounts, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and art work. Exempt items include clothing, wedding rings, necessary and usual household furnishings, tools and similar equipment used for home and family maintenance or support, one vehicle, and principal place of residence with an assessed value not to exceed \$50,000.00.
15. Vendor Payment: County Auditor's check to the supplier of goods or services.

## **SECTION II – ADMINISTRATION**

A. PERSONNEL: The Benton County Social Services Director shall administer the General Assistance program. Department staff will be designated to assist the Director in accepting applications and issuing decisions based on Manual guidelines.

B. DUTIES OF THE DEPARTMENT:

1. Accept applications for General Assistance from persons residing or temporarily located within Benton County, and supply standard application forms for this purpose.
2. Determine eligibility of each applicant according to the guidelines set out in this Manual and notify the applicant of the decision to either deny, approve or request further information.
3. Arrange for vendor payments to be made on behalf of applicants determined eligible for General Assistance.
4. Verify the factual statements presented on each application for General Assistance to determine their accuracy and reliability under the guidelines of this Manual.
5. Any other duties as assigned by the Board of Supervisors in administration of this program.
6. Present appeals to Board of Supervisors and represent Board of Supervisors in any proceedings.

C. APPLICATION FOR ASSISTANCE

Applications for assistance shall be submitted to the Department during usual business hours Monday through Friday upon forms provided by the Department. If, because of undue hardship, a needy or poor person cannot come to the office to complete application, the Department shall mail, email, or fax such person an application form, or, make necessary arrangements for delivery of the form.

If the applicant is or appears to be eligible for assistance from any other federal, state, or local source, the Department shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further assistance under this Manual.

It shall be the obligation of the applicant to establish his or her eligibility and need for any category of general assistance. The applicant shall provide the Department a verified statement of earned or unearned income, (e.g. payroll check stubs, self-employed income statement, Social Security Administration statement of benefits, etc.)



resources, medical reports, medical authorization and anything else requested that bears upon the person's eligibility and need for assistance.

The Department shall also receive anything that the person applying desires to submit to establish his or her need including statements or letters, medical reports and other written documents as well as the verbal statements of the applicant.

#### **D. INITIAL DETERMINATION**

The Department shall make an initial determination of the eligibility and needs of an applicant within ten (10) working days of the receipt of the application. Upon that determination, the Department shall notify the applicant of the decision by ordinary mail at the address shown on the application. The Department's written decision will show the reasons for the determination, and the applicable manual section, together with the specific benefits and their amounts to which the applicant is entitled.

If an emergency or immediate need is present, the Department may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Department shall inform the applicant and vendor by issuing a written decision as provided above.

The Director shall submit a quarterly report to the Board identifying the number of applications received and the disposition of such.

### **SECTION III – ELIGIBILITY CRITERIA**

To be eligible for General Assistance, an applicant must comply with the following established requirements:

- A. Complete the Application for General Assistance form and provide additional required documentation to the Department. If two or more unrelated individuals are residing at the same address and share expenses equally, each person must complete a separate application, and, if determined eligible, assistance may be granted for their portion of the monthly expense.
- B. Eligibility of a Needy Person:
  1. Meet income guidelines: To be eligible for General Assistance the applicant's gross income for the month prior to the month assistance is being requested shall be at or below 75% of the poverty level established by the United States Department of Health and Human Services as adjusted annually. (Example: May income is considered for June rent request.)
  2. Meet resource guidelines.
  3. Liquid assets of the applicant shall be deducted from the amount of general assistance requested and the amount of general assistance approved shall be the remainder.
- C. Eligibility of a Poor Person:

Assistance is to be provided to a poor person who is in need of immediate assistance, cannot obtain assistance from any other source, who has no liquid assets, and who may be eligible for, and awaiting approval and receipt of benefits provided by state or federal law.
- D. Agree to use the applicant's own resources to meet their needs. All income of the applicant will be considered. Exhaust the resources of those persons charged by law to provide for the needs of the applicant. (See 125.78, 230.15, 252.2 and 252.5, Code of Iowa)
- E. Apply any private health insurance benefits towards the cost of medical care.
- F. Because General Assistance is an assistance of last resort, persons must exhaust all other resources by applying for and complying with all other public assistance programs including but not limited to Food Assistance Program, FIP, Supplemental Security Income, Veterans assistance, LIHEAP, Medically Needy, Medicaid, lowacare, patient assistance programs, etc. and fulfill all program requirements to provide information to determine eligibility and to remain eligible for those programs. Persons receiving income from any other governmental agency in the month prior to the month of application are ineligible for General Assistance.
- G. Applicant must be a legal resident of the United States of America and reside or be temporarily located in Benton County to be eligible for assistance. For a poor person located in Benton County who has legal settlement in another county of the state of Iowa, the Department shall bill applicant's county of legal settlement for any assistance provided.
- H. Employment:

Any applicant who voluntarily withdraws from the workforce to attend post-high school education/training is not eligible for general assistance. Consideration for assistance may be granted by the Director on a case by case basis if applicant is a student and suddenly becomes unemployed due to a unique or life-altering circumstance.

Applicants and adult members of the applicant's household who may be unemployed shall be referred to Iowa Workforce Development, shall cooperate with that agency in seeking employment and shall accept employment when available.

Applicant is not eligible for General Assistance for two months from the date they voluntarily quit a job unless the applicant quit due to a documented unlawful working condition.

The requirements of this section shall not be enforced when, in the determination of the Director or Designee, any of the following conditions exist in which documentation is provided:

1. The person suffers from an illness which temporarily prevents employment.
  2. The person is unemployable due to physical or mental handicap.
  3. The person is caring for a dependent family member who requires home medical care that is not available from any other source.
- I. Frequency - It is contemplated that items of General Assistance to be provided to a needy person (not mentally or physically handicapped) or that person's household living unit will not exceed two (2) months service in a calendar year, unless otherwise limited as stated in Section 5.
- J. Applicant must be eighteen (18) years of age or legally emancipated.
- K. General Assistance may be denied at any time if:
1. The applicant or recipient refuses to rely on his/her resources,
  2. The applicant or recipient refuses to answer any relevant questions, willfully withholds any pertinent information, or falsifies their application.
  3. The applicant has failed to make full or partial payments toward previous assistance.

#### **Section IV – FINANCIAL REIMBURSEMENT**

Expenditures for General Assistance shall be recovered or repaid as follows:

- A. From any homestead of a recipient to the extent provided in Section 252.14 Code of Iowa.
- B. From any person who received General Assistance after applying for federal Supplementary Security Income benefits but before being determined eligible for such benefits, pursuant to the terms of an "Interim Assistance Reimbursement Authorization" which shall be signed by the person at the time of receiving the General Assistance and which shall then be filed with the United States Social Security Administration.
- C. From the county of legal settlement of a recipient having legal settlement outside of Benton County, in accordance with Sections 252.22 through 252.24 Code of Iowa or from any other government agency to such extent as may be permitted by law.
- D. From any other recipient in accordance with the terms of a "Repayment Affidavit" which shall be signed by the person at the time of receiving the General Assistance. The Director need take only such steps to enforce the Agreement as the Director believes will result in greater receipts than the costs of collection, including employee time and benefits and alternative uses for available time and resources in any evaluation of such costs.

#### **Section V – DISBURSEMENT OF GENERAL ASSISTANCE**

If applicant is determined eligible, the Director shall approve disbursement of any General Assistance granted according to the following categories of need.

##### **A. RENT:**

1. Rent payment shall only be made to owners of property or their management designee. Rent shall not be paid to a relative, i.e.: a person connected by blood to the fourth degree or related by marriage.
2. Rent shall only be paid for housing that is currently being occupied by the applicant.
3. Rent may be paid for temporary housing such as a motel in emergency situations, i.e., fire, tornado or other natural disaster, or, to avoid homelessness. Payment for temporary shelter shall not exceed \$300.00 or five (5) days shelter, whichever is less.
4. Rent payment is limited up to a maximum of \$300.00 per month, per address, regardless of number of unrelated applicants excluding deposits and late fee. Landlord must agree to accept General Assistance payment and guarantee 30 days shelter from date of application. Rent shall not be approved unless all necessary utilities are guaranteed for 30 days from date of application.
5. Rent verification form completed by the landlord must be submitted with application.
6. Rent must be due for the current month or due within 5 days for the next month.
7. Mobile home lot rent can be considered for assistance. Mortgage payments are not eligible for assistance.
8. For persons who are applying only for themselves, rent payments shall be made on an equal basis relevant to the number of persons in the household (e.g. roommate applying for assistance with his/her share of the rent).

**B. UTILITIES:**

1. Utility assistance includes vendor payments for: gas, electric, water, sewer, garbage and, deliverable fuel such as fuel oil, propane, and wood. Cable, internet, and cell phone (unless cell phone is primary telephone service) are considered non-essential services and are ineligible for assistance. If applicant is eligible for assistance, amounts paid for the non-essential services will be deducted from the amount of assistance approved for basic needs.
2. The maximum amount authorized will be the amount of the current month's actual service usage which is past due or due within 5 days. Vendor must agree to 30 days service with General Assistance payment. Utilities shall not be approved unless shelter is also guaranteed for 30 days from date of application.
3. Deposits, late fees, reconnect fees, and taxes will not be paid.
4. It is not necessary to have a shut-off notice to apply.
5. Utilities must be in the name of the applicant at the current address.
6. Utility companies offer a moratorium on disconnection of heating-related utilities between October 1 to April 15 for eligible customers. To be eligible for general assistance after the moratorium, applicant must have made a reasonable effort to pay all or part of the utility bills during the moratorium excluding assistance from any other source.
7. For persons who are applying only for themselves, utility payments shall be made on an equal basis relevant to the number of persons in the household (i.e.: roommate applying for assistance with their share of the utility bill).

**C. FOOD:**

1. Requests for food assistance may be granted by referral to Benton County Food Pantry in Vinton and Belle Plaine, and, in accordance with their agency rules. Income and resources are not considered, however, assistance is not ongoing and should be accessed no more than once every three (3) months unless an unusual circumstance for the Applicant has been determined by the Department. Applicant must provide referral form from the Department of Human Services that they are receiving, or, are in the process of applying for the Food Assistance Program.
2. In the event the Benton County Food Pantry is not accessible, and, at the discretion of the Department in emergency situations, a voucher may be provided to applicant to purchase a three (3) day supply of food. The voucher amount will be the monthly Iowa Department of Human Service Food Assistance for the eligible household living unit divided by the number of days in the month to arrive at the daily allotment times three (3) days.

**D. TRANSPORTATION:**

1. Eligible transportation expenses include only:  
a voucher for one-way transportation to return to place of legal settlement or residence. Recipients of this benefit shall be ineligible for any other assistance under the provisions of this Manual for a period of one year from the date the transportation benefit is received.
2. Verification of need for transportation shall be provided to the Department.

**E. URGENT MEDICAL OR DENTAL CARE:**

1. Benton County, as a payer of last resort, may pay for these services for an adult person over the age of 18 who has no current health care coverage from any source. Applicant is required to provide proof of ineligibility for health care coverage from any other source.

These services may be paid at a Medicaid rate not to exceed \$500.00 during a twelve-month period for the purpose of emergent/urgent exams, medications and treatment ordered by a licensed medical or dental provider to prevent further deterioration of the problem. Transportation may be paid to a vendor for applicant to go to doctor appointment or emergency room.

Medical assistance may be granted on the basis of medical necessity only and is based on the amount of county dollars available for such assistance. Benton County will not pay for the costs of medical attention resulting from the misuse and/or abuse of legal or illegal substances.

**F. BURIAL:**

Benton County may contribute toward the expenses of funerals when the deceased person's estate does not have funds to pay for these expenses and only for the merchandise and services listed. If more expensive merchandise or additional services are desired and the Funeral Director charges for them, Benton County will be

relieved of any and all obligations for payment; thereby making the expenses the sole responsibility of those making funeral arrangements.

Benton County may pay the wholesale cost for the required merchandise used for the final disposition of eligible clients. The costs will be provided by the County Funeral Directors to the Department prior to December 1<sup>st</sup> each year. See Appendix A for annual update.

Eligible merchandise or services as follows:

1. Least expensive casket including oversized, adult or infant size casket.
2. Least expensive outer burial receptacle when and where required by cemetery regulations.
3. Ziegler Case when circumstances require its use.
4. Alternative cremation container when used.
5. Benton County may pay the Funeral Director an amount to be agreed upon by the Board of Supervisors and the funeral director in lieu of actual overhead cost for the following: preparation and/or embalming; use of staff, equipment and facilities; and, removal and transportation within forty miles.
6. Removal and transportation in excess of forty miles at 50 cents/mile up to a maximum of \$100.00.
7. Crematory charge when applicable
8. Medical examiner's fee for cremation permit.
9. Minister stipend at Funeral Directors request when family or friends cannot provide this courtesy.
10. Benton County may pay directly to the grave digger or Cemetery Association the cost of the grave opening and closing.
11. Indigent Patient cemetery lots may be provided at several Benton County cemeteries. Family may provide for a lot at other locations, but such lots will be at family's expense.

Any money received by the Funeral Director from the deceased's assets, from pre-arrangement trusts, Governmental benefits or from family or friends shall be deducted from the above expenses. Any money received by the Funeral Director after he has received payment from Benton County shall be reimbursed to Benton County in an amount not to exceed the amount paid by Benton County to the funeral home.

#### **VI – Appeal**

Every applicant, whether granted assistance or not, shall be informed in the Department's written decision of the applicant's right to have such decision reviewed. The applicant shall be informed:

- (1) of the method by which a review may be taken, and,
- (2) of the rights of representation at the hearing

To initiate a review, the individual must send a written request for review within ten (10) calendar days of the date of the decision to: Director, Benton County Social Service, 303 1<sup>st</sup> Ave., Vinton, IA 52349.

Within five (5) working days of the receipt of the written request for review, the Director shall notify the individual of the date and time set for the review.

The review will be held with the Director within ten (10) working days of the receipt of the written request for review.

The individual shall have the right to appear in person at the review and present any evidence or documents in support of his/her position. If an individual fails to appear for the scheduled review, the Director may proceed and issue a decision. Any individual may waive the right to personally appear at the review and may present their case by documents only, or by telephone.

Within ten (10) working days of the review, the Director shall issue a written decision which shall include a statement of the reasons supporting or repealing the initial decision.

The written decision shall inform the individual of their right to further review by the Board of Supervisors.

Any written appeal and/or communication of the Director's decision must be made to the Director within ten (10) working days of the Director's determination. The Director shall place the applicant's appeal on the Board of Supervisors' agenda at the earliest date and time available. The applicant shall be informed immediately by telephone if possible and by ordinary mail of the date and time of the hearing before the Board of Supervisors.

The Board of Supervisors shall hear applicant's appeal at the time scheduled on the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The applicant's file may be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reason for the determination. The hearing before the Board will be pursuant to Iowa Code 21.5 since the confidential files of the applicant will be in evidence.

The Board shall make a decision on the appeal within 10 working days. The Board's decision shall be only on basis of the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if possible, of the decision and within 5 working days thereafter, the Board shall mail to applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or

ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

**APPENDIX A**

**Insert Resolution # 43 here**

Adopted this 11<sup>th</sup> day of October 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Brenda Sutton, Deputy Auditor

**Resolution #05-43**

**Benton County General Assistance**

**Burial Price List**

Casket .....	\$215.00
Vault and setting .....	\$415.00
Funeral Director Fee .....	\$700.00
Minister's Stipend .....	<u>\$ 25.00</u>
Total	\$1355.00

Ziegler Case (when needed)    \$275.00

**Cremation Charges**

Cremation Unit.....	\$ 19.00	(container body put in for cremation)
Crematory Charge.....	\$190.00	
*Sheet Bronze Urn .....	\$ 26.00	
Funeral Director Fee.....	\$700.00	
Minister Stipend.....	\$ 25.00	
Dr. Permit for Cremation.....	<u>\$ 75.00</u>	
Total	\$1035.00	
*Cremation Charges without Burial in Ground .....	\$1009.00	

Grave Opening – Maximum Allowed @ Evergreen or Maplewood Cemetery

**Regular Interment**                      **\$450.00**

**Ashes Interment**                        **\$250.00**

**Babies without vault**                      **\$100.00**

Babies with vault                                              \$350.00

\$50.00 surcharge in winter if they have to use grave burner

\$100.00 surcharge for Sundays and holidays

Adopted this 11<sup>th</sup> day of October 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_

Jason Sanders

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

Brenda Sutton, Deputy Auditor

Moved by Sanders, seconded by Buch, to adjourn at 10:30 a.m. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Brenda Sutton, Deputy Auditor

October 14, 2005

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

Moved by Sanders, seconded by Buch, to set the time and date for a land use hearing requested by Matt Rissi on a parcel located in the SE1/4 of the NW1/4 of 11-85-9 at 9:15 a.m. on November 4, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve calling the remaining general obligation bonds issued for the Benton Commerce Village project. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-44. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

**RESOLUTION #05-44****TRANSFER FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$103,622.25 be transferred from the TIF Fund to the Debt Service Fund.

Dated this 14<sup>th</sup> day of October, 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman\_\_\_\_\_  
Ronald R. Buch\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Kristine Dillon and Clint Lawrence, 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 on approximately two acres in Benton Township. 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 approve a land use change on approximately two acres generally described as being a Part of the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of 29-85-9 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Roger Witt met with the Board to provide an update on the courthouse security system. All cameras and monitors are operational. Discussion on the alarm system was also held.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-45. Voting aye: Vermedahl, Buch, and Sanders. Nays: none. Motion carried.

**RESOLUTION #05-45**

WHEREAS: A posting for the position of Grade Working Foreman has been completed, and

WHEREAS: The present employees have had three (3) days to sign the posting, and

WHEREAS: Two present employees have signed the posting, and

WHEREAS: Both employees have years of experience on the grading crew, one of these employees is more qualified than the other,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that William Garbers, Jr. be the Grade Working Foreman with a Labor Grade Classification of LG VID. The base wage will be \$16.05. The effective date will be October 3, 2005.

Signed this 14<sup>th</sup> day of October, 2005.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the following application and request for building sewer service. All members voting aye thereon. Motion carried.

**City of Vinton, Iowa****APPLICATION AND REQUEST FOR BUILDING SEWER SERVICE**

Request is hereby made to connect the premises shown below with the City of Vinton, Iowa sanitary sewer system:

NAME: \_\_\_\_\_  
Benton County (Cedar Valley Ranch Inc)ADDRESS: \_\_\_\_\_  
2591 61<sup>st</sup> Street Lane

BENTON COUNTY PARCEL No. \_\_\_\_\_

(- OR - Lot \_\_\_\_\_, Block \_\_\_\_\_, Addition \_\_\_\_\_)

The undersigned being the Owner(s) of record hereby requests said connection. The Owner understands that the City will install the service line, make the connection (if the existing drain line is acceptable), backfill, compact, shape, and regrade the area up to within 5 feet of the building/or to an approved connection system.

*If the connection to the Owner's existing service line cannot be made by the City, the Owner(s) shall be responsible for the final connection. The City shall inspect any Owner installed connection prior to any backfilling.*

The Owner(s) understands and agrees that any seeding, placement of sod, new or replacement plantings or landscaping, improvements or repairs to sidewalks or driveways, or repair, replacement, and/or abandonment of existing septic tank(s) are ***not a part of this agreement.***

The Owner(s) acknowledge that the use, operation, repair, maintenance and replacement of the sewer service line from the building to the City's sewer main shall be the sole responsibility of the property Owner.

In consideration of installing the sewer service line by the City, the Owner(s) hereby grant a **TEMPORARY EASEMENT** to the City of Vinton, Iowa to construct the sewer service line through the above-described premises. This **TEMPORARY EASEMENT** shall remain valid only until City construction activities are completed.

OWNER(S):      **(1) Signed** \_\_\_\_\_      Date \_\_\_\_\_  
                          Typed Name   David H Vermedahl  
                          **(2) Signed** \_\_\_\_\_      Date \_\_\_\_\_  
                          Typed Name   Jill Marlow

CITY OF VINTON, IOWA: By \_\_\_\_\_  
Title \_\_\_\_\_ Date \_\_\_\_\_

**OFFICIAL USE ONLY**

**RECORD OF SEWER TAP**      SIZE OF PIPE: 8-inch      TYPE OF PIPE: SDR-26 PVC

**LOCATION OF "Y" OR "T":** \_\_\_\_\_

FROM MH. # \_\_\_\_\_ TO MH. # \_\_\_\_\_ GOING \_\_\_\_\_ A DISTANCE OF \_\_\_\_\_ FEET.  
                  (number)                                 (number)                                 (compass direction)                                 (distance)

**LOCATION OF SERVICE LINE AT BUILDING:**

FROM \_\_\_\_\_ BUILDING CORNER GOING \_\_\_\_\_ A DISTANCE OF \_\_\_\_\_ FEET  
                  (compass direction)                                 (compass direction)                                 (distance)

## INSPECTION AND APPROVAL

The building sewer line, connection, and interior wastewater plumbing have been inspected and are in conformance with the City of Vinton, Iowa Sewer Ordinance No. \_\_\_\_\_.

City Inspector

Date \_\_\_\_\_

Moved by Buch, seconded by Sanders, to enter into a Temporary Easement Purchase Agreement between Benton County and Daniel and Stephanie Berberich as follows. All members voting aye thereon. Motion carried.

# TEMPORARY EASEMENT PURCHASE AGREEMENT

Benton County, Project No. BRS-4600(601) 60-06, Road No. V44 – Luzerne Road

Seller: Daniel & Stephanie Berberich

THIS AGREEMENT made and entered into this 14<sup>th</sup> day of September 2005, by and between Seller and Benton County, Buyer.

1. SELLER GRANTS to Buyer a temporary easement, upon Seller's real estate, hereinafter referred to as the premises, situated in parts of the following: The East Ten 10) feet of Lots Five (5) and Six (6) in Jons Addition, Luzerne, Iowa – See Attached Exhibit "A" Temporary Construction Easement Exhibit.
- County of Benton, State of Iowa, and more particularly described on Right of Way Design Plot Plan Attached as EXHIBIT A, for the purpose of temporary construction easement, and as shown on the project plans for said highway improvement. The premises also includes all estates, rights, title and interests, including all easements, and all advertising devices and the right to erect such devices as are located thereon, and the following buildings, improvements and other property:

N/A

SELLER CONSENTS to any change of grade of the highway and accepts payment under this agreement for any and all damages arising therefrom. SELLER ACKNOWLEDGES full settlement and payment from Buyer for all claims per the terms of this agreement and discharges Buyer from liability because of this agreement and the construction of this public improvement project.

2. Possession of the premises is the essence of this agreement and SELLER GRANTS immediate possession of the premises.
3. Buyer agrees to pay to SELLER the Total Lump Sum of \$50.00 on or before 60 days after Buyer Approval. Buyer may include mortgagees, lien holders, encumbrancers and taxing authorities as payees on warrants as agreement payment.

4. SELLER WARRANTS that there are no tenants on the premises holding under lease except: None
5. It is agreed that the right of temporary easement granted by this agreement shall terminate upon the completion of this highway project.
6. This agreement shall apply to and bind the legal successors in interest of the Seller and SELLER AGREES to warrant good and sufficient title. Names and addresses of lien holders are: None
7. If this agreement is recorded, in addition to the total Lump Sum, Buyer agrees to pay \$N/A for the cost of adding title documents required by this transaction to Seller's abstract of title. SELLER AGREES to obtain court approval of this agreement, if requested by Buyer, if title to the premises becomes an asset of any estate, trust, conservatorship or guardianship. Buyer agrees to pay court approval costs and all other costs necessary to transfer the premises to Buyer, but not attorney fees. Claims for such transfer costs shall be paid in amounts supported by paid receipts or signed bills.
8. Buyer agrees that any agricultural drain tiles that are located within the premises and are damaged or require relocation by highway construction shall be repaired or relocated at no expense to Seller. Where Buyer specifically agrees to construct and maintain fence, the fence shall be constructed and maintained for vehicle access control purposes only at no expense to Seller. Buyer shall have the right of entry upon Seller's remaining property along the right of way line, if necessary, for the purpose of connecting said drain tile and constructing and maintaining said fence. Seller may pasture against said fence at his own risk. Buyer will not be liable for fencing private property or maintaining the same to restrain livestock.
9. If Seller holds title to the premises in joint tenancy with full rights of survivorship and not as tenants in common at the time of this agreement, Buyer will pay any remaining proceeds to the survivor of that joint tenancy and will accept title solely from that survivor, provided the joint tenancy has not been destroyed by operation of law or acts of Seller.
10. Buyer hereby gives notice of Seller's five-year right to renegotiate construction or maintenance damages not apparent at the time of the signing of this agreement as required by the Code of Iowa.
11. This written agreement constitutes the entire agreement between Buyer and Seller and there is no agreement to do or not to do any act or deed except as specifically provided for herein.
12. Seller states and warrants that, to the best of Seller's knowledge, there is no burial site, well, solid waste disposal site, hazardous substances, nor underground storage tank on the premises described and sought herein except: None.

SELLER's SIGNATURE AND CLAIMANT'S CERTIFICATION: Upon due approval and execution by the Buyer, we the undersigned claimants certify the Total Lump Sum payment shown herein is just and unpaid.

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Seller's Signature

**BUYER'S APPROVAL**

\_\_\_\_\_  
Recommended by: (County Engineer)

\_\_\_\_\_  
Approved by: (Chairman, Board of Supervisors)

The Board met with the various department heads to discuss ways to reduce fuel consumption in Benton County. Discussion included closing the treasurer's office on Saturday mornings and extend hours during the week. Discussion also included guidelines for thermostat settings for both heating and air conditioning, having an energy audit done, and possibly replacing windows in the future.

The Board discussed the need for an audit on the electrical generator to ascertain if its output can meet the demand. Discussion also included holding scheduled tests of the generator. The continuity of government and continuity of operations plans for Benton County. The plans have been submitted to the state for review and approval. The emergency management director plans to meet with each department over the winter to develop individual emergency plans. The NIMS (National Incident Management System) was discussed as to who is and should be involved.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 18, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of October 11, 2005, and October 14, 2005. All members voting aye thereon. Motion carried.

The Board discussed the proposal from the Cedar Valley Ranch regarding renewal of their lease agreement. The Board also reviewed a proposal submitted by Benton County for consideration. The county attorney has not provided a legal opinion as to the content of the agreement.

The county engineer presented a 28E agreement for the Board's consideration. The agreement established the maintenance of farm-to-market extensions within the City of Luzerne. This agreement is necessary due to recent legislative changes changing the maintenance from the city to the county. The engineer advised that the county attorney, and city attorney have approved this agreement. Moved by Sanders, seconded by Buch, to adopt Resolution #05-46. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #05-46

Prepared by David Vestal, 501 SW 7<sup>th</sup> St., Des Moines, IA 50309 (515) 244-7181

**28E Agreement Regarding**

*Maintenance of Farm to Market Extension(s) Within the City's Corporate Limits*



This agreement made and entered into by and between the City of Luzerne, Iowa, hereinafter referred to as the City, and Benton County, Iowa hereinafter referred to as the County.

In accord with Chapter 28E and other relevant sections of the Code of Iowa, the City and County enter into the following agreement in order to define the duties and responsibilities of each party regarding the maintenance, repair and minor reconstruction of the Farm to Market extensions located within the City's corporate limits ("F-M extensions").

1. The County and the City mutually desire to reach an equitable decision as to functions to be performed and the financial responsibility of each party concerning construction and maintenance of F-M extension(s). As a general rule the County will be responsible for the center 24 feet of roadway and the City will be responsible for the right of way outside the center 24 feet of roadway.
2. The roads and streets to be included within the scope of this agreement shall be listed by description and shown on a map, which shall be attached to and become a part of this agreement.
3. Responsibilities for maintenance of F-M extension(s) under this agreement will be as follows:
  - A. County responsibilities:
    1. Pavement: Maintain and repair the center 24 feet of the roadway.
    2. Traffic Services: Provide regulatory and warning signing on F-M extension(s) as well as stop signs on appropriate streets that intersect the roadway. Provide pavement marking for traffic lanes on the center 24 feet of roadway.
    3. Drainage: Maintain clear surface drainage to and through drainage structures (except storm sewers) within the center 24 feet of the roadway.
    4. Winter Maintenance: Plow and treat pavement and bridges within the center 24 feet of roadway pursuant to the County policy. Plowed snow will be deposited alongside the roadway and the County will not be responsible for the hauling of this snow.
    5. Vehicular Bridges: Perform structural maintenance as necessary and inspection and posting according to National Bridge Inspection Standards.
    6. Maintain and repair guardrail, pavement shoulders and edge rutting.
  - B. City Responsibilities:
    1. Pavement: Maintain and repair outside the center 24 feet of the roadway.
    2. Traffic Services: Paint stop lines and crosswalks at streets intersecting the F-M extension(s) if required. Paint parking stalls and maintain any other traffic marking located outside the center 24 feet of the roadway. Maintain, repair and provide energy to street lighting.
    3. Drainage: Maintain and repair storm sewers, manholes, intakes and catch basins used for collection and disposal of surface drainage.
    4. Winter Maintenance: Clear from all areas outside the center 24 feet of the roadway as well as from sidewalks as per City policy.
    5. Maintain right of way outside center 24 feet of the roadway including sidewalks as per City policy.
    6. Clean, sweep and wash streets when considered necessary by the City.
    7. Remove trees as necessary.
4. All traffic control devices shall conform to the "Manual on Uniform Traffic Control Devices." The County shall establish speed limits in consultation with the City and on the basis of an engineering and traffic investigation.
5. The County and City further agree:
  - A. To prevent erection or encroachment of any private signs within or overhanging the right of way, that could obstruct the view of any traffic control devices or any portion of the roadway or as per Section 319.10 of the Code of Iowa.
  - B. To comply with all current statutes and regulations pertaining to over length and over weight vehicles using the County roads.
  - C. To comply with the County's utility policy by requiring a County permit for any construction or maintenance within the right of way.
  - D. To comply with the County's driveway policy by requiring County review for any change to an existing entrance or for the construction of a new entrance.
  - E. That any damage settlement for the roadway caused by Iowa DOT detours or haul Roads shall be negotiated with the Iowa DOT by the County and paid to the County.
  - F. That the County shall pay any Drainage District Assessments levied against the roadway within the City.
  - G. That any major construction initiated by either party shall be covered by a separate agreement. Major construction may include pavement resurfacing, rehabilitation or reconstruction as well as repair or replacement of vehicular bridges.
  - H. That each party shall provide, without reimbursement, any existing right of way within their respective jurisdiction that is necessary for construction or maintenance.
  - I. That the City retains ownership of any underground utilities that are currently within their jurisdiction.
6. Each party will entirely finance any obligation that is undertaken herein. No real or personal property acquired by either party will be subject to this agreement.
7. The County Engineer shall administer this agreement as per Section 28E.6 of the Code of Iowa and in consultation with the Board of Supervisors and the City Council.

8. This agreement shall not prohibit either party from employing a private contractor to perform work associated with this agreement.
9. In consideration of the duties outlined in this agreement, the County will reimburse the City in an amount equal to \$ 1300.00. The County will make two equal payments of \$ 650.00 semi-annually. One payment will be made in September and the other in March.
10. This agreement shall be in effect for a period of one year, from July 1, 2005 and renew annually for a period of one year unless terminated sooner as provided in paragraph 11.
11. Either party may terminate this agreement upon written notice to the other party not later than January 10th of a given year. Said termination may occur no earlier than July 1<sup>st</sup> following the notice.
12. Each party is responsible for liability occurring as a result of the acts or omissions in performing its obligations under this agreement. The City shall protect, indemnify, defend, and hold harmless the County for acts or omissions of the City, its officers, employees, agents, and assigns with respect to the obligations of the City under this agreement. The County shall protect, indemnify, defend, and hold harmless the City for acts or omissions of the County, its officers, employees, agents, and assigns with respect to the obligations of the County under this agreement.
13. This agreement is effective upon filing and recording as required by law.

IN WITNESS WHEREOF, the City and County have set their hands, for the purposes herein expressed, on the dates indicated below.

For BENTON COUNTY

For the CITY OF LUZERNE

By \_\_\_\_\_

By \_\_\_\_\_

Chair, Board of Supervisors

Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

Attest \_\_\_\_\_

Attest \_\_\_\_\_

County Auditor

City Clerk

F-M Extension Streets

Luzerne Street – NCL to SCL

Maple Street – Luzerne Street to ECL

The Board discussed employee vehicle parking around the courthouse in light of the recent markings done by Vinton Unlimited stating "customer parking".

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

October 21, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 18, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to write a letter of support for the Belle Plaine Housing Rehabilitation application. 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 Kevin and Deb Kacena, 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 on approximately four acres in Taylor Township. The change is on a parcel that is partially in crop production and pasture. The applicants advised that they intend to conduct a Christmas tree business on the remaining acres. Hearing all comment, it was moved by Sanders, 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 W1/2 of the NW1/4 of the NW1/4 of 34-86-10 (Taylor 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 Shane and Carrie Ewing, 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 on approximately two acres in Taylor Township. The change is on a parcel that is currently in agricultural production and pasture and the applicant advised that he intends to leave the remaining land in native grasses and a garden. Hearing all comment, it was moved by Sanders, 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 E1/2 of NW1/4 of the NE1/4 of 34-86-10 (Taylor Township) for a single residential use. Both members voting aye thereon. Motion carried.

The Board discussed the courthouse security system with the county attorney, county sheriff, and Roger Witt. Discussion included the number of cameras, the types of cameras, and the recording devices. Moved by Sanders, seconded by Vermedahl, to approve a change to the original alarm system by enhancing the recording system to a 16-camera recorder, which includes eight cameras, and to approve enhancing the fire alarm pulls in the rotunda areas to include a brass base. Any additional cameras must have prior approval of the Board. Both members voting aye thereon. Motion carried.

Representative of Genesis met with the Board to provide an update on client services being provided by his company. A review of what makes a typical day of services was explained and extended services. It was reported that Belle Plaine currently serves twelve consumers over a wide range of ages. It was explained how clients are taught how to become independent in various areas. Seventeen consumers are being serviced in Vinton and the surrounding area. The goal of Genesis is to reduce the number of hours of support each consumer requires as it indicates that the individual is progressing towards independence.

Representatives of the Benton County Emergency Management Commission gave an update on activities being done by emergency management. The Commission also spoke about rural addressing duties being performed by the emergency management director. Cooperation has begun between emergency management and secondary roads and seems to be a workable situation relative to rural addressing; however the rural addressing system needs to be reconstructed due to the large growth experienced in Benton County and the original set-up of the system. A request was made that Benton County include funds in the FY07 budget to review and correct the rural addressing system. The Board requested that a budget be developed with projected costs for correcting the current system.

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 25, 2005

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 21, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set November 18, 2005, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Chris Massman on a parcel located in the NW1/4 of the NW1/4 of 3-82-9 (Florence Township). All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 77341 through 77742, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the recorder's quarterly report for the period ending June 30, 2005, however it is noted that the report is approximately four months late. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss the Cedar Valley Ranch lease proposal. Moved by Buch, seconded by Sanders, to approve the county's lease proposal and direct the auditor and social services director to forward the document to the Cedar Valley Ranch for their consideration. All members voting aye thereon. Motion carried.

The time of 9:45 a.m. having arrived, the Board proceeded with canvassing the Belle Plaine City Special Election held on October 18, 2005. Having canvassed the results, it was moved by Buch, seconded by Sanders, to approve the canvass and direct that the auditor record the results of the election in the books maintained in the office of the auditor. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #05-47. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-47**

WHEREAS: A posting for the position of Equipment Operator II 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 Steven DeWitt be the Equipment Operator II with a labor grade classification of LG IVC. The base wage will be \$15.46. The effective date will be October 31, 2005.

Signed this 25<sup>th</sup> day of October 2005.

\_\_\_\_\_  
Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 28, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of October 25, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set November 22, 2005, at 9:15 a.m., as the time and date for a public hearing on a request for a land use change requested by Dean and Taraca Brown on a parcel located in the NW1/4 of the NE1/4 of 32-86-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the recorder's quarterly report for the period ending September 30, 2005. All members voting aye thereon. Motion carried.

The Board discussed ways to cut energy costs by establishing guidelines for room temperature heating and cooling. Discussion also included closing the courthouse on Saturdays, but allowing additional hours during the week. The supervisors all stated their concern about closing the courthouse on Saturdays; however due to increased heating and cooling costs the Board stated they didn't see any other option. The Board did encourage that offices be open later to accommodate the public. Moved by Buch, seconded by Sanders, to close the courthouse on Saturdays effective November 26, 2005. Further that heating and cooling guidelines are established as follows: During times that the boilers are being used room temperature is to be set at 70 degrees or below. During times that air conditioners are being used room temperature is to be set at 75 degrees or above. All members voting aye thereon. Motion carried.

The county engineer spoke about the snow removal. The engineer stated that he will be publishing a notice that will provide information to the public as to the plan for snow removal. The engineer plans to address routes that carry the majority of traffic for people commuting to and from work. The plows will be deployed earlier in the morning with salt and sand applied (when needed) providing for additional time for the roads to begin clearing before the heavier traffic begins. The engineer also plans to keep the plows out until a little later in the evening in an effort to address roads when people are returning from home from work.

The county engineer provided an update on the Oak Grove Road Project. Land acquisition will probably be next spring with preliminary work being done over the winter.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-48. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #05-48**

**AMENDED AND RESTATED BENTON COUNTY 457(b) DEFERRED COMPENSATION PLAN**

BE IT RESOLVED THAT the Benton County 457(b) Deferred Compensation Plan (the "Plan") is hereby amended and restated in order to meet the requirements of section 457(b) of the Internal Revenue Code of 1986, as amended, applicable laws of the state of Iowa.

Dated this 28th day of October 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

Initial bargaining proposals were exchanged between the county and the sheriff's department union (Teamsters).

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

November 1, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of October 28, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit for Alliant Energy to place utility lines in the county's right-of-way along 21<sup>st</sup> Avenue, south of Blainstown. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chairman to sign the State Grant for Election Assistance for Individuals with Disabilities for the Benton-Canton-Shellsburg polling place. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the treasurer's new office hours as follows: Monday, Wednesday, and Fridays – 7:30 a.m. to 4:30 p.m.; Tuesday and Thursdays – 7:30 a.m. – 6:30 p.m.; and closed Saturdays. The new hours are effective December 1, 2005. All members voting aye thereon. Motion carried.

The County delivered its initial bargaining proposal to the Public Professional and Maintenance Employees, Local Union 2003, International Brotherhood of Painters and Allied Trades, AFL-CIO for 2006-2007.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest:

Jill Marlow, Benton County Auditor

November 4, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of November 1, 2005. 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 Matt Rissi, 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 on approximately three acres in Polk Township. 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 approve a land use change on approximately two acres generally described as being a Part of the SE1/4 of the NW1/4 of 11-85-9 (Polk Township) for a single residential use. All members voting aye thereon. Motion carried.

Dr. Mark Dearden and Nancy Farmer, R.N., representing the Benton County Board of Health, met with the Board to request the adoption of a Lead Hazard Ordinance. The ordinance is to control lead-based paint hazards where a child has been identified with an elevated blood level by implementing policies and procedures. The Board requested that the county attorney review the ordinance and that the matter be placed on a future agenda for final review before setting the matter in for public hearings.

Sheriff Forsyth requested approval of the hire of Danielle Renee Pierce as a full-time Deputy Sheriff. The sheriff explained that Pierce has met the qualifications for the position and it his recommendation that she be hire. Pierce currently lives outside of Benton County. Supervisor Vermedahl questioned if the county could require that she live in Benton County. The sheriff responded that he could not; however it was his understanding that she would be moving to Benton County. Supervisor Vermedahl stated that the county could require her to drive her own vehicle to and from work since she does not live in the county. The sheriff responded that was correct. Moved by Buch, seconded by Sanders, to approve the hire of Danielle Renee Pierce as a full-time deputy sheriff, effective November 21, 2005, at the wage set forth in the union contract. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting at approximately 10:10 a.m.

The engineer spoke to the board about changing his hours of operation for November to eight-hour days instead of nine due to the cost of fuel. The normal workday will begin at 7:00 a.m. and end at 3:30 p.m. Discussion was held regarding snow removal during the nighttime hours. The engineer advised that operations would follow the regular snow removal policy; however the situation would be taken into consideration. The Board suggested that the engineer speak with the cities regarding emergency situations and assistance.

The engineer reported that the balance in the landfill account on October 31, 2005 was \$25,675.90.

The engineer spoke to the Board about changes in the Department of Natural Resources regulations governing the landfill. Benton County will be required to do additional testing as well as resubmit the design for the new cell at the landfill. The cost for these services will range between \$50,000 and \$60,000. The engineer advised that he would hold off on other activities at the landfill in an effort to incorporate the additional expense into his current budget; however a budget amendment may be needed before the end of the fiscal year.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

November 8, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of November 4, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve claims numbered 77743 through 78143, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a claim for reimbursement from the State of Iowa regarding Decategorization Coordinator services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 37-1/2 hours of vacation carry-over requested by Mary Ann Blumer. Said carry-over is to be used by May 1, 2006. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

November 10, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of November 8, 2005. All members voting aye thereon. Motion carried.

The time of 1:00 p.m. having arrived, and this being the time and date for canvassing the Keystone City Election held on November 8, 2005, the Board proceeded with the matter. Having reviewed all results, it was moved by Buch, seconded by Sanders, to approve the canvass of the November 8, 2005 Keystone City Election. The auditor is directed to notify the City of Keystone and record the results in the official election books maintained in the auditor's office. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-49. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #05-49  
Quit Claim Deed

WHEREAS, the Benton County Board of Supervisors agreed to convey property to Wm. T. Flickinger as evidenced by the Minutes of the Benton Board of Supervisors Record V, pages 336 and 337, dated June 29, 1964; and WHEREAS, it has been determined that the property has never been legally conveyed; and WHEREAS, a request to convey said property has been submitted to this Board of Supervisors; and WHEREAS, the Board finds that it would be in the best interest of all parties to convey said property to the current owner, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a Quit Claim Deed be issued to Robert Stander on the following described real estate situated in Benton County, Iowa:

THE WEST ONE-THIRD (W1/3) OF LOT FIVE (5), BLOCK FOUR (4), GARRISON, IOWA.

FURTHER, the auditor is directed to record said Quit Claim Deed with the Benton County Recorder and upon completion deliver said Quit Claim Deed to Robert Stander at 415 W. 2<sup>nd</sup> Street, Vinton, Iowa.

Dated this 10<sup>th</sup> day of November 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow, Auditor

Benton County recently readopted and restated the Benton County 457B Plan and now needs to re-establish providers allowed under the Plan. Currently, the only provider being utilized is Northwestern Mutual Life. Moved by Sanders, seconded by Buch, to rescind approval of all providers previously authorized to provide services under the Benton County 457B Plan, effective this date. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to re-establish Northwestern Mutual Life as a provider under the Benton County 457B Plan, effective immediately. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to increase the amount that an employee may defer under the Benton County Section 125 medical flex plan to \$4,000.00, effective January 1, 2006. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Diana Johnson from the Benton County Attorney's Office, effective November 30, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Help America Vote Act Polling Place Accessibility Grant application for the Norway and Atkins voting precincts. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to request that the Vinton Municipal Electric Utility (VMEU) place decorations the trees on the south side of the courthouse and hang the wreath for the holidays, and that said decorations be removed when other city decorations are removed. Further, that the VMEU will not be held liable for damages done to property owned by Benton County while performing these requests. All members voting aye thereon. Motion carried.

The auditor discussed the purchase of voting equipment that would be compliant with the Help America Vote Act. The current equipment will be upgraded with additional handicap accessible components being purchased. The auditor advised that Benton County has not yet purchased the equipment that has been use for the last several years and that a purchase contract would be drafted in the near future for board approval.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

November 15, 2005

The Benton County Board of Supervisors met in regular adjourned session via a telephone conference call with Supervisors Vermedahl and Buch present. Supervisor Sanders was attending an Emergency Management meeting. Chairman Vermedahl called the meeting to order at 8:55 a.m.

Moved by Buch, seconded by Vermedahl to table the canvass of the regular city election until 9:00 a.m. on Wednesday, November 16, 2005 because Vermedahl and Buch were attending ISAC meetings in Des Moines, Iowa. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Brenda Sutton, Deputy Auditor

November 16, 2005

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders, and Buch present. Chairman Vermedahl called the meeting to order at 9:15 a.m.

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 15, 2005. Both members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, the Board proceeded with canvassing the results of the Regular City Election held on November 8, 2005. Moved by Buch, seconded by Sanders, to approve said canvass and that the canvass be filed in the records of the auditor's office. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 15 hours of vacation carryover for Delane Kalina to be used by May 1, 2006. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to adjourn at 10:30 a.m.

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Brenda Sutton, Deputy Auditor

November 18, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of November 10, 2005 and November 16, 2005. 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 Chris Massman, 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 allow for a storage rental business on approximately one and one-third acres in Florence Township. 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 approve a land use change on approximately one and one-third acres generally described as being a Part of the NW1/4 of the NW1/4 of 3-82-9 (Florence Township) for the specified intended use as stated in the application which is for storage rental in three existing buildings on said parcel. Buch and Sanders voting aye. Vermedahl voting nay. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Ray Seegmiller on a parcel located in Monroe Township. The applicant owns one hundred and sixty acres, which is currently being used for a corn and soybean rotation. The applicant would like to build a residence on the existing building site located on his property. Moved by Sanders, seconded by Buch, to approve a farm exemption on a parcel generally described as being located in the NW1/4 of NW1/4 of 32-85-12 for a residential purpose as the applicant is currently engaged in a farming activity. All members voting aye thereon. Motion carried.

Doug Elliott, Executive Director of East Central Iowa Council of Governments, met with the Board to provide an update on activities his organization has been involved with. Elliott advised that ECICOG has assisted Benton County with a comprehensive plan, the Watkins Community Development & Betterment Grant, solid waste programs, and transit issues. Elliott also spoke about programs ECICOG was assisting individual cities with including, Belle Plaine, Vinton, and Mt. Auburn. Membership costs for FY06 remained the same as in FY05; however there may be an increase in FY07 although that has not been determined at this time.

Moved by Sanders, seconded by Buch, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way along 77<sup>th</sup> Street Trail in Iowa Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a utility permit for Qwest Communications to place utility lines in the county's right-of-way along 22<sup>nd</sup> Avenue and 19<sup>th</sup> Avenue in Jackson Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Interstate Power and Light Company to place utility lines in the county's right-of-way for all necessary fixtures for the operation of sirens in Polk, Benton, Taylor, Eden, Canton, Eldorado, and Fremont Townships. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

November 22, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of November 18, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 78144 through 78569, for payment. All members voting aye thereon. Motion carried.

The Board discussed the condition of the restrooms in the Governor Sherman Building. The floor is in need of replacement and the walls need to be repainted. The board directed that quotes be obtained for floor covering and that the maintenance personnel repaint the rooms when time allows.

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 Dean and Taraca Brown, 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 on approximately two acres in Harrison Township. The change is on a parcel that was previously approved however the one-year requirement for the activity to begin was not met and therefore another hearing was required. Jill Marlow, adjacent property owner questioned the notation on the application that the north part of the parcel would remain "as is for now" and specifically the "for now". The applicants advised that it was their plan to leave the property in pasture, alfalfa, or plant a forest reserve on the remaining portion of the parcel. The applicants questioned if they could place a mobile home on the parcel until the home was constructed. Supervisor Vermedahl stated that it was the board's intention that the application was being approved based on the facts presented in the application that set out that a log home would be built and that a temporary mobile home could be placed on the property but that a stick built

home should be constructed in accordance with the application. 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 approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the NE1/4 of 32-86-10 (Taylor Township) for a single residential use. All members voting aye thereon. Motion carried.

Chad Coburn of Poweshiek Water Association met with the Board to provide an update on the status of the Watkins wastewater treatment system. Coburn advised that the plans include going out to bid in April or May of 2006 with completion in the fall of 2006. Coburn spoke to different specifics of the system and various matters that are being addressed. Coburn advised that he would return to the Board when he had completed diagrams and maps of the system when he obtained them. Coburn also stated that a meeting with the residents of Watkins is planned for sometime in January. Dan Schulte questioned costs to residents due to the change in design. Coburn stated that there would be changes and that would be covered at the January meeting. Lisa Treharne with East Central Iowa Council of Governments advised that an extension would have to be obtained for the Community Development Block grant from the Iowa Department of Economic Development as the current agreement expires on December 31, 2005. ECICOG will draft the request for the extension.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a service agreement with Greenman Technologies of Iowa, Inc. for tire recycling services at a cost of \$98.50 per ton. All members voting aye thereon. Motion carried.

The Board met with Marc Greenlee and discussed issues concerning the zoning commission's proposed land use and comprehensive plan. Discussion included the direction the new plan would take Benton County and if that met the plan of the Board of Supervisors. Specific advantages and disadvantages of the proposed LESA system were presented. Supervisors Vermedahl and Buch stated opposing positions on different development approaches. The Board also spoke about what would be needed with regards to the subdivision ordinance. The zoning commission is scheduled to present the new land use and comprehensive plan to the Board of Supervisors on December 13, 2005.

The Board briefly discussed the scheduled meeting with department heads regarding FY07 budgets. Supervisor Vermedahl stated that the financial condition of Benton County had not changed much from a year ago and that increased fuel and heating costs were adding to an already tight budget this year. Supervisor Buch stated that county employees are feeling the additional costs in their personal lives as well.

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

David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

November 29, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of November 22, 2005. All members voting aye thereon. Motion carried.

Jill Marlow, Benton County Auditor, presented a contract for new election equipment to the Board for consideration. Marlow recommended that Benton County purchase the election system manufactured by Diebold and distributed through Henry M. Adkins and Sons, Inc. The contract includes all equipment and software needed by Benton County to conduct elections in compliance with federal legislation known as the Help America Vote Act. The contract is for \$270,440.00 with the State of Iowa funding \$165,840.00 towards the purchase of the equipment. Moved by Buch, seconded by Sanders, to enter into a contract with Henry M. Adkins and Sons, Inc. for the purchase of election equipment that is Help America Vote Act compliant. All members voting aye thereon. Motion carried.

#### **VOTE TABULATION SYSTEM CONTRACT**

This contract, entered into by and between

BENTON COUNTY, IOWA

A body corporate and politic,

Hereafter called "the County"

And

HENRY M. ADKINS & SON, INC.

Hereafter called "Adkins"

Witnesseth:

WHEREAS, the County has need for vote tabulation systems equipment, hardware and software, and training and technical support services, to the county election office as the election authority for Benton County; and

WHEREAS, in reliance upon the federal "Help America Vote Act", the United States Government has appropriated and funded portions of the proposed value of the equipment and services to be provided; and

WHEREAS, The County has met all of the prescribed rules for requesting or soliciting bids or proposals, accepting bids or proposals and entering into contracts provided for by the State of Iowa; and

WHEREAS, Adkins is willing to deliver the equipment to the County, and provide the necessary services to the County, on the expectation that said funding will occur at a later date; and

#### **Now, Therefore, it is agreed between the parties as follows:**

1. Adkins shall provide all equipment, hardware, software, training, and services to the Benton County Auditor's Office that is set out in the proposal "Exhibit A" attached to this Contract and incorporated by reference herein.



2. The maximum amount due Adkins under this contract shall be \$270,440.00. The County shall pass through to Adkins such sums as are received by the County from the United States government's funding under the federal "Help America Vote Act" (HAVA).
3. Adkins understands and expressly agrees that the County has not made any type of payment for said equipment and services to be provided by Adkins.
4. Adkins covenants that it is possessed of the necessary qualifications and experience to train and support the personnel necessary to operate the equipment, hardware, and software specified in the proposal marked exhibit "A" attached hereto and incorporated by reference herein.
5. Adkins will warrant, repair, and if necessary replace the equipment, hardware, and software specified in the proposal marked exhibit "A" for one year after installation date.
6. Neither party may assign any of its rights or duties under this Contract without first obtaining the written permission of the other party.
7. This Contract shall constitute the entire Contract between the parties. This Contract may not be altered, amended, modified, or supplemented, except in writing signed by both parties. All notices given pursuant to this Contract shall be in writing, and shall be delivered to the other party by hand, or by delivery to such party's regular business address by certified mail (return receipt requested).
8. The terms of this Contract shall not be affected by or interpreted according to any custom, industry or business practice, or course of dealing, whether between the parties, between or among party, other persons or entities, or between or among other persons or entities.
9. The terms of this Contract shall be governed by the laws in the State of Iowa; United States of America on the day the last party executes this Contract.
10. All litigation regarding this Contract shall be taken in the court having appropriate jurisdiction in the State of Iowa, United States of America.
11. In case this Contract, or any one or more of the provisions hereof, shall be held to be invalid, illegal, or unenforceable within any governmental jurisdiction or subdivision thereof, the Contract or any such provision or provisions shall not as a consequence thereof be deemed to be invalid, illegal or unenforceable in any other governmental jurisdiction or subdivision thereof. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any other respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Contract, but this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein, and there shall be deemed substituted such other provision as shall most nearly accomplish the intent of the parties to the extent permitted by applicable law.

This contract was approved by Benton County, a body corporate and politic, by its governing body at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, authorizing its County Election Authority to execute this Contract.

Attest:

County:

\_\_\_\_\_

\_\_\_\_\_

Bill Vanderburg, Vice President  
Henry M. Adkins & Son, Inc.

\_\_\_\_\_  
Authorized Signature

**Benton County, Iowa**

**Cost Estimate for AccuVote Optical Scan Election System**

**AccuTouch ADA Election System**

**"Exhibit A"**

	Firmware #	# recommended	Unit price	Total price
<b>AccuVote Optical Scan Units – Model D</b>	1.96.6	22	\$4,800	\$105,600
Includes ballot box/modem/memory card				
One AccuVote OS w/modem/memory card		1	\$4,000	\$4,000
Ender Cards (25)		0	\$15	\$0
Secrecy Sleeves (100 paper)		0	\$100	\$0
Machine Seals (100)		0	\$13	\$0

**BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J"** **98**

Ballot Marking Pens /dz		20	\$5	\$100
Additional memory cards (spare)		10	\$225	\$2,250
Software License		23	\$100	\$2,300
Preventative Maintenance (after year one)		23	\$150	
Annual Firmware License		23	\$5	
Upgrade existing OS	1.96.6	21	\$350	\$7,350
<b>AccuVote TSX</b>	<b>4.6.3</b>	20	\$3,000	\$60,000
Includes memory card/booth/modem				
Voter access cards - 4 per booth		40	\$3.50	\$140.00
Software License		20	\$100	\$2,000
ADA & accessories - 1 set per precinct				
Headphones/Keypad		20	\$320	\$6,400
Voter Card Encoder	1.3.2	20	\$395	\$7,900
Supervisor Card		20	\$8	\$160
Administrator Card		5	\$6	\$30
Security Card		5	\$5	\$25
PCMCIA modem card		1	\$175	\$175
Additional PCMCIA memory cards		10	\$155	\$1,550
Carrying Case for DRE		20	\$91	\$1,820
Accumulator		20	\$75	\$1,500
Preventative Maintenance (after one year)		20	\$95	
Annual Firmware License		20	\$5	
Training:				
Staff training - on site/two day course		1	\$2,440	\$2,440
Pre-election training - \$1200 per person/per day		2	\$1,200	\$2,400
Election day support - (minimum 3 days)		1	\$3,600	\$3,600
Delivery - FOB Clinton, Missouri				\$700
<b>GEMS Software</b>	<b>1.18.24</b>	1	\$55,000.00	\$55,000.00
Provides election administration, election night tabulating and reporting				
Central Server		1	\$3,000	\$3,000
Licensing fee after one year - \$6,300.00				
<b>TOTAL EQUIPMENT &amp; INSTALLATION</b>				<b>\$270,440.00</b>
Annual Maintenance & Licensing Fees (through 2009, excluding 1 year warranty period)				\$11,865.00
Optional Printer				\$10,000.00

The Board met with the department heads to discuss the FY07 budget. Supervisor Vermedahl asked the various departments how their FY06 budgets were at this point in time, and what changes they expected next year. Sheriff Forsyth advised that medical costs in the jail were going over estimated expensed and the cost of fuel affected his current budget. Mary Williams advised that the cost-of-living wage adjustment in October 2005 was 3.83%, and added that she anticipated serving several new clients next year. Myron Parizek and Mary Halstead echoed that fuel costs were a major affect on their current budgets. Mary McLaughlin stated that the portal for the CLRIS system in the recorder's office is not being supported through the current collection system, and therefore if the portal were to fail it would be approximately \$7,000.00. Kelly Geater stated that if a T1 line were required to provide driver's license in Belle Plaine it would be an additional \$1,000.00 per month, effective April 1, 2006. Geater added that if a high-speed internet line were approved, the cost would only be an additional \$100 per month. The auditor questioned if there was any indication as to what health insurance costs would do in FY07. Supervisor Vermedahl stated that he was not aware of any estimates as of this date. Marc Greenlee advised that he did not see any major expenses in his department next year. Supervisor Buch stated that a lot of services are being provided with county tax dollars and that the public needs to understand that if the services are to continue to be provided there are going to be costs associated with them. Gary Fordice stated that conservation department would need some facility upgrades, including a backhoe and dump station at Rodger's Park. Rick Bramow stated that he did not see any major problems with facility maintenance. Supervisor Vermedahl stated that the county should begin to consider replacing the windows in the courthouse. Mary Williams commented that most departments are aware of what the everyday costs are, but it is the unexpected costs that create problems. Supervisor Buch stated that things needed to be fixed when they break down and that no departments were squandering money away. Supervisor Sanders stated that this year would not be any easier than last. Supervisor Vermedahl advised that it would be advantageous to have other companies quote health insurance, but that it would take a consultant to provide the necessary information. However, most consultants represent specific companies, which could prohibit a non-biased opinion. Supervisor Vermedahl requested that everyone submit conservative budgets as costs continue to rise. Fordice asked what to figure in for health insurance increases in FY07. Supervisor Vermedahl advised that he would figure 10% but that may or may not be the figure. Supervisor Vermedahl stated that he did not believe that there would be any more money next year as there has been in the past. Supervisor Buch stated that perhaps Benton County should consider the local option sales tax again. Mary McLaughlin added that someone dropped the ball when the new gas station was built in Center Point instead of Benton Commerce Village, adding that Benton County should have been working to land the business here and ultimately helping our tax base and financial situation.

Renaë Tharp with Benton Development Group met with the Board to present a proposal for a 6-County Regional Alliance for economic development. The counties involved in the Alliance are Benton, Hardin, Jasper, Marshall, Poweshiek, and Tama counties. Tharp explained that the Alliance will receive \$350,000 for marketing programs from the following sources: \$175,000 from the State of Iowa, Benton County - \$8,857.80, Hardin County - \$6,584.20, Jasper County - \$13,024.55, Marshall County - \$13,758.85, Poweshiek County - \$6,585.25, and Tama County - \$6,336.05, with the remainder being funded through grants. Tharp stated that the \$8,857.80 from Benton County would be \$1,000 from the City of Urbana, City of Belle Plaine, and City of Vinton, \$1,500.00 from the economic development grant funded by Benton County, and the remaining \$1,357.80 from Benton County. The auditor questioned if the additional funding would come from the existing Benton Development Group budget or if this was additional funding. Tharp advised that the money would be in addition to current funding. Tharp stated that Tama County would not join the Alliance unless Benton County joined. Supervisor Vermedahl commented that he would like to speak with Tama County's supervisors before making any decision, adding that Benton County's development flows towards Linn County and that Benton County does not appear to have much in common with Jasper County and Hardin County. Vermedahl added that a common thread between Benton, Tama and Marshall County would be Highway 30, however further consideration should be given to the plan before a decision is made. Supervisor Buch questioned if money from Benton County Community Foundation would be available instead of county funds. Tharp stated that the foundation money could be used for economic development purposes. The Board requested additional time to consider the request and that the matter be placed on December 6, 2005, agenda.

Moved by Buch, seconded by Sanders, to approve a Renewal License for Off-Premise Liquor, Wine or Beer for Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #05-50. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

#### **RESOLUTION #05-50**

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and

WHEREAS: This employee as part of the original hire is eligible for a wage increase, and

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Steve Wheeler will be IVC. IVC base wage for Steve Wheeler will be \$15.46 per hour. Steve Wheeler rate change will be effective December 1, 2005.

Dated this 29th day of November 2005.

Benton County Board of Supervisors

\_\_\_\_\_  
David H. Vermedahl, Chairman

\_\_\_\_\_  
Ronald R. Buch

Jason Sanders

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

Jill Marlow, Auditor

Chris McGovern and Taylor Moffitt of Bradford Insurance met with the Board to discuss health insurance for county employees. Moffitt spoke to the Board about partial self-funding of employee health care and explained how his company could reduce the county's cost of health insurance premiums. Moffitt stated that Benton County could create a partial self-funding health insurance program. Moffitt presented estimates of health insurance premiums and explained that projections were made in a very conservative method, as his company did not want unhappy clients. Based on the estimates, Moffitt stated that Benton County would save money. Moffitt explained the advantages and disadvantages of being partially self-insured, including cost as well as the advantages to employees through health coverage.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Benton County Auditor

December 2, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of November 29, 2005. All members voting aye thereon. Motion carried.

Bob Perry met with the Board to discuss a nuisance situation in northwest Benton County. Perry questioned why the landowner was not required to abate the nuisance and why the county was not enforcing the County's nuisance ordinance. Perry stated that he has spoken with both J. C. Fraker and Anders Norgaard and they have stated that a nuisance cannot be "grandfathered in". It was explained that the sanitarian is responsible for writing a summons and then the matter goes to magistrate court where the judges determine whether to impose a fine and/or clean-up of the nuisance. The problem lies with the courts in not imposing a severe enough penalty. Supervisor Vermedahl added that the land use has been grandfathered in but not the nuisance. Perry was directed to the clerk's office where he could research the number of nuisance cases filed with the courts and he would observe that the magistrate typically grants 30-days for the defendant to clean up the area and no further action is taken. The Board spoke about a nuisance case in Benton County where a summons has been filed three times, but the courts have never ordered a penalty or fine on the defendant.

Moved by Sanders, seconded by Buch, to set January 3, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Becky Pippert on a parcel located in the SE1/4 of the SW1/4 of 18-82-11. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve an On Premises Liquor, Wine or Beer Permit for Sportster's Steakhouse and Lounge. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_

Delane Kalina, Deputy Auditor

December 6, 2005

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

Moved by Sanders, seconded by Buch, to approve the minutes of December 2, 2005. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve eight days of vacation carry-over requested by Marc Greenlee. Said carry-over is to be used by May 1, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way along 33<sup>rd</sup> Avenue in Section 35 & 36 of Polk Township and along 30<sup>th</sup> Avenue Drive in Section 28 of Benton Township. All members voting aye thereon. Motion carried.

Dawn Pettengill, State Representative, met with the Board to discuss concerns that should be addressed in the upcoming legislative session. Discussion included maintaining township officials, maintaining the road use tax distribution as it currently stands, fully funding credits, property tax reform, and assistance to small business.

Renaë Tharp with Benton Development Group returned to the Board to request that Benton County join a 6-County Regional Alliance for economic development. The counties involved in the Alliance would be Benton, Hardin, Jasper, Marshall, Poweshiek, and Tama counties. Tharp had met with the Board on November 29, 2005, regarding this matter. Supervisor Vermedahl stated that he spoke with several Tama County supervisors regarding the Alliance, and they indicated that Tama County would be joining the Alliance. The Board expressed interest in joining, but did not want to commit until it is determined how the Alliance will work. Supervisor Vermedahl questioned how it could be expected that Benton County commit when the Board doesn't even know how it is going to work. Supervisor Buch echoed the same comments. Tharp stated that she had to have a letter of commitment by Thursday of this week committing Benton County join and provide funding in the amount of thirty-five cents per capita. Supervisor Buch questioned who from Benton County would serve on the Alliance's board. Tharp said she would serve on the Board with another person being chosen by her or by the Board of Supervisors. Supervisor Buch questioned if any of the towns had development plans and what type of development the towns are considering. Tharp was not aware of any plans on the types of development the cities are considering. Supervisor Buch stated that at the public hearings for the county's comprehensive plan he heard residents state that they wanted Benton County to stay primarily agricultural and residential with not

many changes. Tharp stated that Benton County would have to commit in blind faith, as there is no documentation on the Alliance at this point. Supervisor Buch stated that a Tama County supervisor told him that joining is a leap of blind faith. Moved by Buch, seconded by Sanders, that Benton County commit to join the 6-County Regional Alliance for economic development, with the county's share of the funding to come from the money appropriated for the economic development grant and/or the Benton County Foundation, and that no additional funding is to be appropriated for this purpose. Benton Development Group is directed to apply for the total amount from the Benton County Foundation. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

December 9, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of December 6, 2005. All members voting aye thereon. Motion carried.

Moved Sanders, seconded by Buch, to award the quote for replacing the restroom in the Governor Sherman Building at a cost not to exceed \$774.25. All members voting aye thereon. Motion carried.

The Board discussed the contract with the Secretary of State for the County Voting System Allocation Agreement. The auditor advised that there were several issues with the contract as written that she wanted clarification on from the Secretary of State before requesting that the Board enter into the contract.

The Board discussed meeting with the Cedar Valley Ranch regarding contract discussions. The Board requested that the auditor arrange for a meeting on January 3<sup>rd</sup> at 10:30 a.m., if agreeable with Cedar Valley Ranch.

The Board met with Renae Tharp of Benton Development Group regarding the 6-County Alliance for marketing efforts. Supervisor Vermedahl questioned Tharp as to her comment that she had not spoke with the BDG Board regarding this matter, when the BDG minutes of October ..., 2005, reflected that the BDG Board stated that they did not have funding for this project. Tharp stated that she spoke with her Board in October, but did not have the details that she has now. Tharp advised that she spoke with Priority One, who indicated that they could not confirm whether they would partner with Benton County, but that they would speak with representatives from Iowa City and would get back to her as far as whether Benton County could align with those counties. Tharp stated that she did not agree with partnering with Linn and Johnson County and that she would prefer to align with counties to the west as she had a better working relationship with those counties. Tharp stated that as far as marketing goes, it was her belief that Benton County would have a better partnership with Tama County and those to the west. Supervisor Buch stated that the BDG board voted to go ahead with the Alliance. Tharp added that the BDG board was in agreement because the Board of Supervisors is supporting the project. Buch stated that some discussion at the meeting included that all marketing would go to Newton and Jasper County. Tharp advised that Priority One is to get back to her next week as to an Alliance, but that she would be meeting with the 6-County Alliance on the 14<sup>th</sup>. Supervisor Sanders stated that the BDG board may have agreed simply because the Board of Supervisors have agreed and that BDG may have supported any alliance. Supervisor Vermedahl stated that he felt pressured that this matter was brought before the Board with very little time to consider the matter and with little information. Vermedahl also stated that if businesses located in Jasper County, Benton County will probably not benefit affected; however if Linn or Johnson County is successful locating a new business there could be a direct affect on Benton County through the workforce residing in Benton County. Vermedahl added that if Tama County is successful, Benton County might recognize a benefit. Tharp stated that she also feels pressured but did not want Benton County to be left out. Tharp reiterated that she has a relationship with Tama County economic development and preferred to market Benton County in that direction. Supervisor Vermedahl questioned if it was possible for Benton County to state that it was their "intent" to join the 6-County Alliance, but reserve the option to partner with another alliance if so desired. The Board also requested to meet with Priority One.

Moved by Sanders, seconded by Buch, to approve 14 hours of vacation carry-over requested by Elaine Bolton, said carry-over is to be used by May 1, 2006. All members voting aye thereon. Motion carried.

The engineer reported that the landfill account balance on November 30, 2005, was \$28,588.13.

The Board discussed the snow removal program with the recent snowfall. The engineer advised that sand was put down in the Atkins area and operators plowed the paved roads during the snow events and gravels being done after the snowfall ended.

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

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David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

December 13, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of December 9, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 78570 through 79143, for payment. All members voting aye thereon. Motion carried.

The county auditor presented the Help America Vote Act: 2005 Voting System Funding Allocation County Voting System Allocation Agreement between Benton County and the Iowa Secretary of State. It was the auditor's recommendation that Benton County enter into the Agreement, which will provide \$165,840.00 to Benton County for election equipment. Moved by Buch, seconded by Sanders, to enter into the County Voting System Allocation Agreement with the Secretary of State and direct the chair to sign the same. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 102**

Moved by Buch, seconded by Sanders, to appoint the Benton County Auditor as fiscal agent for the purposes of carrying out the requirements of the Help America Vote Act: 2005 Voting System Funding Allocation County Voting System Allocation Agreement. All members voting aye thereon. Motion carried.

Chad Sands of East Central Iowa Council of Governments, and Deb Drahos, Benton County Zoning Commission Chair, presented a Comprehensive Plan and Land Evaluation and Site Assessment Program (LESA) to the Board for their consideration. The documents had been prepared by the zoning commission over the past several years after conducting public meetings and determining which direction the citizens of Benton County wished to proceed. Chad Sands reviewed the comprehensive plan explaining that the primary goal is to protect farming operations and focus growth near cities and near existing development in the county. Procedures would change so that land use changes will go through a planning and zoning commission before coming to the Board of Supervisors. If a zoning ordinance is adopted then yes the procedure would change. Goals of the Comprehensive Plan were to provide policies on land use, development character, transportation, and protection of private property rights. Sands then continued to review the proposed LESA program with the Board explaining how the program would be used utilized when considering land use changes. The Board questioned various affects of the proposed LESA program on development throughout the county. Marc Greenlee, Land Use Administrator, reviewed several land use applications that came before the Board in the past and whether those applications would have had a different outcome under the LESA program. Sands explained that the Board could accept the comprehensive plan and LESA program as presented, modify them, or reject them completely. The Board advised that they would like time to review the documents before making any decisions.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

December 20, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of December 13, 2005. All members voting aye thereon. Motion carried.

Mary Lou Erlacher, Director of The Workplace Learning Connection updated the board on all the services and activities.

The Board discussed library appropriations with several Benton County Librarians. The Librarians talked of the increasing costs to maintain the needed supplies in the Libraries. They are asking for a 5% increase in appropriations. The Board informed them that they have not started the 07 budgets at this time.

The Board discussed land use & development goals for Benton County. Bill Daily of Belle Plaine and Renee Tharp were in attendance. They were in agreement that the main goals were to preserve farmland and to encourage development near the towns. They are going to speak with Marc Greenlee on different details of the land use ordinance.

Moved by Sanders, seconded by Buch to adopt Resolution #05-51. Voting age were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

### **Resolution #05-51**

WHEREAS: Benton County Secondary Roads Department has a Maintainer Operator to fill at the Shellsburg Shed and

WHEREAS: Applications were accepted 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 Helms be hired to fill the position as Maintainer Operator at a starting wage of \$14.00 per hour starting December 20, 2005. This is an Equipment Operator II classification with a Labor Grade IVA.  
Signed this 20<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Delane Kalina, Deputy County Auditor

Moved by Buch, seconded by Sanders to authorize the chairman to sign IDOT voucher for Taylor Construction Bridge replacement final payment.

Mary Williams, Director of Benton County Social Services, reported to the Board of Supervisors on county employee health insurance premiums for FY 2007. Williams is a Director on the Iowa State Association of Counties Board of Directors, and she along with other directors approved an overall 3.22% decrease in premiums for 2007. The group health program is administered by Iowa State Association of Counties with Wellmark and includes participation by 24 counties.

The board set a new date of January 24, 2006 at 10:00 a.m. to meet with Cedar Valley Ranch to discuss their contract.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Delane Kalina, Deputy Auditor

December 27, 2005

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

Moved by Buch, seconded by Sanders, to approve the minutes of December 20, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 79144 through 79299, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the hire of Debra Fleming as a part-time administrative assistant in the county attorney's office, effective this date, at a wage of \$12.00 per hour. All members voting aye thereon. Motion carried.

The Board proceeded with prioritizing the Region 10 Regional Planning Affiliation applications for the SAFETEA-LU Surface Transportation Program (STP) for the federal fiscal years 2007 through 2009. An application was received from East Central Iowa Council of Governments to fund a study on the Highway 30 corridor in the amount of \$120,000.00 with a \$110,000.00 local share and \$10,000.00 federal share. The other application was received from the City of Van Horne for work on 1<sup>st</sup> Avenue in the amount of \$374,000.00 with a local share of \$74,800 and \$374,000 federal share. The county engineer reviewed the applications with the board and recommended that Benton County support the Van Horne project but not the Highway 30 study. Moved by Sanders, seconded by Buch, to give priority and support to the City of Van Horne application for the 1<sup>st</sup> Avenue project with a \$240,000 federal share limit and that said funds are to be used solely for construction costs. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to support the application submitted by the East Central Iowa Council of Government for the Highway 30 study with the stipulation that support is obtained from Linn County and Cedar County for said project. Further, that the amount of federal funds be limited to \$10,000.00. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David H. Vermedahl, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Benton County Auditor

December 30, 2005

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 December 27, 2005. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Ron Buch as the board chairman for 2006. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Jason Sanders as the vice-chairman for 2006. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to designate the official newspapers for Benton County for 2006 as The Cedar Valley Times, South Benton Star Press, Belle Plaine Union. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint the following persons to the Benton County Eminent Domain for 2006. All members voting aye thereon. Motion carried.

**EMINENT DOMAIN**

Licensed Real Estate Sales Person or Real Estate Broker

Arlen Gerhold  
Danny Kaestner  
Gloria Feuerbach  
Carmie Behrens  
Sandy Wedmore  
Wayne Siela  
Duane Johnson  
Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum  
Mike McNamara  
Jeff Geiger

Dave Coulter  
Eldon Zumbach  
Harold Knaack Jr.  
Melissa McBride

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  
Jeff Kelly  
Earlene Clausen  
Dave Coots  
Larry Weeda  
Kathy Tranel  
Lloyd Benson

Moved by Buch, seconded by Sanders, to adopt Resolution #05. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

**RESOLUTION #05-**

**WHEREAS:** Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of checks; and

**WHEREAS:** Iowa Code §331.506 allows the auditor to issue checks 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 checks in accordance with Iowa Code Section 331.506.

Signed this 30<sup>th</sup> day of December 2005.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Ron Buch

\_\_\_\_\_  
Jason Sanders

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

Jill Marlow  
Benton County Auditor

Moved by Sanders, seconded by Buch, to appoint Deb Christiansen, Gene Davis and Wayne Shannon to the Pioneer Cemetery Commission for a three-year term. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint the following members to the respective boards for 2006. 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

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

6<sup>th</sup> Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

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 Sanders, seconded by Buch, to appoint Myron Parizek as Benton County's ADA Coordinator. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to re-appoint Deb Drahos, Steve Thompson, Denise Wiley, and Kevin Robinson to the Benton County Zoning Commission for 3-year terms. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, 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 Buch, seconded by Sanders, to appoint John Mossman to the Benton County Foundation for a three-year period. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, 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 Sanders, seconded by Buch, to appoint Mary Williams to the MH/MR/DD Advisory Board. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Gary Marlow to the Vinton Airport Zoning Board to fill a vacancy on the term expiring December 31, 2006. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Buch, to appoint Dave Cornell to the Vinton Airport Board of Adjustment for a five-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to re-appoint Myron Parizek for a one-year term and John Stiegelmeyer for a three-year term to the Eastern Iowa Airport Board of Adjustment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to re-appoint Mary Williams to the Federal Emergency Management Board. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to re-appoint Hank Wehrman to the Iowa Valley Resource and Development Board for a three-year term. All members voting aye thereon. Motion carried.

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



**EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS**

Bill Daily  
Jason Sanders, Alternate

**REGION 10 TRANSPORTATION POLICY COMMITTEE**

Mary Halstead

**REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE**

Myron Parizek  
Scott Hansen, Alternate

Moved by Sanders, seconded by Buch, to table appointments of the Benton County Historic Preservation Commission. All members voting aye thereon.

Moved by Sanders, seconded by Buch, to appoint Gary Fordice, Dan Higdon, Mark Phippen, and Roger Witt as Safety Coordinators. All members voting "aye: thereon. Motion carried.

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

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

Van Horne Benefited #1 – Dean Werner

Keystone Benefited #2 – Jeff Kromminga

Newhall Benefited #4 – Duane Rinderknecht

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

Moved by Sanders, seconded by Buch, to defer appointment of the Benton County Weed Commissioner and Assistant Weed Commissioner for 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 6-days and 5 hours of vacation carry-over for Barbara Greenlee and sixteen hours of vacation carry-over for Dan Higdon. Said carry-over is to be used by May 1, 2006. All members voting aye thereon. Motion carried.

The Board discussed the Zoning Commission's proposal for land use for Benton County. Supervisor Buch voiced concern that a farm was defined as forty acres of land in production and the associated residence must be on an additional acre. Buch stated that it was his belief that many people could not afford to purchase forty-one acres and that the policy was providing an advantage to wealthier individuals. Supervisor Sanders voiced a similar concern adding that limits may be placed on new farmers by requiring them to purchase a minimum of forty-one acres. Supervisor Vermedahl stated that his concerns included that old farm sites should be allowed to be developed, commercial expansion along Highway 30 and other areas of the county should be considered, and directing growth towards cities to eliminate urban sprawl. Supervisor Buch added that Benton County would need to allow some commercial development if the county is to protect its tax base, adding that it takes a lot of houses to make up what a commercial business would provide. Other concerns included the ability to grant variances in certain circumstances and the affect the new land use system would have on overall county development. The Board will discuss the matter further at their January 6, 2006, meeting.

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

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David H. Vermedahl, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor