

January 3, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 30, 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 Rebecca Pippert, 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 commercial purpose on approximately one acre in Leroy Township. The change is on a parcel that is a part of an existing farmstead. The applicant is asking to change the use of an agricultural building to a commercial use for a dog boarding and grooming business. Greenlee advised that there will be not land taken out of production and that the change is solely on a single building currently on the site. The applicant is not the owner of the building; however the landowner resides on the site. 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 one acre generally described as being a Part of the SE1/4 of the SW1/4 of 18-82-11 (Leroy Township) for a commercial use as a dog boarding and grooming business. Supervisor Vermedahl stated that the county needed to be consistent and that there currently is no similar uses in the area. All members voting aye thereon. Motion carried.

The engineer presented a proposal for per-capita rates for the fiscal year 2007. The proposal was for the board's consideration prior to action being taken on Friday, January 6, 2006.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-01. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-01
CONSTRUCTION EVALUATION RESOLUTION**

WHEREAS, Iowa Code section 459.304(3) 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, 2006 and January 31, 2007 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).

Dated this 3rd day of January 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

The Board reviewed applications received for Benton County Conservation Board. Applications were received from Mark Pingnot, Brad Baumgartel, Julie Havran, and Michael Salow. Having reviewed and discussed the applications, it was moved by Vermedahl, seconded by Sanders, to table appointment of a member to the Benton County Conservation Board until the Board has had the opportunity to interview the applicants. All members voting aye thereon. Motion carried.

The Board reviewed applications received for the Benton County Public Health Board. Applications were received from Paula Happel, David Kelty, and Tina Eden. Having reviewed and discussed the applications, it was moved by Sanders, seconded by Buch, to appoint Paula Happel and David Kelty to the Benton County Public Health Board for three-year terms ending December 31, 2008. All members voting aye thereon. Motion carried.

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

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Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 6, 2006

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

The Board moved the meeting to the GIS room located in the basement of the courthouse for purposes of meeting with Marc Greenlee, Land Use Administrator, to review the Land Evaluation and Site Assessment (LESA) program. Greenlee presented various scenarios of possible land use changes throughout the county and the affect the LESA system would have on either approving or disapproving the proposed change. Greenlee took the Board through all of the steps that he as land use administrator would use in evaluating the proposal under the LESA system. The Board believed that some aspects of the system needed further clarification and possible revision. The Board stated that further review of the system was needed in conjunction with members of the zoning commission before a decision on whether to accept or reject the proposal was made. The matter is on the January 10, 2006, agenda for action; however Supervisor Buch it to attempt to contact the zoning commission regarding removing the item from the agenda.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 3, 2006. All members voting aye thereon. Motion carried.

Tom Turner, Human Resources Director for the City of Des Moines, spoke to the Board about flexible spending accounts (FSA), health reimbursement accounts (HRA) and health savings accounts (HSA). Turner met with the supervisors at their request. Turner explained the differences in the benefits to the employee in each of the accounts and also the affect on the county. The Board has been studying health care options for county employees.

The engineer reported that the balance in the Blainstown Landfill Account on December 31, 2005 was \$29,747.16.

Moved by Sanders, seconded by Vermedahl, to approve the auditor, sheriff, and veterans' affairs quarterly reports for the period ending December 30, 2005. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the landfill per-capita rate for FY07 at \$17.00 for cities and \$21.00 for rural. All members voting aye thereon. Motion carried. This is the same per-capita rate as for the current year.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 9, 2006

The Benton County Board of Supervisors met in special session with Supervisors Buch, Sanders, and Vermedahl present. Chairman Buch called the meeting to order at 7:00 p.m. in the conference room at the Benton County Law Enforcement Center.

The meeting was held for the purpose of meeting with the applicants for the Benton County Conservation Board position. The Board met with Michael Salow, Brad Baumgartel, Julie Havran, and Mark Pingnot. No action was taken by the Board.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 9:00 p.m.

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 10, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 6, 2006, and January 9, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 79300 through 79871, for payment. All members voting aye thereon. Motion carried.

The weed commissioner met with the Board regarding chemical bids for 2006. Beumer advised that he sent out six requests for bids; however only one was returned. Moved by Sanders, seconded by Vermedahl, to award the bid for weed chemicals for 2006 to Fisher's Feed and Fertilizer of Blainstown at a cost not to exceed \$58,530.00. The bid is broken down as follows: 1980 gallons of Patron 170 (30's) - \$23.50 each; 10 gallons Roundup Pro - \$47.00 per gallon; 10 pounds of Telar - \$340.00 per pound; 150 pounds of Spike 20P - \$12.20 per pound; 350 gallons of Liberate (2.5's) - \$18.00 per gallon. All members voting aye thereon. Motion carried.

The weed commissioner presented bids for a new 1-ton dual wheel cab-chassis truck. Bids were received as follows: Grovert Chevrolet - \$23,956.00; John Grieder Chevrolet - \$24,200.00; Shaul and Ullerich Chevrolet - \$24,590.00; Junge Ford - \$22,596.00; Griffith Ford - \$22,298.00; Ervin GMC - \$24,276.75. Moved by Sanders, seconded by Buch, to award the bid for a 1-ton dual wheel cab-chassis truck to Griffith Ford at \$22,298.00. Buch and Sanders voting aye. Vermedahl abstained due to conflict of interest as he has a business relationship with Griffith Ford. Motion carried.

The weed commissioner presented two bids for a truck body. The bid included optional equipment including painting of the service body, installation of service body, and a tube hitch with 2" receiver tube, D-rings, and receptacle. Bids were received as follows: Cortez Truck Equipment - \$6,622.00 or \$8,887.20 with options and Future Line Truck Equipment - \$6,500.00 or \$8,275.00 with options. Moved by Sanders, seconded by Vermedahl, to approve the purchase of a truck body with stainless steel hinges from Cortez Truck Equipment at a cost not too exceed \$6,622.00. All members voting aye thereon. Motion carried.

The time arrived when the board was scheduled to meet with the zoning commission regarding the recommendation for a comprehensive plan and land evaluation and site assessment system. The Board had determined on January 6, 2006 that they should discuss the documents further with the zoning commission before making a decision. Marc Greenlee stated that he received a phone call from Chad Sands regarding a date and time for meeting with the zoning commission. Moved by Vermedahl, seconded by Sanders, to have a joint meeting with the zoning commission on January 19, 2006, at 7:00 p.m. for the purpose of discussing and reviewing the comprehensive plan and land evaluation and site assessment system. All members voting aye thereon. Motion carried.

Ed Frese, County Conservation Board member, met with the supervisors to orally submit his resignation from the Benton County Conservation Board. Frese stated that he simply believed that it was time for him to resign from the conservation board. Frese stated that he enjoyed his time on the conservation board and stated that he may consider serving Benton County in the future.

The county recorder met with the Board regarding adoption of a 28E Agreement for a County Electronic Services System. The Board questioned the need for the agreement and the services provided under it. It was explained that a website was provided which allowed for the electronic retrieval and recording of documents without coming to the courthouse. However, the recorder advised that the county attorney had not reviewed the agreement. Moved by Vermedahl, seconded by Sanders, to defer a decision on entering into the 28E Agreement until January 20, 2006, and that a copy be sent to the county's insurance carrier and a copy to the county attorney for their review. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Mark Pingenot to the Benton County Conservation Board for a five-year term. The appointment is based on the applicant's experience with grant writing, work experiences, supervisory experience, and ability to coordinate groups of individuals. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Dan Behaunek from the Benton County Conservation Board, effective immediately. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kesterson, Decat Coordinator, provided an update to the Board of Supervisors on various Decat programs. Wetjen-Kesterson also presented the Decat budget to the supervisors for their review. Wetjen-Kesterson stated that one of her job responsibilities is to monitor state funding and usage of said funds. She advised that the schools and the Department of Human Services are fully participating in identifying individuals that could benefit by Decat services. Wetjen-Kesterson explained the grants are currently being applied for also, adding that Decat was just awarded the Community Partnerships for Protecting Children grant. The grant provides funding to provide services to prevent children from entering into the welfare system, including child abuse, neglect, and delinquency. Wetjen-Kesterson explained that because Decat received this additional grant that it would require an amendment to the current agreements between Benton County and the Iowa Department of Human Services and Benton County and Wetjen-Kesterson. Wetjen-Kesterson is requesting an additional compensation of \$300.00 per month. The annual contract amount would be \$15,000.00 for FY06. Moved by Vermedahl, seconded by Sanders, to approve and direct the chair to sign the Amendment to the Contract for Program Administration for the Benton and Iowa County Decat Project between Benton County and the Iowa Department of Human Services, and sign the Amendment to the Contract for Program Administration for the Benton and Iowa County Decat Project between Benton County and Tammy Wetjen-Kesterson. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board regarding placement of metal detectors in the courthouse. Alliant Energy offered to donate two metal detectors to Benton County. Moved by Sanders, seconded by Vermedahl, to accept the donation from Alliant Energy for two metal detectors to be used during court proceedings. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-02. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-02
SETTING FEES FOR BOARD AND KEEP OF PRISONERS UNDER A SENTENCE TO ACCOMMODATE THE
PERSON'S WORK SCHEDULE**

WHEREAS, Iowa Code Chapter 356.30 authorizes the Board of Supervisors to set a fee for board and meals for every prisoner of a county jail under a sentence to accommodate the person's work schedule; and

WHEREAS, the Benton County Board of Supervisors adopted Resolution #00-40 on May 5, 2005, setting fees for prisoners under a sentence to accommodate the person's work schedule; and

WHEREAS, the Benton County Board of Supervisors desires to increase the fee for said prisoners' board and meals,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #00-40, adopted on May 5, 2000, is **HEREBY REPEALED**, and

IT IS FURTHER RESOLVED that the following fees be established as authorized and in accordance with Iowa Code Chapter 356.30:

Persons sentenced to accommodate their work schedule: \$30.00 per day

Persons sentenced and allowed work-release privileges:

10 hours or less of work release per day: \$30.00 per day

10 hours to 14 hours of work release per day: \$45.00 per day

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Over 14 hours of work release per day: \$60.00 per day
All stated hours include travel time to and from the worksite.

The charges for board and meals shall not exceed 50% of the wages or salaries of the prisoner, after deductions to satisfy any court-ordered child support obligations, earned during the period of time for which the charges are made.

A day is defined as any consecutive 24-hour period or portion thereof.

IT IS FURTHER RESOLVED that all fees subject to this resolution shall be paid in advance of the release or paid directly by the employer.

Said fees are effective this date.

Dated this 10th day of January 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow

Benton County Auditor

Renae Tharp, Benton Development Group, met with the Board regarding the a regional alliance for economic development. Tharp advised that she would be attending a meeting on Wednesday and wanted to reaffirm Benton County's intention to join the regional alliance that includes Marshall County, Jasper County, Tama County, Poweshiek County and Benton County. The Board advised that they intended to join; however they would still pursue a relationship with Priority One.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-3. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-3 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; 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 FY2006 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 14200	Fund 0001 Function 10600	\$ 20,000.00

SERVICE AREA 3

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0002 Function 33000	Fund 0002 Function 33100	\$ 20,000.00

Signed this 10th day of January 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow

Benton County Auditor

The Board briefly discussed wages for county employees for FY07. Supervisor Vermedahl requested that discussion be limited due to labor contracts still being negotiated. Supervisor Sanders commented that in prior years that some departments came in later and asked for adjustments and that the Board needs to determine if they will entertain

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late requests. Sanders suggested that departments be told that any special considerations for wages be submitted early in the process. No further discussion was held.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 13, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 10, 2006. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve the treasurer's semi-annual report for the period ending December 31, 2005. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, updated the Board on transit services. Halstead advised that she has procured garage space in Belle Plaine for three buses. Halstead also spoke to the Board about a service she is providing to school aged children by transporting them to and from school from daycare or sitters. She is also providing services to the Braille School, as well as meal delivery and medical trips. Halstead stated that she needed to have her full-time driver perform more in-office functions and therefore would need to hire additional part-time drivers.

The Benton County Public Health Board had previously presented an ordinance for the Board to consider adopting that controls lead-base paint hazards. The county attorney has reviewed said ordinance and advised that it meets legal construction. Moved by Vermedahl, seconded by Sanders, to set January 27th, 2006, January 31, 2006, and February 3, 2006 at 9:30 a.m., for considerations on an ordinance on Control of Lead-Base Paint Hazards. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting at 10:05 a.m. to attend another meeting.

Moved by Vermedahl, seconded by Sanders, to approve 17.5 hours of vacation carry-over for Myron Parizek, and 28.5, hours of vacation carry-over for Morris Higgins. Said carry-over is to be used by June 1, 2006. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Sanders, to reluctantly accept the resignation of Ed Frese from the Benton County Conservation Board, effective immediately. All members voting aye thereon. Motion carried. Frese had submitted an oral resignation to the Board on January 10, 2006.

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

Jason Sander, Vice-Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 17, 2006

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

Moved by Vermedahl, seconded by Sanders, to set February 10, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Steven Hinds on Parcel A located in the NW1/4 of 25-85-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hiring of an additional part-time driver for Benton County Transportation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of David B. Upah as a reserve officer for the Sheriff's Department at \$1.00 per year. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way along 11th Avenue Trail in Section 33 of Iowa Township. All members voting aye thereon. Motion carried.

RESOLUTION #06-4

WHEREAS, the structure at this location has been replaced by a new structure and

WHEREAS, the new structure will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction imposed on this structure be removed. The structure is located as follows:

BR-3052 0.2 miles south of the NW corner of section 34-86-12 (Bruce Township) on 13th Avenue.

Signed this 17th day of January, 2006.

Chair, Board of Supervisors

ATTEST: _____

Moved by Vermedahl, seconded by Sanders, to adjourn at 10:45 a.m. All members voting aye thereon. Motion carried.

Ron Buch, Chairman

Attest: _____

Brenda Sutton, Benton County Deputy Auditor

January 19, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 13, 2006 and January 17, 2006. All members voting aye thereon. Motion carried.

The Board reviewed a draft of the FY07 county budget and discussed various matters associated with it.

Moved by Vermedahl, seconded by Sanders, to recess until 7:00 p.m. All members voting aye thereon. Motion carried at 12:00 p.m.

The chair declared the meeting reconvened at 7:00 p.m. in the jury room of the Benton County Courthouse. The Board met with members of the Benton County Zoning Commission to discuss the land evaluation and site assessment (LESA) system being proposed by the commission for adoption by the Board. Marc Greenlee, Land Use Administrator, stepped through a hypothetical land use change on parcel located near Keystone. Greenlee explained how the change would be reviewed through each part of the LESA system. Throughout the process, the commission and Board offered comments and made recommendations for changes to the LESA system so that it would better meet the development plan for Benton County.

The Board and the Commission agreed to hold a joint session again on February 16, 2006 to review the changes discussed.

The chair declared the meeting adjourned at 9:15 p.m.

Ron Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

January 20, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 19, 2006. All members voting aye thereon. Motion carried.

The Board met with representatives of the GIS (geographical information system) committee to review the status of the GIS project in Benton County. A demonstration was provided on the information that will be available in the near future through the internet. The GIS committee requested the Board's opinion on fee structure, types of data available with and without a fee, and searchable fields. The Board indicated that a fee structure should be established and requested that the GIS committee continue working towards that goal.

The county treasurer spoke with the Board regarding the payment of property taxes owed by Iowa Northern Railway. The treasurer informed the Board that the railway has taxes owed dating back to the 1999/2000-collection year with substantial penalties. Iowa Northern Railway is requesting that Benton County abate the penalties in the amount of \$68,960.00. The Board stated that they wanted to meet with a representative of the railway before making a determination. The treasurer stated that she will contact the railway to schedule a time to meet with the Board, and also with other counties that are being asked to abate similar penalties.

The county recorder met with the Board to request that they enter into a 28E Agreement between Benton County and the County Electronic Service System, which is being mandated by the state law. The agreement provides for services that will allow the recorder to have imaged documents on a website for public access. The Iowa legislature passed legislation mandating that all recorders in Iowa provide an electronic access for the recording and retrieval of documents. The County Electronic Service System is an entity formed by the Iowa Recorders Association to meet that. Moved by Vermedahl, seconded by Sanders, to enter into a 28E Agreement with the County Electronic Service System. All members voting aye thereon. Motion carried.

**COUNTY ELECTRONIC SERVICES SYSTEM
28E AGREEMENT**

WHEREAS, Iowa counties and the Iowa County Recorders Association (hereinafter "ASSOCIATION") are required to implement electronic recording and electronic transactions in each county and develop county and statewide internet web sites to provide electronic access to records and information; and

WHEREAS, the board of supervisors of each county is required to execute a chapter 28E agreement with the Iowa county recorders association for the implementation of the county land record information systems as provided in House File 882, 2005 Acts; and

WHEREAS, Iowa counties and the Iowa County Recorders Association have created an Iowa Land Record information system and electronic services web portal in order to comply with the requirement for a statewide web site and electronic recording ; and

WHEREAS, Iowa counties and the Iowa County Recorders Association require the means to receive authorized fees for electronic recording and other services; and

WHEREAS, Iowa counties and the Iowa County Recorders Association are required to implement and maintain the county land record information system, and to develop a plan for integrating the system with electronic government and internet applications of other governmental entities; and

WHEREAS, the Iowa Land Record information system and electronic services web portal could potentially have beneficial applications for counties far beyond land record information; and

WHEREAS, each county is a public agency within the meaning of Iowa Code Chapter 28E (2005), and the Iowa County Recorders Association is a private agency within the meaning of Iowa Code Chapter 28E (2005);

THEREFORE, the Association and the undersigned counties enter into this 28E Agreement for the creation of an organization to govern and coordinate the Iowa Land Record information system and electronic services web portal under the following terms and conditions:

1. CREATION. The undersigned counties, on behalf of the county recorder and other elected county officials, each having adopted this Agreement by motion of its board of supervisors, and the Association, having adopted this Agreement by vote of its members, hereby join together to form and create a public body corporate and politic and separate legal entity under Iowa Code Chapter 28E (2005), known as the Electronic Services System (ESS). This entity shall have the power, privileges, and authority as hereinafter set forth in this Agreement.

2. DUTIES. As provided in House File 882, 2005 Acts, the Iowa County Recorders Association shall have the duty to execute contracts necessary for implementation of the county land record information system.

3. DURATION. This Agreement shall become effective at such time as the undersigned counties and the Association execute this Agreement in the manner hereinafter provided, and this Agreement is filed and recorded as required by Iowa Code section 28E.8 (2005). Copies of the filed and recorded Agreement shall be provided to the Association and member counties. The operations of ESS shall be perpetual unless ESS is abolished by a two-thirds vote of the Association.

4. ORGANIZATION. ESS shall be under the direction and control of the ASSOCIATION Board of Directors.

5. POWERS OF THE ASSOCIATION BOARD. The ASSOCIATION Board of Directors shall have each and all of the following powers regarding ESS:

- (a) To provide Iowa counties with an electronic services system for land record information.
- (b) To receive and disburse electronically into bank accounts designated by the ASSOCIATION and each County Recorder authorized fees for electronic recording and other services.
- (c) To provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder;
- (d) To provide Iowa counties with an electronic services system for other services subject to the approval of the Board of Directors of an affiliate of the Iowa State Association of Counties, other local government association or other organization;
- (e) To contract with any public or private entity to provide all necessary services;
- (f) To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of this Agreement;
- (g) To establish a system of accounting and budgeting, and a system for receiving payments;
- (h) To retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement; and
- (i) To exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.

6. COORDINATING COMMITTEE. The ASSOCIATION Board of Directors shall establish an ESS Coordinating Committee made up of county officials representing ISAC affiliate organizations which choose to participate in ESS, county employees and selected stakeholders to coordinate efforts to deliver services and information through ESS, provide advice and technical assistance to the ASSOCIATION, and to make policy recommendations regarding the operations of ESS. The Committee shall initially consist of no more than 15 members. The ASSOCIATION may adjust the size of the Committee as circumstances require.

7. BUDGET. The ASSOCIATION Board of Directors shall, prior to July 1 of each year, prepare and adopt a budget for the operation of ESS for the next fiscal year. The ASSOCIATION Board of Directors shall make a copy of the ESS budget

available to each member county. The ASSOCIATION Board of Directors may amend the ESS budget during the fiscal year.

The accounts of ESS shall be audited and verified by a certified public accountant within two hundred seventy (270) days of each fiscal year and a copy thereof provided to each member of the ASSOCIATION Board of Directors, the Auditor of the State of Iowa and, upon request, to any county that is a party to this Agreement.

8. FUNDING. ESS shall provide the services referred to in this Agreement to each member county. Funding for the operation of ESS shall be provided through the ELECTRONIC TRANSACTION FEE as provided in Section 331.605C of the Iowa Code, any transaction service or user fees, and other sources deemed appropriate by the Association and its members.

9. ADDITIONAL MEMBERSHIP. After September 1, 2005, any Iowa county may become party to this Agreement and gain membership in ESS by adoption of this Agreement, as it may have been amended, by motion of its board of supervisors. Membership shall be effective upon filing and recording of the Agreement as required by Iowa Code section 28E.8 (2005), with a copy of the filed and recorded Agreement to be provided to the ASSOCIATION and the new member county.

10. WITHDRAWAL. Any county, by motion of its board of supervisors, may withdraw from ESS by giving written notice to the ASSOCIATION Board of Directors no later than November 15; preceding the fiscal year of withdrawal. Services of ESS shall continue to be provided to the withdrawing county until the date of withdrawal.

11. STANDARDS. Members shall comply with all standards, policies and requirements for the delivery of electronic services adopted by the ASSOCIATION.

12. AMENDMENTS. The ASSOCIATION Board of Directors may submit an amendment to this agreement to the ASSOCIATION for approval. Upon adoption of the amendment by the ASSOCIATION, it will be submitted to the Board of Supervisors in each ESS member county. A separate explanation of the reasons for the amendment shall be included. Each county desiring to vote upon the amendment shall do so by motion and return to ASSOCIATION a certified copy of the motion stating the county's vote within thirty (30) days of the date that the county received a copy of the proposed amendment. Any county not voting upon the amendment within this time shall be considered to have approved the amendment.

If the amendment receives a majority of the votes of all ESS member counties, it shall become effective ten (10) days following the date the vote is tabulated. Amendments shall be filed and recorded as required by Iowa Code section 28E.8 (2005).

13. NON-LIABILITY. ESS is a public corporation. The ASSOCIATION and individual counties shall not be liable for any acts, deeds, resolutions or other actions of ESS. Each individual county, and its assets and taxing authority may not be reached, attached or executed upon by any creditor or claimant of ESS. The ASSOCIATION and its assets may not be reached, attached or executed upon by any creditor or claimant of ESS.

14. THIRD PARTY BENEFIT. Neither the provisions of this Agreement nor the provisions of any agreement that ESS may have with any public or private agency shall inure to the benefit of any other third party or any individual resident or taxpayer of any county and neither this Agreement nor any agreement that ESS may have with any public or private agency may be the basis of a claim or cause of action on behalf of any other third party or any individual resident or taxpayer of any county.

15. DISPOSITION OF ASSETS. In the event this Agreement is terminated and ESS is abolished, all property of ESS shall be delivered, assigned and conveyed to the ESS member counties in equal shares, after payment of all just debts, obligations and liabilities of ESS.

16. SEVERABILITY. If any portion of this Agreement or the application of this Agreement to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Agreement are declared to be severable.

THE EXECUTION OF THIS AGREEMENT BY THE ASSOCIATION AND BY EACH UNDERSIGNED COUNTY SHALL CONSTITUTE ADOPTION OF THIS AGREEMENT. FOR EACH UNDERSIGNED COUNTY, SUCH EXECUTION SHALL BE PURSUANT TO AUTHORITY GRANTED BY MOTION OF THE BOARD OF SUPERVISORS.

A COPY OF THIS AGREEMENT, EXECUTED BY EACH PARTICIPATING COUNTY, WILL BE FILED WITH THE SECRETARY OF STATE PURSUANT TO 28E.8.

ELECTRONIC SERVICES SYSTEM
28E AGREEMENT
IOWA COUNTY RECORDERS ASSOCIATION

_____ Date _____

Joan McCalmant
ASSOCIATION President

ELECTRONIC SERVICES SYSTEM

28E AGREEMENT

____Benton____ County, Iowa

Signature Date

Chairperson ____Benton____ County Board of Supervisors
(SEAL)

ATTEST:

County Auditor

Sheriff Forsyth met with the Board regarding pending litigation; however the auditor advised that the county's insurance carrier would be covering the incident and that not discussion was necessary.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 24, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 20, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 79872 through 80210, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to change the dates for considerations of Ordinance #51, Lead Base Paint Hazard to January 31, 2006, February 3, 2006, and February 7, 2006, at 9:30 a.m. All members voting aye thereon. Motion carried.

The Board requested a firm commitment from the engineer as to the Oak Grove Road project. The engineer advised that he would like to schedule a meeting with the landowners sometime in February 2006. Supervisor Vermedahl requested a date as to when activity would actually begin on the project. The engineer stated that if the meeting is held in February, the county could begin purchasing right-of-way immediately, and in April 2006 a contractor could be hired with construction beginning this summer. Vermedahl asked if time was allowed for condemnation proceedings, if needed. The engineer stated that he did not anticipate delays due to condemnation. Supervisor Buch questioned how land acquisition would be done, either in-house or by hiring an outside firm. The engineer advised that he would be hiring an outside firm, as he did not have staff time available. Supervisor Buch also questioned if issues with septic systems would be incurred. The engineer stated that he did not believe that would be an issue with the exception of one possible property. Supervisor Buch asked if the work would be done during the time of year when ground is being pastured, and if so, if any accommodations would be made for fencing when pastures were split. The engineer stated that he did not believe there was any pasture ground being split as a result of this project. Buch also commented that if any of the ground was in the conservation reserve program and then the Farm Service Agency would have to be consulted. Supervisor Buch reiterated that the Board should see dirt being moved by May or June. The engineer responded that he would expect dirt to begin being moved this summer.

The Board spoke with the engineer regarding the recycling. The engineer stated that he is working on that program.

Supervisor Vermedahl summarized comments with the engineer stating that it appears that some procrastination has occurred on the Oak Grove Road project and that perhaps delegation of workload in the engineer's office should be reviewed. Supervisor Sanders stated that he has heard concerns from the public over the past several years that the project does not appear to be being done. Supervisor Vermedahl stated that the recycling program also has not had the attention that it should, i.e. stricter recycling enforcement and implementation of dumpsters. The Board also stressed that the engineer should do further review of the county's winter driving policy. Supervisor Sanders stressed that the county needs to be proactive on various issues and that they would like to see secondary roads succeed, adding that the lines of communications need to stay open between the Board and the engineer. Supervisor Vermedahl stressed that communication needs to take place within the department also.

Moved by Sanders, seconded by Vermedahl, to approve and authorize the chair to sign the following federal-aid agreements between Benton County and the Iowa Department of Transportation: Hot Mix Asphalt (HMA) Resurfacing D-62 from IA 150 to the Linn County line; HMA Resurfacing V-42 from Keystone south to US Highway 30; and HMA Resurfacing V-66 from Garrison north to US Highway 218. All members voting aye thereon. Motion carried.

The Board delayed reviewing the engineer's budgets until 3:30 p.m. on this date due to time constraints.

The Board traveled to Cedar Valley Ranch where they met with board members of the Ranch at 10:10 a.m.

The purpose of the meeting was to review a proposed lease agreement between Benton County and the Cedar Valley Ranch for the period beginning July 1, 2006 through June 30, 2009. Various changes to the language were negotiated during the process. A final draft will be submitted to both boards for consideration in the future.

The Board returned to the courthouse where they continued with the meeting at approximately 11:30 a.m. The county attorney met with the Board to discuss the status of the courthouse security system. As in previous meetings where the security system is discussed, it was moved by Vermedahl, seconded by Sanders, to enter into closed session. All members voting aye thereon. Motion carried at 11:30 a.m.

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Moved by Sanders, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 11:50 a.m. The county attorney is coordinating a meeting between Benton County and Radio Communications regarding the courthouse alarm system.

The Board recessed at 12:00 p.m.

The Board reconvened at 1:00 p.m. for the purpose of reviewing departmental FY07 budget proposals. The Board reviewed the mental health budget, the sheriff's budget, and the recorder's budget.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 4:30 p.m.

Ronald R. Buch, Chairman, Benton County Board of Supervisors

Attest: _____
Jill Marlow, Benton County Auditor

January 27, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 24, 2005. All members voting aye thereon. Motion carried.

Don Maas met with the Board regarding the road by Pete's Hills Addition. Maas asked if any decision on the road surfacing on 75th Street was made. Supervisor Buch advised that the Board has not heard anything from the engineer at this time. Maas stated that there is approximately fifty homes along that road and questioned if the county would either apply dust control at the county's expense or share the expense of dust control and how the homeowners could join together to apply dust control and/or share in the expense. Maas advised that Southern Exposure residents would like to participate in a dust control program also. Supervisor Vermedahl clarified with Maas that they were discussing dust control and not seal coating the road. Vermedahl also wanted to clarify that dust control is done every year. Maas understood that it was a dust control measure, but believed that the residents would prefer the dust control applied by the county. Maas stated that he hoped the county would work with the residents to repairing the potholes; however Sanders stated that whoever requests the dust control application is responsible for maintenance of the area seal coated including repairing potholes. Maas stated the he understood that they moved out there and it was a gravel road, but that the residents did not want to see a fatal accident and the dust problem is a real safety issue. Maas stated that he was asking if the county would pay for the dust control, partner with the residents in the cost of the dust control, or if the residents would be responsible for the entire cost and what that cost would be.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign a Statement of Non-Issuance of Certificate of Occupancy. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge receipt of the annual manure management plan filed by K & W Hogs. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Roy Becker, Jr. to the Benton County Conservation Board to fill an unexpired term ending December 31, 2008. All members voting aye thereon. Motion carried.

The Board continued working on the FY07 budget. The weed commissioner did not appear before the board to discuss his budget. The Board reviewed the general services budget, information services, and land use/health department budgets.

The Board discussed the vacancy still existing on the conservation board. An advertisement had been ran requesting applications from persons representing the southern part of the county. Supervisor Sanders stated that advertisement only produced one application, while the Board still had three applications from persons in northern Benton County. The Board discussed that it was their intent to have countywide representation; however it was not a requirement of law. The Board agreed that the appointment of an individual who expressed an interest in serving should be given strong consideration irregardless of where they resided due to the fact that an insufficient number of applications were received from other areas of the county. Moved by Sanders, seconded by Vermedahl, to appoint Julie Havran to the conservation board to fill an unexpired term ending December 31, 2009. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

January 31, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 27, 2006. All members voting aye thereon. Motion carried.

Marc Greenlee presented a farm exemption application submitted by Lillibridge Land L.L.C. The request is to allow for construction of a 50' x 80' machine shed on a parcel containing approximately 22 acres located on the north side of Northfield Ranch 1st Addition in 28-86-10. The application states that the building as well as the adjacent land will be used for the commercial production of hay and other grain crops. There being no further discussion, it was moved by Vermedahl, seconded by Sanders, to approve a farm exemption as allowed in the Benton County Agricultural Land Use Preservation Ordinance on a parcel containing approximately 22 acres located in the W1/2 of the E1/2 of the SE1/4 of 28-86-10 (Harrison Township) requested by Lillibridge Land L.L.C. All members voting aye thereon. Motion carried.

Marc Greenlee presented a farm exemption application submitted by Joseph D. Glime. The request is to allow for construction of a single residence on a existing building site. The application states that 77 acres will be used for the

commercial production of grain crops. 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 located in the S1/2 of the SW1/4 of 23-83-10 (Eldorado Township) requested by Joseph D. Glime. All members voting aye thereon. Motion carried.

Marc Greenlee also presented a brief summary on a request for an extension to the time limit for commencing the use when a land use change is granted. Greenlee advised that he would return to the board for full discussion of the matter at a later date.

Jane Drapeaux of HACAP met with the Board to discuss services being provided to Benton County residents and the planned expansion of the transitional housing program in Belle Plaine. Drapeaux also reviewed the budget request submitted by HACAP for FY07, stating that the agency is requesting a 3% increase over the current year. Drapeaux explained that HACAP may have to cut services in Belle Plaine if the county were to decrease funding to the organization.

The time of 9:30 a.m. having arrived and this being the time and date for the first consideration on ordinance titled Control of Lead-Base Paint Hazards, the Board took up the matter for discussion. The Benton County Public Health Board held a public hearing in conjunction with the first consideration of the ordinance. Nancy Farmer was present to represent the Board of Health. There were no members of the public present. Hearing no comment either for or against said ordinance, the chair announced the public hearing closed. It was moved by Vermedahl, seconded by Sanders, to approve the first consideration of Ordinance #51, Benton County Ordinance Control of Lead-Base Paint Hazards. All members voting aye thereon. Motion carried.

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

The Board discussed the status of the proposed sewer line to the Cedar Valley Ranch. Supervisor Vermedahl updated the Board on the project stating that the City of Vinton has let bids on the project, however easements still need to be obtained. Construction on the project will hopefully be completed this summer.

The Board worked on the FY07 budgets by meeting and discussing submitted budgets with conservation and the county attorney.

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

The chair reconvened the meeting at 1:00 p.m.

The Board continued with FY07 budget work by reviewing the budgets with the county engineer, weed commissioner, and treasurer.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

February 3, 2006

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders and Vermedahl present. Vice-Chairman called the meeting to order at 9:00 a.m. Chairman Buch arrived at 9:05 a.m.

Mark Sabin of the Iowa Northern Railroad (INR) met with the Board to request abatement of penalty and interest on past due taxes. It was explained that INR currently has 186 miles of railroad with 300 grade crossings running through several counties. The Board questioned the railroad's plans for upgrading certain crossings in Benton County. INR advised that they receive some financial assistance from the federal government when crossings on hard surfaced roads are upgraded; however the majority of INR's revenue has been going towards derailment expenses in the past. However, through the railroad's efforts over the past year, the derailment expenses have significantly decreased. The representatives advised that the company is growing, adding that they currently carry about 1100 to 1400 cars of grain per month compared to 236 when they first took over the railroad. They explained that shipping grain by rail saves highway roads by keeping truck use down and reducing the depreciation of the roads, and farmers get a better return per bushel due to lower transportation costs. Sabin stated that they intend to bring the unpaid taxes up-to-date; however they respectfully requested that the county consider allowing them to pay those back taxes through a payment plan in addition to an abatement of the penalty and interest. They stated this would allow them to grow as a company and assist communities with economic development. The Board questioned what the time line for bringing the taxes up-to-date would be and the railroad suggested that item could be negotiated. The Board asked if other counties were abating the penalty and interest, and Sabin responded that Floyd County agreed to abate but Black Hawk County had not take any action as of yet on their request. Supervisor Vermedahl requested a copy of the company's financial statement be sent to him so that he could determine if the abatement was actually needed. Also, it was added that if abatement is granted it would only be as the back taxes were paid and not an up-front abatement. Supervisor Buch stated that he was willing to work with the railroad but wanted to make sure all of the bases were covered; adding that it appeared the company's financial condition was improving. Treasurer Geater questioned if just a partial abatement was appropriate, as that would allow the county to collect some of the penalty and interest. Supervisor Vermedahl stated that his interest was not so much in the financial status of the company and the tax revenue to the county but rather the service the railroad provides to Benton County residents and economic development.

The time of 9:30 a.m. having arrived and this being the time and date for the second consideration on ordinance titled Control of Lead-Base Paint Hazards, the Board took up the matter for discussion. There were no members of the public present. Hearing no comment either for or against said ordinance, the chair announced the public hearing closed. It was moved by Vermedahl, seconded by Sanders, to approve the second consideration of Ordinance #51, Benton County Ordinance Control of Lead-Base Paint Hazards. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set February 24, 2006, at 9:45 a.m. as the time and date for a public hearing on a land use change requested by Renelda Ebensberger on a parcel located in the NE1/4 of the NW1/4 of

34-86-10 and to set February 24, 2006 at 9:30 a.m., as the time and date for a public hearing on a land use change requested by Barry Adams on a parcel located in the NW1/4 of 27-85-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 31, 2006. All members voting aye thereon. Motion carried.

Mark Seckman and Kevin Platz of Priority One met with the Board to discuss the economic development services that Priority One could provide to Benton County. The organization currently provides economic development services to Linn County, the City of Cedar Rapids, Marion, Hiawatha, Lisbon, Mt. Vernon, Walford, Atkins, Belle Plaine, and Amana. Priority One only provides services for basic sector economy and/or interstate commerce. They do not provide retail, recreational, or residential development services. Seckman advised that the philosophy of Priority One is that the rest will come with basic sector economic development. The organization has been involved in bringing Red Star Yeast and Nordstrom to Cedar Rapids, as well as many other companies. Priority One is currently working on a project in Benton County but was not allowed to comment on it at this time. The Board asked what the cost to Benton County would be to be a partner in Priority One. Seckman advised that Benton County should start with a small investment and see how the relationship between Priority One and Benton County developed before investing too much in the organization. Seckman agreed to draft an investment proposal for Benton County's consideration.

Moved by Sanders, seconded by Vermedahl, to acknowledge 80 hours of vacation carry-over granted to Karen Phelps in the conservation department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge receipt and filing of a manure management plan submitted by Swine Design, L.C., in the SE1/4 of the SW1/4 of the SW1/4 of 18-83-11. All members voting aye thereon. Motion carried.

Scott Hansen and Sheriff Forsyth met with the Board to discuss rural addressing and the FY07 budget. A proposal was submitted and discussed for remapping the rural addressing for Benton County.

Mary Halstead met with the Board to discuss the FY07 transportation budget and the amount and type of services being provided.

The Board received bids for renting the County Care Facility farm ground described as a part of the E1/2 of the SE1/4 of 22-85-9 containing 38.4 acres more/less, as follows:

Adam Happel - \$5,913.60 at \$154.00 acre

Brian Schminke - \$5,299.20 at \$138.00 acre

Derald Merchant - \$5,300.00 at \$138.02 acre with stipulation that is a 7-year lease as well as Merchant will grant an easement across his ground at no charge for sewer line (did not submit check for 25% of bid as required)

Moved by Sanders, seconded by Vermedahl, to award the lease agreement to Adam Happel in the amount of \$5,913.60. All members voting aye thereon. Motion carried.

The Board received bids for renting the landfill farm ground as follows:

Landfill Parcel #1 – Part of the SE1/4 of the NW1/4 of 35-82-11 (27.6 acres more/less)

Landfill Parcel #2 – Part of the NW1/4 of the NW1/4 of 35-82-11 (30 acres more/less)

Tom Hagen – Parcel #1 - \$3,560.00

Tom Hagen – Parcel #2 - \$3,940.00

Tim Miller – Parcel #1 - \$2,677.00

Tim Miller – Parcel #2 - \$2,310.00

Leonard Brecht – Parcel #1 & Parcel #2 - \$5,894.71

Timothy Sage – Parcel #1 – \$2,600.00

Timothy Sage – Parcel #2 – 1,800.00

Bryce Brecht – Parcel #2 - \$2,001.00

Jeff Cronbaugh – Parcel #1 & #2 - \$7,125.00

Duane Andrew – Parcel #1 & Parcel #2 - \$7,695.00

Moved by Sanders, seconded by Vermedahl, to award the bid for Parcels #1 and #2 to Duane Andrew in the amount of \$7,695.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chairman to sign documents for the Farm Service Agency for the 2007 farm program. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

February 7, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 80211 through 80564, for payment. All members voting aye thereon. Motion carried.

Representatives of the Emergency Management Commission/Agency (EMA) met with the Board regarding their FY07 county funding request and the importance that the requested amount be fully funded. Steve Meyer spoke on behalf of those present. Meyer explained that funding for EMA comes from federal performance grants (EMPG), Benton County, and the Duane Arnold Energy Center (DAEC). The amount of EMPG placed in their FY07 budget is at the amount requested by EMA, but Meyer advised EMA never fully receives the amount requested. However, Meyer stated that EMA rarely spends all of the money received from DAEC and therefore that balances out the shortage in EMPG funding. Meyer also explained that the Benton County EMA director will be conducting a full evaluation exercise for DAEC in FY07, they plan to meet with each municipality in Benton County to explain services over their next year, hold an anhydrous ammonia training seminar, conduct a continuity of government tabletop exercise, an airport disaster exercise,

and work on a plan development on outbreak of animal infectious disease in Benton County, in addition to his duties.. Paul Sullivan, DAEC, told the Board that he did not anticipate any changes in operations or funding with the change in ownership of DAEC. Supervisor Vermedahl questioned if the individual cities would be contacted about funding part of the EMA services. Meyer stated that he believed that to be a viable option and that would be a good follow-up after this year when the director meets with each community. Vermedahl emphasized that the riskiest place in the county is Hwy 30, I-380, and the railroads and questioned the reaction of the community if EMA went in to an incident and tried to control the situation. The group advised that the director would not be "in charge or control" of the actual incident but rather serve as a contact at the EMA center to coordinate resources. Supervisor Sanders stated that many comments have been made about the coordinator's salary and the significant increases over the past several years. The commission advised that they would like the salary to be the same as elected officials. Meyers responded that they had no other jobs to compare the coordinator's salary to and believed that his level of expertise and education was at least equal to that of other department heads. Supervisor Buch questioned the need for the mass casualty incident trailer and the number of body bags. It was explained that the trailer also contains extra emergency medical services supplies to assist with a large incident since an ambulance does not carry a large amount of medical supplies.

The time of 9:30 a.m. having arrived and this being the time and date for the third consideration on an ordinance titled Control of Lead-Base Paint Hazards, the board took the matter up for discussion. There was one member of the public present. Hearing no comment either for or against said ordinance, the chair declared the public hearing closed. It was moved by Sanders, seconded by Vermedahl, to approve the third consideration of Ordinance #51, Benton County Ordinance Control of Lead-Base Paint Hazards. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-5. Voting aye were Buch, Sanders, and Vermedahl. Motion carried.

RESOLUTION #06-5

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance repealing and replacing the Ordinance #51, Control of Lead-Base Paint Hazards, 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 the Control of Lead-Base Paint Hazards,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that an ordinance controlling lead-base paint hazards should be and is hereby adopted. The auditor is directed to make publication in accordance with Iowa law.

Dated this 7th day of February 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Supervisor Vermedahl spoke about the proposed sewer line to the Cedar Valley Ranch. Vermedahl reported that Derald Merchant was not pleased that he did not receive a 7-year farm lease on the county care facility ground, and therefore was asking the county to purchase an easement from him for the sewer line. Merchant is asking for \$21,000.00 for the easement. The Board discussed the possibility of collecting tax increment revenue from the area to offset the cost to the county and the possibility of condemnation. No action was taken.

Mary Williams, Social Services Director, and Julie Jetter met with the Board to discuss the FY07 budget. Discussion on the county's mental health budget, projected expenses, and levied tax dollars was held. Jetter explained that the Board would need to increase the tax levy if future expenses were to be met and mental health growth dollars were to be received from the state.

The Board continued working on the FY07 budget by reviewing the supervisor, auditor, election, and miscellaneous budgets.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

February 9, 2006

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

The Board worked on the FY07 budget and met with various department heads regarding reductions in budget requests. The departments were told to return an amended budget request to the auditor no later than 8:00 a.m. on Monday, February 13, 2006.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

February 10, 2006

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

Dave Coulter and Renae Tharp presented the FY07 Benton Development Group (BDG) budget to the Board. The Board requested that the county continue to fund BDG at the current level of \$37,500.00. Supervisor Vermedahl stated that the county intended to invest in Priority One at a cost of \$3000.00 a year and that those funds may reduce BDG's funding. Coulter questioned how the relationship between Priority One and BDG would be. It was explained that Priority One only worked with industry, interstate commerce type businesses, and very large corporations such as Aegon and Toyota Financial. Priority One did not serve commercial type businesses and would be able to refer potential businesses to BDG. Priority One would serve as an additional resource to BDG. Jim Magdefrau, BDG board member, stated that the county cannot have too many resources when it comes to economic development.

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 Steven and Dawn Hinds, 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 Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres generally described as being Parcel A located in a Part of the NW1/4 of 25-85-9 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented a request to the Benton County Subdivision Ordinance submitted by Tim Kurth and Clyde Mason. Kurth currently has a house on a four-acre parcel owned by Clyde Mason. In order to obtain financing, it is necessary for Kurth to parcel off just that part where the home is located, which is approximately 1.35 acres. The county's subdivision ordinance requires that any forty-acre parcel that has had one or more divisions, none of which are for non-residential agricultural purposes, that any further dividing must adhere to the subdivision ordinance. The 40-acre parcel in questions has been divided three times prior. The ordinance does provide that the Board of Supervisor may waive the requirements if the division would create a financial hardship. Moved by Vermedahl, seconded by Buch, that requiring Kurth to adhere to the county's subdivision ordinance would create a financial hardship and therefore the requirements are waived and Kurth is allowed to divide the parcel for the purposes of obtaining financing. All members voting aye thereon. Motion carried.

Marc Greenlee spoke with the Board about a plan filed with his office for the construction of a confined animal feeding operation. The plan will require that the county apply the master matrix to the proposal and adhere to a strict timeline set out by the Department of Natural Resources. Greenlee further explained that a public hearing must be held within fourteen days of receipt of the plan. Due to the strict timeline and publishing constraints, Greenlee requested that the Board take action to set the date and time for a public hearing on the plan even though the item is not on today's agenda. Moved by Vermedahl, seconded by Buch, that due to the time constraints involved that this matter be considered at today's meeting, and further that February 21, 2006, at 10:00 a.m. be set as the time and date for a public hearing on the confined animal feeding operation plan filed by Dennis Zieser. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Farm Lease Agreements between Benton County and Adam Happel for farm ground at the Cedar Valley Ranch and Benton County and Duane Andrews for farm ground at the landfill. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 3, 2006, February 7, 2006, and February 9, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to invest in Priority One on a yearly basis of \$3,000.00 per year. The intent of the Board is to invest for a period of five years; however future funding is determinate on funding available. Further, the funding for the investment shall be made from money received through repayment of the loan between Benton County and the Benton Commerce Village tax increment finance area. Both members voting aye thereon. Motion carried.

Brenda Sutton, Deputy Auditor, updated the Board on the status of two worker's compensation claims. Sutton advised that the insurance has paid all the usual and customary charges; however the hospitals want payment of costs exceeding usual and customary charges. Sutton told the Board that one hospital had turned the matter over to a collection agency, but the agency returned the matter to the hospital upon finding that it was a worker's compensation issue. Sutton was not requesting action of the Board but just wanted to make them aware of the matter.

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Poweshiek Water to place utility lines in the county's right-of-way in Kane Township, Section 33, along 13th Avenue. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Iowa Department of Transportation progress voucher for the STP-S-CO06 (60) SE-06, the Shellsburg concrete road project. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account on January 31, 2006, was \$31,698.67.

The Board took a brief recess as the chair had to leave the meeting. Board recesses at 10:40 a.m.

The Board reconvened at 10:45 a.m.

The Board discussed the engineer's FY07 budget request. The Board requested that the engineer reduce his request.

Tammy Wetjen-Kesterson with Benton/Iowa County Decat met with the Board and advised that Decat had received a \$30,000 Community Partnership for Protecting Children grant; however the grant requires that a fiscal agent be appointed to administer the funds. Wetjen-Kesterson requested that Benton County serve as the fiscal agent. The county auditor advised that the current workload in her office was at its maximum and questioned if Iowa County had been approached to serve as the fiscal agent. Wetjen-Kesterson advised that Iowa County had not been approached at this time. The auditor requested that Iowa County be approached prior to Benton County making a commitment to be fiscal agent, adding that if they refused her office would probably provide that function. Supervisor Vermedahl requested that

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Wetjen-Kesterson give Iowa County the opportunity act as the fiscal agent; however if they refused Benton County would entertain the request.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

February 13, 2006

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 Buch called the meeting to order at 6:00 p.m. Sheriff Randall Forsyth and Treasurer Kelly Geater were also present.

The Board discussed various projects being undertaken in Benton County as well as the FY07 budget. Farm Bureau members discussed funding for conservation nature center, transfer of one deputy sheriff to the rural services fund, compensation board recommendations, wage increases, health benefits, and eminent domain legislation. Farm Bureau members stated their appreciation to the Board of Supervisors for their efforts in keeping the tax increases at a minimum in the past years.

The chair declared the meeting adjourned at 8:00 p.m.

Ron Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

February 14, 2006

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

Moved by Vermedahl, seconded by Sanders to approve the minutes of February 10, 2006 and February 13, 2006. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Don Casbon on a parcel located in Bruce Township. The applicant intends to purchase forty acres of farm ground except for two presently existing residences described as Parcels A and B from Hans Harder. The applicant would like to build a residence on the remaining 40 acres. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption on a parcel generally described as Parcel C of the NW¼ of the NE¼ of 20-86-12 for residential purpose as the applicant is currently engaged in a farming activity. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a variance to the subdivision ordinance submitted by Don Casbon on Parcel B and Parcel C in the NW¼ of the NE¼ of 20-86-12. The applicant is requesting that the strict requirements of the subdivision ordinance be waived so that a plat of survey may be utilized for Parcels B and C rather than a subdivision plat. Parcels A, B, and C are contiguous therefore no reason to require new roads, alteration of drainage ways, installation of sewage collection or water facilities or other land improvements. No new utility easements will be required. Moved by Vermedahl, seconded by Sanders to grant a variance to the subdivision ordinance on Parcels B and C in the NW¼ of the NE¼ of 20-86-12. All members voting aye thereon. Motion carried.

Myron Parizek, Benton County Engineer discussed the sewer project and lagoon at the Cedar Valley Ranch with the Board. He also advised the Board that the boiler in the kitchen at the Cedar Valley Ranch may need a new heating element.

There will be a meeting Wednesday, February 15, 2006 at 6:30 p.m. of the landowners for the Oak Grove Road project to discuss purchasing farm ground for the new road.

Mary Williams, Director of Benton County Social Services met with the Board of Supervisors to work on the MH-DD Services budget for fiscal year 2007.

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

Ron Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

February 15, 2006

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

The purpose of the meeting was to meet with landowners along the Oak Grove Road project. The following persons were present: Steve Gannon (Linn County Engineer), Myron Parizek (Benton County Engineer), Nicholas Rissman (Benton County Assistant Engineer), Russ Stutt (Linn County Engineer Office), Bob Young (Graham Land Acquisition), Mary A. Young, Angela Young, Scott Young, Eloise Dennis, Bob Dennis, Brett Schminke, John Lewis, Dawn Atkinson, Claudia Bunting, Jim Bunting, Corey H. Fairley, Rick Robertson, Judy Robertson, Carole Miller, Rex H. Miller, Jon Kaestner, Ginger Kaestner, Ann Wulfekuhle, Cary Relf, Rose Relf, Leo Brummer, Brett Brummer, Donna Relf, Don Waggener, Claudia Waggener, Chris Relf, Steve Anderson, Brian Brummer, Brad Ferguson, and Richard H. Grovert.

The chair opened the meeting and turned it over to Myron Parizek, Benton County Engineer. Parizek presented the Benton County plan for construction of the Oak Grove Road. Linn County Engineer, Steve Gannon presented the Linn County plan for their portion of the road. There was much discussion about dust control, the splitting of one farm for

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the new road, how much was the county going to pay for the land needed, how the price for the land was going to be calculated, and what the county's plans were for the existing road.

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

Ron Buch, Chairman

ATTEST: _____
Delane Kalina, Deputy Auditor

February 17, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 14, 2006 and February 15, 2006. All members voting aye thereon. Motion carried.

The Board met with the GIS committee members Mary McLaughlin, Larry Andreesen, and Randy Forsyth to discuss restrictions and user fees for Benton County's GIS website. Mary McLaughlin presented examples of restrictions and fee schedules from other ProMap clients. Larry Andreesen stated that our GIS website currently has over 200 users without any fees. Randy Forsyth stated that in this day and age, name restrictions shouldn't matter, people will get the information somehow. Chuck Juhl, a GIS committee member not present sent a letter expressing that it is important to stick with whatever is established. After much discussion the board and GIS committee members agreed that the restrictions should be on comparable searches only. They will put a disclaimer on the website that was previously approved by the Benton County Attorney David Thompson. There will be a fee of \$25.00 per month or \$300.00 per year to be the GIS administrator's duties to collect and administer. They agreed that the money collected will be put back into the GIS department revenue under General Basic. Larry Andreesen plans to put a note about the GIS website with his assessment notices that are mailed in April. He will notify the newspapers to make the public aware it is available for their use by March 1st.

Moved by Vermedahl, seconded by Sanders, to enter into closed session to discuss courthouse security with David Thompson, Benton County Attorney and Dave Berger with Radio Communication Systems.. All members voting aye thereon. Motion carried at 10:00 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:05 a.m.

Moved by Sanders, seconded by Vermedahl, to instruct Radio Communications Systems to make the changes discussed in the close session. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set March 10, 2006 at 10:00 a.m. as the time and date for a public hearing on the FY06 budget. All members voting aye thereon. Motion carried.

Myron Parizek, Benton County Engineer discussed the Oak Grove Road project meeting that was held at the Shellsburg Legion Hall on February 15, 2006. There were a few negative comments from landowners along the road project but majority of them thought the new road was a good idea. Parizek stated there may be changes that might be made on the road plans to avoid such things as septic systems in the way. He foresees this road carrying 700 to 1000 vehicles a day.

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

Ron Buch, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

February 21, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 80565 through 80738, for payment. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date for receiving and opening bids for three sheriff's vehicles. The Board proceeded with opening the bids. Bids from Craig Griffith Ford and Junge Ford were delivered but past the deadline set for submitting the same.

Moved by Sanders, seconded by Buch, to allow the filing of bids by Craig Griffith Ford and Junge although the bids were received past the 9:00 a.m. deadline due to the courthouse being closed yesterday. Sanders added that late bids may not be accepted in the future. Concern from a bidder present was that the county should always allow late bids in the future if they allow the filing of late bids now. Sanders and Buch voting aye. Vermedahl abstained due to a conflict of interest.

The bids were opened with an announcement that an award would not be made until the sheriff has had an opportunity to compare and review the bids. Bids were received as follows:

Junge -
2006 Chevrolet Impala Police Package - \$18,994.00
2006 Chevrolet 1500, Extended Cab, 4WD - \$28,158.00
2006 Chevrolet 1500, Crew Cab, 4WD - \$25,193.00
Raleigh Johnson -
2006 Dodge Magnum with police package - \$27,101.00
2006 Dodge Charger with police package - \$25,398.00
2006 Dodge 1500 Mega Cab, 4WD - \$30,618.00

Grovert Motor –

2006 Chevrolet Silverado 1500, Ext Cab, 4WD - \$22,969.00

2006 Chevrolet Silverado 1500, Crew Cab, 4WD - \$25,387.00

Ervin Motor –

2006 GMC Sierra 1500, Extended Cab, 4WD - \$22,772.00

2006 GMC Sierra 1500 Extended Cab, 4WD with off-road package - \$23,886.00

2006 GMC Sierra 1500 Crew Cab, 4WD - \$26,314.00

Craig Griffith Ford –

2006 Crown Victoria Police Interceptor - \$20,536.60

2006 F150 Extended Cab, 4WD, XLT package - \$22,529.60

2006 F150, Extended Cab, 4WD, XL package - \$20, 298.60

2006 F150, Crew Cab, 4WD - \$24,047.60

Shaull & Ullerich –

2006 Chevrolet ½ ton, Extended Cab, 4WD - \$22,645.85

2006 Chevrolet ½ ton, Crew Cab, 4WD - \$24,963.78

2006 Chevrolet Impala Police Package - \$18,663.95 for one car or \$37,327.90 for two cars

State bids-

Karl Chevrolet – Chevrolet Impala Police Package - \$17,934.00

Pat Clemons Dodge – 2006 Dodge Charger - \$22,627.00

Charles Gaber Ford – Ford Crown Victoria Police Interceptor - \$20, 198.00

Charles Gaber Ford – Extended Cab, 4WD truck - \$20,163.00

Moved by Vermedahl, seconded by Sanders, to establish the policy that all future bidding must be received by the deadline set forth in the bid request document. Any late bids will not be accepted. All members voting aye thereon. Motion carried.

Marc Greenlee presented a request for a farm exemption submitted by Dale D. Johnson on a parcel located in section 35 of Iowa Township. The applicant owns sixty acres that is currently be used for the production of food and fiber, and would like to construct a residence. Moved by Vermedahl, seconded by Sanders, to approve a farm exemption requested by Dale D. Johnson on a parcel located in the SW1/4 of the SW1/4 of 35-82-12 as the applicant is actively engaged in the commercial production of food and fiber as required by the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 9.5 hours of vacation carry-over requested by Mike Beumer, said carry-over to be used by July 1, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 17, 2006. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived and this being the time and date set for a public hearing on application for an confined animal feeding operation submitted by Dennis Zieser and located in the NE1/4 of the NE1/4 of Polk Township, Section 23. The notice of the hearing had been published in the Cedar Valley Times. The chair opened the public hearing. There were no members of the public present. Dennis Zieser, the applicant, was present. Marc Greenlee, Land Use Administrator, presented the information regarding the proposal. Greenlee explained that Zieser was increasing his operation from 2400 head to 4800 head on-site, which calculates to 1980 animal units and therefore requires that the project comply with the master matrix for confined animal feeding operations. Greenlee further explained that Benton County received the application on February 7, 2006, and the Department of Natural Resources (DNR) received the same on February 9, 2006, and the county has until March 10, 2006 to complete a review and submit a recommendation along with the master matrix to the DNR. Greenlee advised that he would continue with his review and present his findings to the Board on March 3, 2006, at 1:30 p.m. Greenlee advised that no written comments were received, and their being no oral comments heard, the chair declared the public hearing closed.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

February 23, 2006

The Benton County Board of Supervisors met in special session with Supervisors Buch, Sanders, and Vermedahl present. Chairman Buch called the meeting to order at 7:10 p.m.

The Board met for the purpose of discussing the comprehensive plan for land use in Benton County and the implementation of a land evaluation site assessment survey system. Five members of the zoning commission were present for the meeting. Several changes had been made to the LESA since the Board last met with the zoning commission. One change included defining a farm exemption as 38 acres versus the original 40-acre requirement. The Board discussed this matter fully with the zoning commission as to their belief that the acreage requirement for a farm exemption should remain at twenty-one. Both boards concluded that twenty-one acres would meet the goals of the comprehensive plan.

Steve Thompson asked that the commission and board of supervisors consider adding setback language to the LESA to offer some protection to area farmers. Chad Sands, Consultant, advised that setbacks would be addressed in the zoning ordinance, which would be also considered when development proposals are submitted to the county. Discussion about farm exemptions being exempt from the ordinances and setback requirements was held. It was the ultimate consensus that a person who receives a farm exemption should not be concerned about surrounding farming activities if they truly were actively engaged in a farming operation.

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Chad Sands advised that he would meet with the Board of Supervisors in March to submit a proposal for his consultation services for zoning and subdivision ordinances.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

February 24, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 21, 2006 and February 23, 2006. Both members voting aye thereon. Motion carried.

The Board met with members of the 2006 Grand Jury. The Board explained their various duties and responsibilities relative to their office. They also reviewed storage, security, and maintenance issues affecting county offices.

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 Renelda Ebensberger, 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. There were no public comments heard either for or against the application. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres 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.

The time of 9:45 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by James M. "Barry" and Lois Adams, 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. Jill Marlow, representing the Patricia Maynard family questioned the possibility of sewer discharge running across the adjacent property or the possibility of contamination of a nearby creek. Greenlee stated that due to the soil type a sand filter system may be required which has an open outlet however the amount of output is limited to a "drip drip" amount. Greenlee further stated that if a conventional system is allowed that there was no chance of contamination of the nearby creek or sewage running onto adjacent property. Greenlee stated that it is not permissible to allow sewage to go onto another person's property without that person's approval. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres generally described as being a Part of the NW1/4 of the NE1/4 of 10-85-10 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee spoke to the Board briefly about the application submitted by Dennis Zieser for a confined feeding animal operation. The matter was not on the agenda, but an issue arose that needed immediate guidance from the Board due to mandated time constraints. Greenlee stated that the plan submitted will not meet the requirements of the master matrix for approval; however several areas on the plan could be completed or revised and possibly allow for additional points. Greenlee questioned if the Board wanted to give the applicant the opportunity to make corrections to the original plan. The Board directed Greenlee to advise the applicant and provide him the opportunity to make changes; however the County was not to advise what areas should be reconsidered in order the plan to gain additional points. Further, the time set for review of the plan will still be adhered to.

Residents along the Oak Grove Road project met with the Board to voice their concerns on the proposed road project. The county engineer explained that this project dates back to the mid 1990's when the Linn County Board of Supervisors and the Benton County Board of Supervisors met to discuss development of the road that would connect the County Home road to the Center Point/Palo road. The engineer stated that the route presented at last week's meeting with affected property owners is the most economically feasible route. He advised that the proposed route does heavily chop up Mary Young's property and that the Benton County Board of Supervisors had asked if the road could be changed to avoid that problem. The engineer advised that he is considering a modification to the original design, but added that he must stay south of the large power pole near Young's property. Parizek stated that if the road alignment is placed on the section line it will require additional dirt work. A right-of-way along the north side of the Young property would shift the road to the north about 200 to 300 feet and would not cut the Young property diagonally as the original proposal. However, the engineer has not analyzed the additional cost for dirt or purchase of right-of-way that would be required by modifying the route. The modified route would go across two ravines that the road would have originally gone around. The engineer stated that from a roadway-engineering standpoint, the road is a line on a map and he presented a plan where the road would work best. R.K. Dennis, an adjacent property owner, stated that the original plan for the road went along the section lines by the park and ran on the south side of John Lewis' farm. Dennis stated that Lewis requested that the line be moved to the other side of his farm and the route was subsequently moved creating a significant impact on other property owners. Dennis stated that if the road goes where currently planned, it will devastate the area property. Dennis stated that he has been told by Linn County Planning and Zoning that they will not allow any residential development in that area. Dennis added that the project will only create environmental havoc. Dennis suggested that the County follow the existing gravel roads that lead to I-380. The engineer stated that the road count is approximately 400 to 450 cars per day on the gravel road across from the Oak Grove church. The engineer stated that the follow the existing gravel to I-380 would have an additional cost to Benton County and that would be a major consideration. . The engineer added that the county would have to buy additional right-of-way and regrade the curves to meet design specifications. Dennis stated that by changing the road so that it follows existing roadways, the only negative would be additional costs to

Benton County and that that the impact would be less on private property owners. It was questioned when Benton County will decide on the final plan for the road. The engineer explained that further communication between Linn County and property owners, and/or additional conversations between Linn and Benton County supervisors needs to be done before finalization of plans is done. A petition opposing the current proposal was presented to the supervisors containing 208 signature with 34 of those being Benton County residents.

Moved by Vermedahl, seconded by Buch, to approve a utility permit for South Slope Cooperative Telephone to place utility lines in the county's right-of-way in Florence Township along 30th Ave. All members voting aye thereon. Motion carried

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the plans for the bridge replacement project on V37. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the federal agreement BRS-CO06(69)—60-06, Project #6-06-HBRR-08 with the Department of Transportation for the bridge replacement project on V37. All members voting aye thereon. Motion carried.

Mark Seckman and Kevin Platz with Priority One met with the Board to request that Benton County establish an urban renewal/tax increment finance district on Frontier Natural Products Co-op near Norway. Seckman told the Board that Frontier is planning a major expansion project and that they are requesting a property tax rebate through the tax increment finance program. Frontier plans to create fifty-five new jobs in Benton County with an average wage of \$12.00 per hour. Seckman advised that Priority One would present a rebate proposal in the future for the Board's consideration. Moved by Vermedahl, seconded by Buch, to establish a tax increment finance district on the Frontier Natural Products Coop in Section 21 of Florence Township, and further to hire Bob Josten of Dorsey and Whitney to draft all legal documents pertaining to the creation of the district and agreements between Benton County and Frontier Natural Products Coop. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to reappoint Michael Beumer as the Weed Commissioner for 2006 and Bruce Anderson as the Assistant Weed Commissioner for 2006, further the chair is authorized to sign the state certification stating the same. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 20.5 hours of vacation carry-over requested by Rose Sackett. Said carry-over is to be used no later than July 1, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the 2005 Cost Allocation Plan certification. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Vinton Cruise Committee's request to use the courthouse lawn on July 15, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to replace the assembly in the hot water boiler in the kitchen at the Cedar Valley Ranch at a cost of \$3,760.00. Both members voting aye thereon. Motion carried. The cost to replace the entire boiler is \$12,854.00.

Moved by Vermedahl, seconded by Buch, to pay the Highway 30 Coalition dues in the amount of \$150.00. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 3, 2006

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

Moved by Vermedahl, seconded by Buch, to set March 24, 2006, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Doug and Gina Embray on a parcel located in the W1/2 of the SW1/4 of 2-83-11. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to amend the minutes of February 14, 2006, to include the following: All members voting aye thereon. Motion carried.

"Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-6. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-6
ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that the 2004 tax and penalty, if any, on parcel #110-06150 is hereby abated as the property was purchased by Benton County for road right-of-way.
Dated this 3rd day of January 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Delane Kalina, Deputy County Auditor"

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 128

Marc Greenlee, Land Use Administrator, met with the Board to review the master matrix review of Dennis Zieser's application for a confined animal feeding operation in Polk Township. Greenlee reviewed each of the scoring criteria and his analysis of the proposal relative to each of the evaluation areas. Each criteria is awarded point based on meeting and/or exceeding the requirements. Greenlee advised that he, on behalf of Benton County, has reviewed and scored the master matrix and reached a total score of 465 points. The applicant must receive a minimum of 440 points in order to obtain approval. Greenlee then discussed the approval process with the Board of Supervisors and that the Board must approve or deny the applicant's proposal. A public hearing was held on February 21, 2006, with notice being made in the Cedar Valley Times on February 15, 2006. Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-7. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-7

MASTER MATRIX REVIEW AND EVALUATION

WHEREAS, Benton County adopted a resolution on January , 2006, wherein they requested authority to score confined feeding animal operations through the master matrix; and

WHEREAS, Dennis Zieser submitted an application for a confined animal feeding operation in Polk Township Section 23; and

WHEREAS, Marc Greenlee, Benton County Land Use Administrator has evaluated and presented the master matrix review to the Board of Supervisors; and

WHEREAS, the application has received a score of 465 with a required minimum of 440 for approval; and

WHEREAS, the Board now desires to take action on the proposal,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors to approve the scoring of the master matrix as presented of the application submitted by Dennis Zieser.

FURTHER to confined animal feeding operation application and the following notification to the Iowa Department of Natural Resources be approved:

MASTER MATRIX REVIEW AND EVALUATION

BENTON COUNTY BOARD OF SUPERVISORS RECOMMENDATION

Applicant: Dennis Zieser – 3294 52nd Street, Center Point, Iowa

Facility Location: NE of NE, Section 23, T86N, R9W, Polk Twp., Benton County, Iowa

The Benton County Board of Supervisors has reviewed and evaluated a construction permit application for a confinement animal feeding operation. The application was submitted by Dennis Zieser, and received by Benton County on February 7, 2006. The application was received by the IDNR on February 10, 2006.

A public hearing notice was published by Benton County in the Cedar Valley Daily Times, Vinton, Iowa on February 15, 2006, as required. A proof of publication is enclosed within this packet of information.

A public hearing was held by the Benton County Board of Supervisors on February 21, 2006. No public comments, either written or verbal, were received in regard to the applicant's proposal.

During the course of the review period the applicant submitted an amendment to the original master matrix (Appendix C). The amendment was received by Benton County on February 28, 2006. A copy of the master matrix as scored and approved by Benton County is included with this review summary.

The Benton County Board of Supervisors met on Friday, March 3, 2006, at 1:30 p.m. to review and make a decision on the application. After review, the Board of Supervisors finds that the applicant has demonstrated compliance with minimum separation distances between the proposed facility and items referenced in Chapter 459.202 of the Code of Iowa (items #1-10 of the matrix), that the proposed building site is not on alluvial soils or in Karst terrain, that the applicant has chosen certain management practices to implement that the County would desire to be conditions of any DNR permit, and, that the overall score of the matrix evaluation was sufficient. Subsequently, the Board of Supervisors voted to recommend approval of the construction permit application and design operation and maintenance plan.

Dated this 3rd day of March 2006.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Marc Greenlee spoke to the Board regarding a land use change that had been approved on March 8, 2005; however the use has not commenced. The applicant, through his attorney, requested that an extension be granted. The county's current ordinance does not provide for an extension and the county attorney has opined that the county cannot grant extension to the requirement for the use to commence within one year, as it is not allowed under the ordinance. The applicant can resubmit or appeal to the Board of Adjustment with a \$500.00 filing fee. Greenlee stated that he would relate the available options to the applicant's attorney.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-8. Buch and Vermedahl voting aye. Nays none. Motion carried.

RESOLUTION #06-8

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 129

ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that \$1,231.00 of the 2004 taxes be abated and penalty and interest accrued through this date is also abated on parcel #240-7330.
Dated this 3rd day of March 2006.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve 40 hours of vacation carry-over requested by Bruce Anderson. Said carry-over is to be used by July 1, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual update of the manure management plan submitted by Steve Kromminga. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the request of Vinton Unlimited's request to use the courthouse lawn on the following dates: June 1, 8, 15, 22, 29 and July 29, and November 16 and 19. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 24, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a Beer and Sunday Sales Permit application submitted by Exit 41 Beer Sales near Urbana. Both members voting aye thereon. Motion carried.

Sheriff Forsyth presented a summarization of the vehicle bids submitted on February 21, 2006. The Board then reviewed the bid comparisons. Moved by Vermedahl, seconded by Buch, to purchase two front wheel cars from Shaull & Ullerich Chevrolet at a price of \$18,413.95 each. Both members voting aye thereon. Motion carried.

Sheriff Forsyth requested that the Board consider awarding a bid for a crew cab pickup versus an extended cab due to the necessity of transporting people in emergency situations. Moved by Vermedahl, seconded by Buch, to purchase one Ford crew cab pickup, 4WD from Craig Griffith Ford as he is a local dealer and submitted low bid when all options are taken into consideration. The total price is \$23,992.60 including undercoating but not rust proofing. Both members voting aye thereon. Motion carried. Supervisor Vermedahl stated that he would have abstained from taking part in the action due to a business relationship with the successful bidder, but due to the fact that only two members of the Board are present for today's meeting, it is necessary for him to take part.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

March 7, 2006

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

Moved by Sanders, seconded by Buch, to approve checks numbered 80739 through 81113, for payment. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, presented a three-year strategic plan for FY2007 through FY2009 for providing services to persons with mental illness, mental retardation and/or developmental disabilities to the supervisors for their consideration. Williams explained that Benton County is required to submit a strategic plan every three years to the Department of Human Services after holding a public hearing on the plan. Williams reviewed the goals for services and how those services will be delivered. Having discussed the matter, it was moved by Sanders, seconded by Buch, to set March 14, 2006, as the time and date for a public hearing on the strategic plan. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kesterson, Decat Coordinator for Benton and Iowa Counties, met with the Board to request that Benton County provide fiscal agent duties for the Community Partnership for Protecting Children Grant. Wetjen-Kesterson had previously approached the Board regarding the matter; however the supervisors asked the she contact Iowa County about providing the service. The Benton County auditor advised that the services being provided through the Decat Board are extremely important and that if Benton County has to provide the service then they should; however the auditor stated that her office continues to take on additional duties without increasing staff size and the workload is to a point where an additional employee will be required if the Board continues to agree to provide services that are done through her office. Wetjen-Kesterson advised that Iowa County refused to provide the service to Decat Board. Moved by Sanders, seconded by Buch, to provide fiscal agent services for the Decat Board for the Community Partnership for Protecting Children Grant. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Benton County State Bank on February 28, 2006, was \$34,615.30.

Moved by Sanders, seconded by Buch, to approve a utility permit to place utility lines in the county's right-of-way in Section 4 of Canton Township at Schminke Equipment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of March 3, 2006. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

March 10, 2006

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

Moved by Vermedahl, seconded Sanders, to enter into a contract between Linn County and Benton County for Benton County Social Services to act as payee for a Linn County client. The cost of the service is \$25.00 per month. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of March 7, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the hire of Robert Urbain as a Hannen Lake Park Ranger, effective April 1, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Craig Petersen and Steven Payne as part-time drivers for transportation department, effective March 13, 2006, at a starting wage of \$9.84 per hour. 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 FY07 budget, the Board took up the matter for consideration. There were two persons representing Farm Bureau, a county librarian, the county engineer, the transportation director, the treasurer and the conservation executive director present. There were no members of the media present. The compensation board had provided a letter recommending varying salary increases for elected officials. Discussion and comments were as follows: Supervisor Sanders stated that the compensation board had held the supervisors' salary down as requested; however there was a substantial increase in the salary recommendations for the treasurer, recorder, and auditor. Supervisor Vermedahl advised that it was his understanding from attending the compensation board's meeting, that it was the compensation's board intention to attempt to equalize the auditor, treasurer, and recorder's salaries with other courthouse department heads. Vermedahl stated it was his feeling that the compensation board members did not come to their meeting with the intent to raise salaries for those three officials; however they determined that the salaries needed to be brought into line with other non-elected department heads. Compensation Board Member Warren Richart commented that when percentage increases are given across-the-board, then those who salaries are on the bottom will remain on the bottom in comparison to the other employees because the others are getting same percentage. Richard added that the gap just continues to grow and it was the compensation board's intent to close the gap. Supervisor Sanders stated that appointed officials receive benefits that elected officials do not receive, such as vacation and sick leave conversion when they leave employment. Sanders added that elected officials have many responsibilities that could have dire affects if done improperly. Sanders stated that he would like to see the discrepancy in salaries to be remedied but would prefer to see other salaries lowered, but since that was not an option he concluded that he was not against these increases recommended for elected officials. Supervisor Buch stated that he understood why the compensation board made the recommendation, but thought that maybe it should have been over the past several years instead all at once. Buch added that by recommending the majority of the increase in one year appears difficult but that the process of equalization of salaries had to start at some point.

Moved by Vermedahl, seconded by Sanders, to accept the recommendations of the Benton County Compensation Board and to set the salaries of the elected officials for FY07 as follows: Auditor/Recorder/Treasurer: \$51,991.70; Attorney: \$76,870.69; Supervisors: \$33,490.91; Sheriff: \$64,479.79. Discussion: Supervisors Sanders thanked the compensation board for their time and commitment, adding that those persons take a lot of criticism without compensation and their opinion is worth something. Supervisor Buch stated that the biggest question he received is how those persons serving on the compensation board are appointed. Buch also commented that the supervisors have never appointed anyone since being elected. Compensation board member Warren Richart explained the composition of compensation board. The Farm Bureau representative stated that they had no comment as long as the figures had not changed since the meeting between Farm Bureau and the board of supervisors in February. Supervisor Sanders added that elected officials do not receive benefits such as sick time and vacation time. Sanders further commented that elected officials have many statutory deadlines and responsibilities. Question: All members voting aye thereon. Motion carried.

The Board proceeded with the remainder of the public hearing on the county's 2007 fiscal year budget. Al Schafbuch (Farm Bureau) asked if there had been any changes from the budget document presented to the Farm Bureau Board of Directors in February. Supervisor Vermedahl told those present that the budget had been worked over pretty hard, that the unions had not yet signed any labor contract although there is a tentative agreement with Teamsters, and that the county was scheduled for mediation with the union that represents the employees with secondary roads. The Board advised that the current budget would not be changed and that the departments would have to make their budgets work once the labor negotiations are finalized. Comments were heard about the current level of funding for the libraries in the county. Although the librarians appreciate the funds they receive from the county, the level of funding is less than it was sixteen years ago. She commented that several years ago the libraries took a 5% cut in funding and that it did not appear that it would be that difficult for the county to return to the higher funding level, adding that libraries need operating money. Gary Fordice, Conservation Executive Director, submitted a request for changes to the conservation department's budget. Fordice advised that the changes did not change the amount requested or budgeted, but simply moved spending authority from one activity to another.

Discussion then took place on the salaries and wages for all non-union employees with the exception of deputies. Supervisor Sanders stated that in following the same thought as the compensation board, and with the knowledge that price increases have affected everyone equally regardless of their pay, it was his opinion that an \$800.00 across-the-board salary increase should be granted. Treasurer Geater stated that she would not allow the supervisors to only grant an \$800 increase for Nancy Jorgenson, an employee in her office. Geater stated that Jorgenson did not receive the salary increase last year due to her start date and that Geater would not allow the supervisors to do it again to her. Supervisor Sanders reiterated that the \$800.00 was just his beginning recommendation. Supervisor Vermedahl

expressed concern to Sanders' approach, stating that Benton County has pretty skilled people in various positions throughout the courthouse and some of those employees would received less than a 2% salary increase. Vermedahl questioned if the approach was fair. Sanders replied that his approach was perfectly fair in that these raises were not merit increases but merely cost-of-living adjustments. Sanders stated that if it was the desire of the Board to grant merit increases then the raises should be based on an individual evaluation of each employee. Sanders stated that the higher skilled employees were already being compensated for those skills through a higher salary. Sanders stated that his recommendation for an \$800.00 increase was not an attempt to equalize salaries. Sanders added that if the Board is going to grant merit raises then it should be done properly and not during the budget hearing. Supervisor Vermedahl stated that although Sanders' comments were true and that if merit increases were to be granted that now was not the time. Sanders reiterated that his proposal was not a merit increase. Supervisor Vermedahl asked for clarification in his understanding of Sanders' proposal by stating that an experienced part-time legal secretary would receive a 2% increase and an experienced department manager would receive a 1.6% increase. Supervisor Vermedahl then questioned Treasurer Geater as to the possibility of current employees moving into higher paid positions when those positions are vacated. Geater advised that promotional opportunities did exist in those situations within her department. Transportation Director Mary Halstead requested clarification on whether all department heads would get an \$800.00 increase. Supervisor Sanders advised that Halstead was correct in her understanding. Halstead then questioned what percent of increase that would be. Sanders responded that the percentage would depend on the employee's current salary and again reiterated that the \$800 proposal was not a merit raise but a cost-of-living adjustment. Sanders stated that across the board percentage increases increased the gap in salaries and under his proposal those receiving the lowest salaries would received the largest percentage increase. Supervisor Vermedahl stated that he believed the county was providing merit increase to some extent by allowing the opportunity for employees to be promoted into higher paying positions. Vermedahl questioned Halstead if that would not be considered a merit increase if a part-time employee was allowed to promote into a full-time position within her department. Halstead stated that was hard to answer. Supervisor Vermedahl asked Fordice what the conservation board did. Fordice replied that last year all of the money used for salary increases was lumped together and then divided equally among the employees. Supervisor Buch asked the other members when the county would start with a merit increase program. Supervisor Sanders stated in the fall of 2006 while Supervisor Vermedahl stated that the process would have to start immediately since the county currently has no evaluation form or anything. Vermedahl added that bringing up the idea of an evaluation based merit increase should not have been brought up at the budget hearing. Vermedahl further stated that the \$800 proposal is ignoring that employees in certain jobs have more responsibility and employees who have been with the county longer. Vermedahl added that the proposal would be a step towards equalizing all salaries. Sanders replied that one year would not make that much difference in equalizing salaries. Fordice commented that conservation applied the equalization concept one year and then went back to across-the-board increases to avoid equalizing salaries with positions with more responsibilities. Supervisor Vermedahl stated that department heads should be involved in the merit program. Engineer Myron Parizek added that although union contracts have not been finalized, it was his opinion that a thirty-eight cent per hour increase would be low in comparison to where those contract could end up. Supervisor Vermedahl questioned if Sanders had made a motion relative to the \$800. Sanders moved to grant an \$800.000 per year across-the-board increase for all employees not covered by a union contract or whose salary an elected official sets. Further that employees paid on a hourly basis be granted a .38 per hour wage increase. Additionally that Nancy Jorgenson's salary is set at \$21,000.00. Transportation Director Halstead commented that she requested a 4% increase and that the Board should consider that request more. Treasurer Geater added that Halstead is similar to the situation that the compensation board tried to address in that she is one of the lower paid department heads. Halstead added that she was upset that some employees would receive a \$4,000 increase even though they had less employees in their department than she. Engineer Parizek questioned if the Board was prepared to speak with every department head regarding merit increases and the amount of time needed to conduct evaluations. Supervisor Sanders stated that last year employees came to the Board after the budget hearing and asked for salary changes. Sanders stated that if the Board were going to give merit increases then it should; however this would require job descriptions for department heads. The Chairman called for a second to Sanders' motion. Hearing none, the Chair declared that the motion died for lack of second.

Supervisor Vermedahl moved to grant a 3.5% across-the-board increase for all employees not covered by a union contract or whose salary the elected officials set. Supervisor Buch stated that \$800.00 would calculate to be 3% on a \$27,000 salary, \$900 would be 3.5% on the same amount. Buch added that discussions have been held over the past few years regarding dollar increases versus percentage increases and that the Board needs to do additional homework during the year instead of waiting until the last day. Supervisor Sanders responded that he had put this matter on the board's agenda three months ago for discussion and that Supervisor Buch and Vermedahl did not want to discuss the matter at that time. Sanders stated that he understood that the county was in the middle of union negotiations at that time but at some point the Board needs to move on. Fordice questioned Vermedahl as to where he arrived at the 3.5% figure. Vermedahl did not answer Fordice's request. Chairman Buch called for a second to the motion. Hearing none, the Chair declared the motion failed for lack of a second.

Supervisor Vermedahl reiterated that he did not believe that employees were being rewarded fairly under the flat dollar amount and suggested a flat dollar amount in addition to a percentage increase, for example 1% plus \$800.00. Supervisor Sanders stated that approximately one-half of the employees would get a larger percentage increase under his proposal.

Moved by Vermedahl to grant a 3.25% across-the-board increase for all employees not covered by a union contract or whose salary the elected officials set. Supervisor Sanders questioned Vermedahl if he was against going across the board with a flat dollar amount. Vermedahl responded that he is a little opposed to that proposal and that he would be more in favor of a mixture of the two. Vermedahl reiterated that he believed that the flat dollar proposal ignored that good employees were not being rewarded and that employees consider this raise as a reward for their performance. Supervisor Buch seconded the motion. Hearing no further discussion, the chair called the question. Voting aye were Buch and Vermedahl. Sanders voting nay. Motion carried.

Moved by Vermedahl, seconded by Sanders, that the salary of Nancy Jorgenson be set at \$21,000 for FY07. All members voting aye thereon. Motion carried.

Supervisor Vermedahl asked that the matter of implementing merit raises be placed on a future agenda for further discussion.

Hearing no further discussion relative to the FY07 budget, it was moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-9, with the changes to the conservation budget as requested. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-9

BE IT REMEMBERED that on this, the 10th day of March 2006, 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 2006-07 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 varying salary increases for elected officials and said recommendation was approved. The FY07 salaries for elected officials will be as follows:

County Attorney – \$76,870.69
County Auditor – \$51,991.70
County Recorder – \$51,991.70
County Supervisors – \$33,490.91
County Treasurer – \$51,991.70
County Sheriff – \$64,479.79

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 - \$9,000 – Historic Preservation
General Basic - \$296,765 – Special Projects (anticipated revenue from TIF/BCV)
General Supplemental - \$38,000.00 – Election equipment
Other (Closure/Post Closure) - \$824,639

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 2006-07.

General Basic	\$3,245,040
General Supplemental	\$ 560,000
Mental Health Services	\$ 556,293
Rural Services Basic	\$2,020,000

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY07 budget is hereby adopted.

Dated this 10th day of March 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Jill Marlow, Auditor

Supervisor Vermedahl stated that the Board should consider increases for libraries in the future due to the tremendous service they provide to residents of the county.

Supervisor Buch left the meeting at 11:20 a.m.

The Board continued informal discussion with various individuals regarding the county's FY07 budget.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

March 14, 2006

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

The time of 9:00 a.m. having arrived, and this being the time and date set for a public hearing on the Benton County Three Year Strategic Plan for FY2007 – FY2009, the Board took up the matter for discussion. There were no members of the public or media present. Mary Williams explained that changes to the plan included the county's goals and objectives and updating the list of providers. Williams advised that the plan does not provide for any new or additional services. The new goals are to develop vocational and natural support for clients, review methods of providing services through non-traditional means, develop better procedures to transition children into adult services, an educational program, reduce the number of commitments by ten percent over the next three years in comparison to the current year, and to review quality assurance and utilization data. The Board discussed various services currently being provided and the means in which those services are provided. Hearing no further comment, the chair declared the public hearing closed.

Moved by Vermedahl, seconded by Sanders, to approve the Benton County MH-DD Three Year Strategic Plan for FY2007 through FY2009. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the wage of Brenda Hackbarth at \$9.00 per hour when serving as an employee in the Social Services Department. Hackbarth is currently a part-time employee of Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Bob Byers, effective April 17, 2006, at a wage of \$9.25 per hour, and Donavon Merchant, effective April 10, 2006, at a wage of \$9.00 per hour, both as seasonal part-time employees with the weed department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for South Slope Telephone Cooperative Telephone to place utility lines in the county's right-of-way in St. Clair and Florence Townships along 77th St. Drive and 26th Avenue. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 10, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to amend the minutes of March 3, 2006, to correct Resolution #06-8. All members voting aye thereon. Motion carried.

"RESOLUTION #06-8
ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that \$1,271.53 of the 2004 taxes be abated and penalty and interest accrued through this date is also abated on parcel #240-73300.
Dated this 3rd day of March 2006.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Jill Marlow, Benton County Auditor

Anita O'Gara with the Iowa Natural Heritage Foundation (INHF) and representatives of the Benton County Conservation Board met with the supervisors to discuss the services offered by the INHF and funding for the Fry Property near Hannen Park. INHF is statewide non-profit agency that assists with acquisition and development of natural resources. O'Gara explained how the agency is able to assist with acquisition of land by bidding on property and providing short-term funding for the purchase for up to one year. O'Gara also commented that the Cedar River in is an over-looked asset to Benton County, and that public hunting has an increasing demand due to private lands no longer being available to individuals. O'Gara told the Board that her agency works with individual property owners to preserve native prairie, woodlands, and wetlands primarily through conservation easements. O'Gara touched on funding sources for conservation projects, including the Wildlife Habitat Stamp Grant and Resource Enhancement and Protection (REAP), adding that both of these grants are extremely competitive. O'Gara explained that a successful grant application gives consideration to the area that is being protected, how the area will be used, if it will fit in with the overall conservation plan for the county, and if a letter of support from the supervisors and/or county funding is provided. Fordice explained the significance of maintaining the Hannen Lake area and protection of the area surrounding it, as Hannen Lake was the first man-made lake in Iowa. O'Gara also requested that the Board adopt a resolution stating that they are aware of the purchase agreement between Benton County Conservation Board and the Iowa Natural Heritage Foundation regarding the property purchased adjacent to Hannen Park (Fry Property). Auditor Marlow questioned what the resolution would state, as the supervisors are aware of the purchase agreement but have not agreed to approve the purchase agreement as of this date. O'Gara explained that the resolution would not commit the supervisors to approval of the purchase agreement. It was also asked if the supervisors would provide a letter of support for a grant application being submitted by Benton County Conservation for purchase of the property. The Board asked that Fordice return to the Board with a letter of support for the board's consideration.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

March 17, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 14, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Farmer's Mutual Telephone to place utility lines in the county's right-of-way in Sections 24 and 25, along 33rd Avenue Drive. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 17-1/2 hours of vacation carry-over for Penny Applegarth. Said carry-over is to be used prior to July 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign a letter of support for the Belle Plaine Development Corp to become a Main Street Iowa Community. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign a letter of support for the City of Center Point for use in the Community Attraction grant application. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of April Lynn Saunders as a full-time communication specialist in the sheriff's department, effective March 29, 2006, at a training wage of \$9.71 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to defer action on the request from Marc Greenlee for an employee evaluation until March 24, 2006, so that the Board may arrive at a mutually agreeable date and time for conducting the same. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 81311 through 81705, for payment. All members voting aye thereon. Motion carried.

The Board discussed the need for consulting services relative to land use, zoning, and subdivision ordinances. Supervisors Sanders stated that he had concerns regarding the compilation of zoning commission meeting minutes, little agenda preparation, and that for every step forward it appeared there is one step back. Supervisor Vermedahl stated that he did not have the same opinion of the matter, although he has not seen the minutes either. Sanders stated that votes do not appear to be taken with the names of the persons making the motions. Sanders also expressed concern that application of principles used in Linn and Johnson Counties are being incorporated into Benton County policies and they do not necessarily apply to Benton County. Supervisor Buch suggested that perhaps the zoning commission should be convened to review the current land use ordinance and give further consideration to the direction that Benton County should pursue. Vermedahl stated that he believed that, although the supervisors have not officially taken action on the comprehensive plan and the land evaluation and site assessment (LESA) system, and that the supervisors were in agreement with those documents. Vermedahl added that creation of a zoning ordinance should be the next step in the process. Sanders stated that he questions the direction that development should occur around the cities, commenting that if someone wants to live in the country they should be allowed to. Sanders stated that prime farm ground surrounds a lot of the cities in Benton County and directing growth to the cities appears to be contrary to preserving good farm ground. Vermedahl stated that the heaviest point system in the LESA is the corn suitability ratio, which in effect protects good farm ground. Vermedahl stated that if cities want to grow, they must grow in areas adjacent to them where they can provide water and sewer services. Vermedahl continued that the proposed plan eliminates urban sprawl by concentrating development in existing urban areas. Sanders stated that he has not heard objective discussions within the commission regarding why they are directing growth to certain areas. Sanders stated that with the proposed LESA system, Benton County is going to see areas that are suitable for development going undeveloped. Vermedahl stated that additional growth in the rural areas would eventually increase the county's costs to provide services. Vermedahl stated that public hearings were held and the zoning commission took into consideration the comments made at those meetings, although the public meetings were not well attended. Buch stated that the lack of growth around some cities is due to the unavailability of ground, and those four-lane highways and interstates are encouraging development in certain areas. Vermedahl stated that the development is directly related to its proximity to Cedar Rapids. Buch commented that he had concerns with the requirement that development occur within a stated distance of a town for emergency response, adding that if someone wants to build five miles from then, the increased response time should be understood by the developer. Buch also stated that a single residential development should not be impacted by its placement on a hard surface road. Buch added that he did not necessarily agree with subdivisions being placed all over the county, however a person should be allowed to build on five to ten acres. Sanders added that development closer to town will score higher points under the LESA system, adding that he thinks the LESA system is a fair system but that some things need to be discussed further. Vermedahl stated that the supervisors and commission members should be asking the questions about how Benton County should be developed and not the county's consultant and that in the end it is the supervisors' job to adopt policies that are in the best interest of Benton County.

A group of citizens against the juice bar in Urbana met with the Board to express their concerns, frustration, and opposition to the juice bar located near Urbana. A petition containing 114 signatures of persons opposed to the juice bar was presented to the supervisors. Patricia Peoples began speaking to the Board by thanking the Board for meeting with them, and explained that the group was comprised of concerned citizens. Peoples explained that Urbana and I-380 is a gateway to Benton County and the location of a juice bar was not a good situation for the community or the county. Peoples requested that the supervisors reconsider their approval of a beer permit for Irene Robinson. Peoples also questioned the affect of the new bankruptcy laws and the ability of certain people to obtain licensing. Peoples also commented that the commercial building where beer would be sold was also being used as a residence. Peoples strongly encouraged the supervisors to conduct further research before the beer permit is issued. Supervisor Buch echoed People's concern with the issuance of the beer permit.

Peoples stated that she was concerned that Benton County has been reactive instead of proactive up to this point. Peoples stated that she had lived in areas with these types of businesses and the result was not good for the community. Peoples stated that individuals moved to communities like Urbana to get away from businesses similar in

nature to the juice bar. Peoples stated that studies have concluded that juice bars bring increased crime to a community and that residents of Urbana and Benton County want better opportunities.

Dennis Wayson also spoke to the supervisors stating that he hoped there was a way for government to get tough on businesses like the juice bar, adding that these types of businesses are not conducive for other businesses in the area. Wayson stated that he would like the county to adopt ordinances to regulate and that they are tough ordinances. Wayson stated that he understood that the county would probably have to increase manpower and budget additional funds, but requested that the supervisors do anything possible to address this situation, as well as future businesses.

Supervisor Sanders explained that the county currently had a land use ordinance, and a land use change was granted several years ago granting a commercial use on the site. Sanders stated that when a land use change is granted, there is a lot of freedom and the supervisors are limited in how they can address the situation. Sanders explained that the county is in the process of adopting new land use, zoning, and subdivision ordinances. However, the process takes time but time is needed to insure that the issues are carefully considered and it is done correctly. Sanders stated that he too is saddened by this type of business in Benton County. Sanders stated that he too, has heard the same stories about the problems associated with these types of businesses, but that the county still had to proceed legally in dealing with the matter.

The Board heard concerns from the group that the county had been involved in developing the land use ordinance for two years and the time was an issue. Sanders responded that the zoning commission has been meeting regularly and that the county is serious about adopting new regulations as evidenced by the county funds being obligated to the project. Sanders explained that the Board had to give much consideration to new regulations as they would affect how the county would look in the future and that it is necessary to complete the land use and comprehensive plan before moving onto the zoning and subdivision regulations. Sanders added that land use regulations cannot be taken lightly due to the significant affect.

Concerns were again voiced as to the length of time taken to develop the land use policies and comprehensive plan and the need for the county to act faster. The Board reiterated the necessity to give thorough and complete consideration to land use policies, adding that they did not anticipate that the zoning and subdivision ordinances would take as long to develop.

Linda Burke repeated the request that the board to reconsider approval of the beer permit were repeated. Burke stated that she had spoken with the Iowa Beverage Division and they suggested that the supervisors reconsider their approval of the beer permit. Additional concerns were heard as to how to prevent another business from opening up tomorrow and at what time did the Board became aware that a juice bar was considering opening near Urbana. Supervisor Buch stated that he first learned of the juice bar when he saw the issue being covered on television. It was also stated that this matter should have come before the board before being allowed to open.

County Attorney David Thompson addressed the group stating that he would be surprised if any town in Benton County had regulations against this type of establishment, including Urbana. Thompson stated that when the land use change was granted the current board was not in office. Thompson also stated that he first became aware of the juice bar when he heard the matter on the radio.

Supervisor Vermedahl told the group that it was his understanding that the establishment was a juice bar because it eliminated them from having to go through licensing and/or permitting. Vermedahl added that the beer permit was not submitted or granted for a juice bar, but was presented as a carry-out business similar to a grocery store.

The county attorney advised that county officials were looking into this matter and that there was no sympathy for the establishment; however, the county must follow the law and do things correctly in addressing the situation.

The group reiterated their concern over the necessity that the regulations governing this type of business be adopted in a timely manner. Supervisor Vermedahl advised that the county's land use policies affected the entire county and that no matter what is adopted there will be some people unhappy. The Board planned to address these types of businesses when they were told that adult type businesses were beginning to locate along the interstates. Vermedahl also told the group that the sheriff had been asked by the juice bar owners to patrol the establishment regularly. It was questioned if there were resources available for additional law enforcement. Vermedahl advised that funds were budgeted next year for an additional deputy.

The county attorney explained that the county cannot keep these types of establishments from locating in Benton County, but that reasonable restrictions can be placed on where they can located. Burke questioned if there were any other regulatory offices that could become involved. Buch responded that no other offices on the local level had regulatory control. Thompson advised that Burke could check with the state fire marshal; however they had budget constraints, which limit the number of field officers.

Supervisor Vermedahl stated that the Board receives a lot of pressure over land use regulations, stating that several years ago the courtroom was filled with a lot of hostile people when the county adopted new subdivision regulations. Vermedahl stated that zoning protects the neighbors, but people view it as a limitation on what they can do with their own property. Vermedahl further clarified his comments that were printed in the Vinton Eagle. Vermedahl advised that he had told the newspaper that the county had granted a land use change years ago to change the property to a commercial use. The juice bar is a commercial use and is legal as far as the county's land use ordinance is concerned; however he did not imply that the juice bar was "totally legal" as he is not an attorney and is unaware of how other licensing requirements, etc. might apply.

Individuals warned that the county is vulnerable and that regulations need to be in place to stop these types of establishments. It was questioned if resources were available to address the influx of drugs and prostitution. The county attorney responded that the county was not aware of any laws that had been broken, but that citizens should report anything questionable. It was asked how an establishment could have alcohol and be open to eighteen year olds. Vermedahl advised that the establishment was not selling alcohol and did not know how much obligation they would have to patrol the matter. Vermedahl questioned if the board wanted to have the matter of reconsideration the approval of the beer permit placed on a future agenda; however the county attorney stated that the issues needed to be given further consideration before taking action. The Board cautioned the group not to be the establishment's best advertising.

Moved by Vermedahl, seconded by Sanders, to defer setting March 24, 2006, as the date for an employee evaluation requested by Marc Greenlee, due to insufficient time to prepare for said evaluation. The Board is to discuss setting a mutually agreeable time with Greenlee for an evaluation on March 24, 2006 instead of conducting the evaluation. All members voting aye thereon. Motion carried.

Cheri Frame and Mary Jane Hanna representatives of Wellmark met with the supervisors to provide an update on the county's health insurance benefits and renewal. The Board was told that the Iowa State Association of Counties insurance reserve balance in good shape and Benton County will receive a 10% discount off of the standard premium. Frame reviewed the rates and various benefit coverage for county employees. Hanna advised that the county's usage ratio has improved over the past several years resulting in a decrease in the group's overall rates. The disease management program as well as the importance of wellness programs.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, County Auditor

March 24, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 17, 2006. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Doug and Gina Embray, 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 acre in Union Township. The change is on a parcel that is an old farmstead. The house had been removed several years ago. 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 one acre generally described as being a Part of the W1/2 of the SW1/4 of 2-83-11 (Union Township) for a single residential use. All members voting aye thereon. Motion carried.

Chad Sands of the East Central Iowa Council of Governments met with the Board to discuss consultation services for zoning and subdivision ordinances development. Sands explained that the comprehensive plan, as well as the land evaluation and site assessment system have been drafted, and now the county should move onto developing a zoning and subdivision ordinance. Sands stated that the process would be pretty much the same as with the land use ordinances. Marc Greenlee commented that he had concerns about the zoning commission's interest in continuing with the project over the next several years. Greenlee questioned if the format should remain the same, adding that agendas, minutes, and quorums should be done in accordance with law. Greenlee stated that he did not have concerns about the contract and service agreement, but rather if the interest is there to continue. Supervisor Vermedahl stated that he is interested in continuing with the land use policies and assumed the other board members were also. Sands suggested that at the next zoning commission meeting that perhaps some of Greenlee's comments be addressed with the commission members. Sands stated that minute taking is not his responsibility under the contract. Greenlee questioned if it was necessary for the commission to meet every month, or could the process be streamlined by having more information sent to them prior to meetings and hold meetings less frequently to prevent burn-out. Supervisor Buch stated that minutes and information presented prior to the meeting would provide for a more effective meetings. Moved by Vermedahl, seconded by Sanders, to enter into a Scope of Services and Service Cost Proposal for a Zoning and Subdivision Ordinance Update. The cost for the services is \$13,724.00. Supervisors Sanders questioned if the zoning commission should be consulted before entering into the agreement. Supervisor Vermedahl stated that if any of the commission members are not interested in continuing, then they would have the opportunity to resign. Supervisor Sanders stated that he still would like the opinion of the zoning commission before entering into the agreement. After discussing the motion, Supervisors Vermedahl and Sanders, withdrew the motion and the second. Moved by Vermedahl, seconded by Sanders, to defer action on the agreement until Friday, March 31, 2006. All members voting aye thereon. Motion carried.

Nancy Bode asked if the land use policies would affect groups of homes or individual homes. The Board advised that the policies would affect both. Bode expressed concern that the board would be adopting policies that would prevent someone from purchasing and building on ten acres, and that it will be necessary for a person to buy forty acres in order to live on an acreage. Bode stated that when all the pieces come together and land is available and affordable, and someone buys it, they don't want the board of supervisors to say no.

Marc Greenlee requested that the Board set a date for an employee evaluation.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of John Cody Hager, effective March 31, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way along 71st Street in Union Township. All members voting aye thereon. Motion carried.

The engineer spoke to the Board about the need for a FY06 budget amendment.

Supervisor Buch advised that he had been contacted by the tenant of the landfill farm ground regarding lime application. The lease agreement states that the county would pay for the cost of the lime and the tenant is responsible for application costs. The tenant commented to Supervisor Buch that if the lease agreement is terminated after this year, he will not realize a benefit from his costs of the application. The concern was noted by the supervisors, however the lease agreement is a binding contract and is clear that the tenant is responsible for application costs.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 137

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

March 28, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 24, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the application submitted by Benton Golf Club, Inc. doing business as Tara Hills Country Club for a Liquor License, Sunday Sales Permit, and Outdoor Service Permit. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the filing of Derek Vopelak's annual manure management plan update. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 21, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Brian Umbdenstock on a parcel situated in the W1/2 of the NE1/4 of 37-86-9. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for farm exemption to the Benton County Agricultural Land Preservation Ordinance. Lance Lillibridge is submitting the application on a parcel located in Section 7 of Taylor East. Lillibridge currently owns 105 acres that is being row cropped. Lillibridge requests an exemption to construct a building site for a new residence. Moved by Sanders, seconded by Vermedahl, to approve the application for a farm exemption submitted by Lance Lillibridge on a parcel located in the N1/2 of the NW1/4 and the SW1/4 of the NW1/4 of Section 7 of Taylor Township East. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to table action on abating taxes and penalty for Iowa Northern Railroad until Friday, March 31, 2006. All members voting aye thereon. Motion carried.

The Board received bids for weed control and fertilizer for the lawn at the courthouse for 2006. Bids were as follows:

Christy Lawn Care - \$480.00 – 4 applications – either prepaid or on a per application basis – same price

McKenna Lawn & Landscape - \$528.00/\$448.80 prepaid – 4 applications

O'Grady Chemical Corp. - \$684.00/ \$492.00 prepaid – 3 applications providing same coverage as 4 application process

Moved by Vermedahl, seconded by Sanders, to award the bid for lawn care to Christy Lawn Care at a cost of \$480.00. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, requested that the Board sign the state required Mental Health Affiliation form. Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Mental Health Affiliation form indicating that Benton County is affiliated with the Abbe Center for Community Mental Health. All members voting aye thereon. Motion carried.

Williams spoke to the Board about a legislative proposal submitted by Scott County relative to mental health funding. The proposal asks that the county be able to levy for mental health dollars up to the 1996 levy rate instead of the dollars levied. The proposal could provide for additional money to mental health services. Williams asked the Board for their opinion on the proposal. Supervisor Buch stated that Benton County is not currently in the position where additional levying authority is needed. However, the proposal would put the funding for mental health under more local control. The Board indicated that they are mildly in favor of the proposal on its surface, but would be dependent on the final wording of the final legislation.

Marc Greenlee met with the Board to discuss personnel matters. Greenlee requested that the Board go into closed session as allowed under Iowa Code. Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)(i). All members voting aye thereon. Motion carried at 10:31 a.m.

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

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

March 30, 2006

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

The Board met for the purpose of discussing the comprehensive plan for land use in Benton County and the implementation of a land evaluation site assessment survey system. Six members of the zoning commission and Chad Sands, Consultant were present for the meeting. Chad Sands reported that the zoning commission has completed the LESA plan would start looking at the zoning and subdivision ordinances.

The Board discussed entering into an agreement for consulting services with Chad Sands. The Commission members were in agreement with Chad Sands continuing to help them.

There was much discussion about how the Commission would proceed with the zoning and subdivision ordinances. It was decided that they will meet the third Thursday of the month with one Board of Supervisors member present. Marc Greenlee will likely be meeting with the Commission quarterly. Chad Sands will make up the agenda and email to Marc Greenlee to post on the bulletin board in the Benton County Courthouse. Denise Wiley will continue to be the Commission Secretary. The Commission will continue with their primary goal being to keep agricultural land preserved and focus economic growth around cities.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “J-J” 138

The Zoning Commission's next meeting will be Wednesday, April 5, 2006 at 7:00 p.m. in the Jury Room, Benton County Courthouse.

The chair declared the meeting adjourned at 8:00 p.m.

Ronald R. Buch, Chairman

Attest:

Brenda Sutton, Benton County Deputy Auditor

March 31, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 28, 2006 and March 30, 2006, with a correction to the March 30th minutes changing the word “only” to “likely” in regard to the attendance of Marc Greenlee at commission meetings. All members voting aye thereon. Motion carried.

Mary Williams presented an agreement for the cost of services with the Cedar Valley Ranch. Williams stated that the new agreement provides for approximately 2.25% increase, with additional transportation rates. Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Provider and Program Participation Agreement between Benton County and the Cedar Valley Ranch, effective July 1, 2006 through June 30, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the hire of Larry Steffen as a part-time seasonal employee with Benton County Conservation, effective April 1, 2006 at a wage of \$9.50 per hour. Additionally, effective July 1, 2006 the hourly wage will increase to \$9.75 per hour. All members voting aye thereon. Motion carried.

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

Moved by Sanders, seconded by Vermedahl, to loan \$1000.00 from the general fund to the flexible benefits fund. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into a Service Agreement between Benton County and East Central Iowa Council of Governments to provide consultation services for a Zoning and Subdivision Ordinance Update, at a cost not to exceed \$13,724.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to refer the request for a variance to Benton County's Vicious Animal Ordinance to the county attorney. Andrea Kilkenny submitted the request. All members voting aye thereon. Motion carried.

Alan Merta and Kevin Platz with Priority One, and Bill Kooistra of Frontier Cooperative, met with the Board to request sponsorship of forgivable loan from the Iowa Department of Economic Development's Community Economic Betterment Account. The loan is in the amount of \$109,000 with local support coming from incremental tax revenue on an expansion project being done by Frontier Cooperative. The project is estimated at \$3.0 to \$3.5 million and will add over twenty additional jobs. Merta explained that the annual payment amounts would be no more than fifty percent of the incremental dollars available, for a five-year period. Bob Josten, Attorney, discussed the creation of the tax increment finance area and the required actions needed by the supervisors. Josten advised that he would develop the Urban Renewal Plan, which must be submitted the Benton County zoning Commission for approval. Josten explained that the supervisors would need to hold a public hearing on the plan, as well as adopt an ordinance creating a tax increment finance district. Josten advised that he would prepare the plan and forward it to the auditor in time for the zoning commission's April 5, 2006 meeting. Other meetings and hearings are tentatively scheduled for April 7, 2006 and May 5th, 2006. The Board was asked to take formal action agreeing to sponsor the CEBA application. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-09. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

Resolution No. 06-09

BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa, that the Chairman is hereby authorized and directed to sign an application for financial assistance to the Iowa Department of Economic Development's Community Economic Betterment Account (CEBA) program in the amount of ~~\$63,000~~ to provide financial assistance to Frontier Natural Products Co-Op to expand and create new jobs. Be it also resolved by the Board of Supervisors of Benton County, Iowa, that the County will supply sufficient local matching funds from tax increment financing to support the state financial assistance.

Passed this 31st day of March 2006.

Voting: Buch, Sanders, Vermedahl – “Aye”
“Nay” none

Ron Buch, Chairman
Benton County Board of Supervisors

Attest:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Xethanol to bore a water line under 78th Street in Section 24 & 25 of Leroy Township. All members voting aye thereon. Motion carried.

John Mitchell met with the Board and expressed concern over the matter that his dust control on the road was torn up. Mitchell stated that the dust control was in perfect condition and resembled a highway, and the he was tired of the road issues in his area. Supervisor Buch questioned if the dust control was torn up during snow removal. Mitchell stated that there was no need for snow removal on the area, as the snow would melt off right away. Mitchell further advised that the center of the dust control was still intact. Supervisor Buch stated that the edges of the dust control could have been torn up during that time. Mitchell stated that there was a large amount of rock in the ditches in the area also.

The county engineer commented that oil strips (dust control) when torn up intentionally are done by the maintainer putting the blade down and digging into the roadbed. He added that a v-pick had to be placed on the grader in order to tear up the oil strips and that none of the graders have added the equipment so far this year. The engineer also stated that weather, traffic, and soil type affect how an oil strip will hold up.

The engineer presented an estimate for the cost of applying oil to the secondary roads for dust control in 2006. The cost has increased due primarily to the increased cost of petroleum based products and employee wages. Moved by Sanders, seconded by Vermedahl, to set the cost for two four hundred foot applications of MC-70 at \$600.58. The price per foot for every foot over four hundred is set at \$1.20 and will be in fifty-foot increments. All members voting aye thereon. Motion carried.

Mark Sabin and Josh Sabin met with the Board to request a decision on the abatement of penalty and interest on past due property taxes owed by Iowa Northern Railroad. They also requested that the Board approve a payment plan on the actual taxes owed. Mark Sabin advised that the owners are actively trying to gain new customers and have been putting a lot of money into the railroad. The company is able to pay the current taxes and are only asking for the abatement of penalty and interest and payout of the past due taxes. Supervisor Vermedahl stated that one of the difficulties is that if the county is willing to abate the penalty and interest for the railroad then what about everyone else that comes to the Board. Vermedahl added that the railroad is important economically to the county, especially the northern half. After discussing the issue, it was agreed that the Board of Supervisors would first determine if the abatement was possible and second, they would prepare a plan for payment of the past due tax over twenty-four months at a 5% annual interest rate on the principal or actual tax still owed. Payments would go towards the oldest taxes first and upon receipt of payment, the interest and penalty associated with that tax would be abated. The five percent interest would compensate the county for the lost revenue. Mark Sabin stated that he would agree to those terms. Moved by Vermedahl, seconded by Sanders, to proceed with the aforementioned abatement and payment plan for Iowa Northern Railroad. The auditor is requested to consult with the necessary departments to determine if the agreement is allowable under Iowa law. Vermedahl and Sanders voting aye. Buch was absent. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 4, 2006

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

The Board met with the Linn County Board of Supervisors for the purpose of discussing the Oak Grove Road project. The project, which has been discussed and planned for approximately the last ten years, would upgrade the gravel road running directly east from the corner of E24 and W36, straighten and extend it to the Linn County line. Linn County agreed to construct a road to meet the Benton County road that would provide an alternate route to Cedar Rapids. Benton County has completed the design work for the Benton County portion of the project and proceeded with plans for the purchase of right-of-way.

The matter is brought before the joint boards due to third-hand comments being heard by the Benton County Board of Supervisors that Linn County was no longer going to participate in the project. Benton County initiated the joint meeting for the purpose of determining Linn County's position.

The Benton County engineer reviewed the project route and the possibility of alternative routes.

Public comments were heard as follows: Scott Young – opposed to the proposed road stating concerns over public hunting on the roadway; Eloise Dennis – opposed to the proposed road as it would not be good for development; Steve Emerson – current roads should be upgraded first; Mary Young – the project is “like going to a funeral before the death occurs. Keep America Beautiful.” Weldon Cady – opposed as he drives to Cedar Rapids from Vinton everyday and says that the Benton County Home Road is a dangerous road and if the extension was completed more people would be taking that road.

Linn Supervisor Lu Barron stated that she did not support the alignment of the proposed road.

Linn Supervisor Linda Langston stated that she is opposed to spending money on the project.

Linn Supervisor Jim Hauser stated that he too is opposed to the project, but did not state a reason.

Benton Supervisor Jason Sanders spoke about an alternate route that would go north of 59th Street. Benton County Engineer Myron Parizek stated that Benton County has incurred construction costs whether the road project goes ahead or not. Supervisor Vermedahl stated that he was confused by the change of position by the Linn County Board of Supervisors, adding that when the Benton County Board of Supervisors met with the Linn County Board of Supervisors, on several past occasions, all board members were in support of the project. Vermedahl added that the reason for the project has not changed. That the project would provide for easier access of Benton County residents commuting to Linn County due to jobs and shopping and that those reasons still apply, more so than before with the increased population living in Benton County and working in Linn County.

The supervisors from both counties agreed that they need to work together and get together more often.

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

Ronald R. Buch, Chairman

Attest: _____
Delane Kalina, Deputy County Auditor

April 7, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 31, 2006, and April 4, 2006. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption to the Benton County Agricultural Land Preservation Ordinance requested by Duane and Marilyn Johnson. The application is to allow for the construction of a residential structure on a parcel that is approximately 36.61 acres. The application states that over 30 acres will be used for the commercial production of food and fiber. Moved by Sanders, seconded by Buch, to approve a farm exemption on a parcel located on Parcel B of the SWFRL ¼ and Part of the SE1/4 of 6-85-10 submitted by Duane and Marilyn Johnson for the purpose of constructing a single residence. Buch and Sanders voting aye. Vermedahl abstained citing a conflict of interest due to a business relationship with the applicants. Motion carried.

Renae Tharp of Benton Development Group met with the Board to provide an update on BDG activities. Tharp advised that she has added a new item to the website that lists the contractors in the county, advised that the a labor shed survey was going to be completed, that she has been working the East Central Iowa Rural Electric Cooperative regarding a food manufacturing business locating in the Urbana area, and that the Benton County Foundation would be distributing approximately \$47,000.00 to area organizations.

The Board of Supervisors of Benton County, Iowa, met on April 7, 2006, at 9:30 o'clock, a.m., at the Boardroom, Benton County Courthouse, Vinton, Iowa, for the purpose of setting a date for a public hearing on the designation of an urban renewal area and on a proposed urban renewal plan and project. The Chairperson presided and the roll being called, the following members of the Board were present and absent:

Present: Ronald Buch, Jason Sanders, and David Vermedahl

Absent: None.

The Chairperson announced that a plan had been prepared for a proposed project and that it was now necessary to set a date for a public hearing on the designation of the Benton County Frontier Urban Renewal Area and on that plan and the project outlined therein. Accordingly, Supervisor Sanders moved the adoption of the following resolution entitled "Resolution setting date for a public hearing on designation of the Benton County Frontier Urban Renewal Area and on urban renewal plan and project," and the motion was seconded by Supervisor Vermedahl.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Buch, Sanders, Vermedahl

Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted, as follows:

RESOLUTION NO. 06-10

Setting date for a public hearing on designation of the Benton County Frontier Urban Renewal Area
and on urban renewal plan and project

WHEREAS, a proposal has been made which shows the desirability of designating a portion of Benton County, Iowa (the "County") as the Benton County Frontier Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to this Board of Supervisors under which the real property (the "Property") lying within the boundaries set out in Exhibit A would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a portion of the Property meets the definition of "agricultural land" under Section 403.17 of the Code of Iowa, and it is necessary to present agreements (the "Agricultural Land Agreements") to the owners of such "agricultural land" in order to receive the consent required by law; and

WHEREAS, a portion of the Property lies within two miles of the incorporated limits of the City of Norway, Iowa, and pursuant to Section 403.17 of the Code of Iowa, it is necessary for the County to enter into a joint agreement (the "Joint Agreement") with the City of Norway prior to the County including such property in an urban renewal area; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

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

This Board will meet at the Boardroom, Benton County Courthouse, Vinton, Iowa, on the 5th day of May, 2006, at 9:30 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Benton County Frontier Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Benton County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Pursuant to Section 403.5 of the Code of Iowa, the County Auditor is hereby designated as the County's representative in connection with the consultation process which is required under that section of the urban renewal law.

The action of the County Auditor to submit the proposed urban renewal plan to the County's Zoning Commission for review and recommendations, as required by Section 403.5 of the Code of Iowa, is hereby ratified.

Section 5. The County Auditor is hereby authorized and directed to present the Agricultural Land Agreements to the owners of such portions of the Property as meet the definition of "agricultural land" as described in the preamble hereof, such agreements to be executed and delivered to this Board on or before the public hearing on May 5, 2006.

Section 6. The County Auditor is hereby authorized and directed to present the Joint Agreement to the City of Norway, Iowa, such agreement to be executed and delivered to this Board on or before the public hearing on May 5, 2006.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 141

Passed and approved April 7, 2006.

Chairperson, Board of Supervisors

Attest:

County Auditor

NOTICE OF A PUBLIC HEARING ON DESIGNATION OF THE BENTON COUNTY FRONTIER URBAN RENEWAL AREA AND ON PROPOSED URBAN RENEWAL PLAN AND PROJECT

Notice Is Hereby Given: That at 9:30 o'clock a.m., at the Boardroom, Benton County Courthouse, Vinton, Iowa, on the 5th day of May, 2006, the Benton County Board of Supervisors will hold a public hearing on the question of designating as the Benton County Frontier Urban Renewal Area, pursuant to Chapter 403 of the Code of Iowa, the property with the following legal description:

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9 (Florence Township) Benton County, Iowa.

The subject matter of the public hearing will also include a proposed urban renewal plan and project for the Benton County Frontier Urban Renewal Area identified above, pursuant to Chapter 403 of the Code of Iowa, a copy of which plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed urban renewal plan, as more specifically described therein, includes increasing the tax base and promoting economic growth in Benton County by encouraging commercial and industrial development and assisting private enterprise through property tax incentives. The initial purpose of the plan is to implement a tax increment rebate agreement in support of the expansion of a manufacturing and warehousing facility.

At the hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matter of the hearing.

Jill Marlow
County Auditor

EXHIBIT A Legal Description

Benton County Frontier Urban Renewal Area

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9 (Florence Township) Benton County, Iowa.

The Board of Supervisors of Benton County, Iowa, met at the Boardroom, Benton County Courthouse, Vinton, Iowa, on April 7, 2006, at 9:30 o'clock a.m. The Chairperson presided and the roll being called, the following named Supervisors were present and absent:

Present: Ronald Buch, Jason Sanders, David Vermedahl

Absent: None.

Supervisor Sanders introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Vermedahl; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: Buch, Sanders, Vermedahl.

Nays: None.

Whereupon, the Chairperson declared said resolution duly adopted, as follows:

RESOLUTION NO. 06-11

To fix a date of meeting at which it is proposed to approve a Development Agreement with Frontier Natural Products Co-op, including tax increment payments in an amount not to exceed \$120,000

WHEREAS, Benton County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, is in the process of adopting an Urban Renewal Plan for the Benton County Frontier Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board will adopt an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the County proposes to enter into a certain Development Agreement (the "Development Agreement") with Frontier Natural Products Co-op (the "Company") with respect to the expansion of the Company's manufacturing and warehousing facilities; and

WHEREAS, the Development Agreement would provide financial incentives to the Company in the form of incremental property tax payments in an amount not to exceed \$120,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW THEREFORE, IT IS RESOLVED by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. This Board shall meet on the 5th day of May, 2006, at 9:30 o'clock a.m., at the Boardroom, Benton County Courthouse, Vinton, Iowa, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the incremental property tax payments in a total amount not exceeding \$120,000.

Section 2. The County Auditor is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four days and not more than twenty days before said meeting in a legal newspaper of general circulation in the County. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH FRONTIER
NATURAL PRODUCTS

CO-OP AND AUTHORIZATION OF TAX INCREMENT PAYMENTS

The Board of Supervisors of Benton County, Iowa, will meet at the Boardroom, Benton County Courthouse, Vinton, Iowa, on the 5th day of May, 2006, at 9:30 o'clock a.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the County and Frontier Natural Products Co-op with respect to the expansion of the Company's manufacturing and warehousing facilities, which provides for certain financial incentives in the form of incremental property tax payments in a total amount not exceeding \$120,000, as authorized by Section 403.9 of the Code of Iowa.

The agreement to make incremental property tax payments will not be a general obligation of the County, but will be payable solely and only from incremental property tax revenues generated within the Benton County Frontier Urban Renewal Area.

At the meeting, the Board will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Benton County, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Jill Marlow
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.
Passed and approved April 7, 2006.

Chairperson

Attest: _____
County Auditor

The county attorney met with the Board regarding the recent approval of a beer permit granted to Irene Robinson. Thompson stated that a permit should only be granted when the supervisors have been satisfied that the applicant is of sufficient moral character and that the applicant did not disclose enough information for the board to make an informed decision. Moved by Sanders, seconded by Vermedahl, that the Board review their decision Of March 3, 2006, in granting the beer permit to Irene Robinson doing business as Exit 41 Beer Sales, and that a request be made of the State of Iowa Alcohol and Beverages Division to return said permit application for further consideration by this board. The county attorney is requested to obtain the application on behalf of the supervisors. All members voting aye thereon. Motion carried.

The county attorney spoke with the Board regarding a request for a variance to the Benton County Vicious Animal Ordinance submitted by Andrea Kilkenny. The request is to allow Kilkenny to bring pit bulls into Benton County for dog agility training to be held once a week April through September 2006. Thompson advised that the Benton County Vicious Animal Ordinance provides that a variance may be granted by the supervisors under paragraph 37.19 based on the owner's experience. Supervisor Vermedahl contacted references listed on Kilkenny's written request and reported that all references stated that Kilkenny has the ability to control the animals and is well qualified. Moved by Vermedahl, seconded by Sanders, to grant a variance to the Benton County Vicious Animal Ordinance under paragraph 37.19, as Kilkenny has provided sufficient written evidence to the Board that she is qualified and competent to handle vicious animals. This variance is contingent on Kilkenny providing proof of liability insurance. Further said variance is restricted to the specific dates and times for the purposes of attending a dog agility training class. Said classes are to be held once weekly, from now through September, for approximately two hours each. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)(c) to discuss personnel matters and as requested by Matt Cherveney (written request), and also to enter into closed session pursuant to Iowa Code 21.5(1) to discuss pending litigation. All members voting aye thereon. Motion carried at 10:15 a.m.

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

After returning to open session, it was moved by Vermedahl, seconded by Sanders, to accept the recommendation of the county engineer to terminate the employment of Matt Cherveney, effective this date. Roll call vote: Buch- aye; Sanders – aye; Vermedahl - aye. Motion carried.

The county engineer reported that the balance in the landfill account on March 31, 2006, was \$37,841.15.

Supervisor Sanders questioned the engineer if he had spoken with anyone about the Oak Grove Road project since last Tuesday, specifically if the Linn County engineer expressed any surprise as to the discussion of the April 4, 2006, meeting. The engineer stated that he did not believe that the Linn County engineer was surprised. Adding, that the Linn County engineer may have been surprised four years ago when the supervisors said they would proceed with condemnation, if needed. Supervisor Vermedahl questioned the status of the plans for the road. The engineer stated that he had reservations as to the benefit of taking the road in any other direction. Further discussion regarding the Oak Grove Road project will take place at a future date.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by South Slope Telephone Cooperative to place utility lines in the county's right-of-way in Florence Township in Sections 10 and 11. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by La Porte City Telephone to place utility lines in the county's right-of-way in Bruce Township. All members voting aye thereon. Motion carried.

Chuck Yedlik questioned if the engineer would be applying smaller size rock to the roads. The engineer stated that he would be watching the size of rock.

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Moved by Vermedahl, seconded by Sanders, to approve the auditor's, sheriff's, and veterans' affairs' quarterly reports for the period ending March 31, 2006. Vermedahl and Sanders voting aye thereon. Motion carried. (Buch was absent from the meeting).

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 11, 2006

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

Nancy Farmer met with the Board regarding an update to the Bio-Emergency Plan. Farmer explained that definitions, NIMS compliance language, special needs population definition, and continuity of operations plans were incorporated into the original plan. Farmer explained that the Bio-Emergency Plan is continually being updated and the Board of Health and the Board of Supervisors review that annually. Moved by Sanders, seconded by Vermedahl, to direct the chair to sign the updated Bio-Emergency Plan for Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 7, 2006. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve checks numbered 81706 through 82140, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Ken Erickson as a seasonal part-time truck driver with Benton County Secondary Roads, effective April 17, 2006, at a wage of \$9.00 per hour, with an increase to \$9.25 per hour effective July 1, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-12. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-12

Approving Lease Agreement between Benton County and the Cedar Valley Ranch

WHEREAS, the Benton County Board of Supervisors owns the premises and property located in the East ½ of the SE 1/4 of Section 22, Township 85, North, Range 10 West, commonly known as the county care facility; and

WHEREAS, the Board of Supervisors desires to lease said premises to the Cedar Valley Ranch for use as a residential care facility,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following business lease agreement is approved and entered into between Benton County and the Cedar Valley Ranch.

Passed and approved this 11th day of April 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BUSINESS LEASE AGREEMENT Residential Care Facility

THIS BUSINESS LEASE AGREEMENT (the "Agreement") made and entered into on the 10th day of February, 2006, by and between Benton County ("Landlord"), a municipal corporation of the State of Iowa whose address for the purpose of this Agreement is Benton County Courthouse, 111 E. 4th Street, Vinton, Iowa, 52349, and Cedar Valley Ranch Inc. ("Tenant"), an Iowa Nonprofit Corporation whose address for the purpose of this Agreement is 2591 61st Street Lane, Vinton, Iowa, 52349.

The statements and intentions of the parties, to this Agreement, are as follows:

Landlord is a governmental entity organized under the Code of Iowa, governed by the Board of Supervisors. Landlord is interested in leasing property to Tenant to manage and operate a residential care facility in Benton County.

Tenant is an Iowa Nonprofit Corporation pursuant to Iowa Code Chapter 501(c) 3. Tenant is interested in leasing property from Landlord to operate and manage a residential care facility in Benton County.

In consideration of the premises and promises contained herein, it is mutually agreed by and between Landlord and Tenant as follows:

SECTION 1 Premises and Property

Section 1.1 Property Being Leased.

In accordance with the terms and conditions of the Agreement, Landlord rents and Tenant leases the following described real estate and personal property located in Benton County: the existing care facility building and other improvements, adjacent lawn, driveways and parking areas. In addition, Landlord rents and Tenant leases all furniture and equipment identified on Attachment A, Furniture and Equipment Description, including motor vehicles.

Section 1.2 Parcel Description.

The legal description of the parcel subject to this Agreement is as follows:

East One-Half (E1/2) of the Southeast Quarter (SE1/4) of Section 22, Township 85 North, Range 10 West of the 5th P.M. in Benton County, Iowa.

Section 1.3 Motor Vehicles

Title to all motor vehicles shall be in the Tenant's name. Tenant shall maintain all vehicles that are necessary for the operation of the facility in a normal and usable condition so as to be in a reasonably safe and serviceable condition. Tenant shall provide required registration and license for each such vehicle. Tenant shall purchase and/or lease replacement and/or additional vehicles. In the event of the termination or expiration of this Agreement, Tenant shall transfer to Landlord, ownership and title and/or lease of any motor vehicle owned by Tenant during the term of this Agreement, and any extension thereof.

Section 1.4 Excluded items.

Landlord and Tenant agree the farm, farm improvements and farming operation are not part of this Agreement.

Section 1.5 Use of Premises by Others.

Landlord and Tenant agree the access roads may be used by tenants of the adjoining farmland for ingress and egress only. Farmland tenant shall in no way interfere with business operation of Tenant to this Agreement. Tenant also agrees to allow Landlord access to leased premises for the purpose of conducting Benton County business.

Section 1.6 Use of Premises

Tenant agrees to use and occupy the leased premises exclusively for the purpose of maintaining and operating a residential care facility and to provide appropriate services as detailed in the Agreement, Attachments and the attached *Benton County Provider and Program Participation Agreement*.

**SECTION 2
Term and Termination**

Section 2.1 Term of Lease

The initial term of this Agreement shall be for a period of three (3) years, commencing on July 1, 2006, unless terminated earlier by either party in accordance with this Agreement or in accordance with the attached Benton County Provider and Program Participation Agreement. There shall be one (1) two (2) year extension available if agreed to by both Landlord and Tenant. In the event, Tenant desires to renew this Agreement, written notice shall be served upon the Landlord at least six and one-half months prior to the end of the lease period that is in effect at that time.

Section 2.2 Nonrenewal of Agreement

Either party may chose not to renew this Agreement upon one hundred twenty (120) days written notice to the other party prior to the expiration of this Agreement.

Section 2.3 Termination With Cause by Landlord

Landlord shall have the right to terminate this Agreement immediately by giving written notice to Tenant upon occurrence of any of the following events: a) restriction, suspension or revocation of Tenant's license, certification or accreditation; b) Tenant's loss of any insurance required under this Agreement; c) bankruptcy filed by Tenant; d) Tenant's material breach of any of the terms or obligations of this Agreement, or e) termination of the attached Benton County Provider and Program Participation Agreement. Tenant shall have ninety (90) days to rectify the default from the date of notice. If said default is not rectified within said ninety (90) days, this Agreement shall be terminated one hundred twenty (120) days after the date the notice was served on Tenant.

Section 2.4 Possession.

Tenant shall be entitled to take possession of the described property on the first day this Agreement goes into effect. Tenant shall yield possession to Landlord when this Agreement expires or there is a material breach that cannot be cured. When Tenant relinquishes possession, the leased premises must be in good and clean condition.

Section 2.5 Notices to Landlord.

Any notice, request, demand, waiver, consent, approval or other communication to Landlord which is required or permitted herein shall be in writing and shall be deemed given only if delivered personally, or sent by registered mail or certified mail, or by express mail courier service, postage prepaid, as follows:

Benton County Courthouse
111 E. 4th Street
P.O. Box 549
Vinton, Iowa 52349
Attn: Benton County Board of Supervisors

Section 2.6 Notices to Tenant.

Any notice, request, demand, waiver, consent, approval or other communication to Tenant which is required or permitted herein shall be in writing and shall be deemed given only if delivered personally, or sent by registered mail or certified mail, or by express mail courier service, postage prepaid, as follows:

Cedar Valley Ranch
2591 61st Street Lane
Vinton, Iowa 52349
Attention: Administrator

Section 2.7 Transfer of Ownership

In the event of termination or expiration of this Agreement, Tenant shall transfer to Landlord ownership or title to all fixtures, furniture, equipment, and vehicles.

**SECTION 3
Tenant Responsibility**

Section 3.1 Care and Maintenance of Premises

Tenant agrees to take leased premises and personal property in its present condition. Tenant shall make no structural alterations without prior written approval of Landlord. Tenant shall make necessary repairs to the sewer, plumbing, water pipes, and electrical wiring. Tenant shall further maintain adequate heat and ventilation. Tenants shall provide floor coverings and maintenance therefore. Tenant shall maintain all outside areas such as lawns and outbuildings and pay for all items used in the day-to-day operation and maintenance of the facility. Tenant shall maintain parking lots and driveways in a usable condition. Tenant shall pay all repairs, maintenance, and replacement costs of fixtures, furniture, and equipment. Tenant shall use premises in a lawful manner and Tenant agrees to comply with all valid regulations of the Board of Health, applicable municipal ordinances, the laws of the State of Iowa and the federal government.

Section 3.2 Furniture and Equipment

An inventory of furniture and equipment shall be made and shall become Attachment A, Furniture and Equipment Description, of this Agreement. Tenant shall be responsible for maintenance and repair of furniture and equipment listed on Attachment A Furniture and Equipment Description including motor vehicles.

Section 3.3 Consumable Goods.

Tenant shall be responsible for furnishing all Consumable Goods during the duration of this Agreement. Consumable Goods are defined as items that are used up and have to be replaced frequently.

Section 3.4 Inventory.

Tenant shall provide an inventory of all furniture, equipment, vehicles, and consumable goods to the Landlord no later than August 1st of each year this Agreement is in effect or within 30 days of termination of this Agreement.

Section 3.5 Utilities

Tenant shall be responsible for all charges associated with use of telephone, water, sewage, gas, electricity and trash disposal provided for the leased premises.

Section 3.6 Janitorial Services.

Tenant shall be responsible for all charges associated with janitorial services provided for the leased premises.

Section 3.7 Snow and Ice Removal.

Tenant shall be responsible for snow and ice removal from all sidewalks surrounding the buildings, parking lots and driveways.

In the event of a major snow or ice storm where tenants equipment is inadequate to remove snow and ice, Landlord shall provide additional equipment and manpower to alleviate the snow and ice accumulated as a result of said storm.

Section 3.8 Mowing.

Tenant shall be responsible for mowing all property included in Section 1.2 Parcel Description.

**SECTION 4
Landlord Responsibility**

Section 4.1 Repairs and Replacements

Landlord shall be responsible for keeping all structural parts of the building on the leased premises in good repair, and replace the furnace, boilers, and air conditioners at the Landlord's expense. Within five (5) business days from the date the Tenant should reasonably be aware of the need for such a repair, Tenant shall notify the Landlord in writing of the nature of required repair. If said notice is not provided in the time and manner required, any additional repair necessary due to delay in providing notice shall be at the expense of the Tenant. Structural parts are defined as all items except as set forth in 3.1 above. Landlord shall repair and reconstruct driveways and parking lots on an annual basis or when determined to be needed by the County Engineer and the Facility Manager.

Section 4.2 Lagoon Maintenance.

Landlord shall be responsible for all maintenance, care and upkeep of the lagoon located on the leased premises.

**SECTION 5
Fees**

Section 5.1 Facility Fee

Tenant agrees to pay a facility fee to Landlord in the amount of \$1,000.00 per month.

Section 5.2 \$200,000 Reserve

Tenant shall maintain a \$200,000 net earnings reserve (net assets) adjusted annually for inflation. Tenant shall pay to Landlord within 90 days after the end of each fiscal year, any excess in the net earnings reserve over \$200,000.00, as annually adjusted. Tenant shall provide to the Landlord a complete annual audit report with management letter by a Certified Public Accountant (CPA) within 90 days after the end of the fiscal year (June 30) each year. The Landlord reserves the right to approve the CPA performing said audit. In the event the Landlord exercises its right to approve the CPA, advanced notice shall be given to the Tenant.

**SECTION 6
Fire and Casualty**

Section 6.1 Insurance

Landlord agrees to reasonably insure the leased premises, including buildings, against hazards and casualties. Tenant agrees to reasonably insure personal property against hazards and casualties. Tenant shall maintain at a minimum the following insurance coverage:

1. Worker's Compensation and Employer's Liability
2. Professional Liability
3. General Liability Coverage with limits not less than \$1,000,000.00.
4. Business Personal Property in an amount equal to the value of the annual inventory required under Paragraph 3.4. Coverage shall include Special Perils.
5. Nonprofit organization directors and officers liability and organization directors and officers liability and organization reimbursement.
6. Benton County shall be designated as an additional insured and as a loss payee on any contents loss.
7. Business Interruption Insurance in an amount sufficient to pay the operation expense of facility for a period of at least ninety (90) days.
8. Business Auto

Tenant shall procure appropriate insurance and deliver to Landlord a certification from the respective insurance companies to that effect.

Section 6.2 Partial Destruction of the Premises.

In the event of partial destruction or damage of the leased premises, which prevents conducting normal business operation and where the damage is reasonably repairable within sixty (60) days after its occurrence, this Agreement shall not terminate, but the facility fee for the leased premises shall be reduced proportionately based on Tenant's reduction in capacity.

Section 6.3 Total Destruction of Business Use.

In the event of total destruction or damage of the leased premises, which prevents the Tenant from conducting business on the premises or that the damage cannot be repaired within sixty (60) days from the occurrence of the destruction or damage, this Agreement may be terminated by either Landlord or Tenant. Termination shall be effectuated by twenty (20) days written notice to the other party. Tenant shall surrender the premises within twenty (20) days after written notice is received by either party and each party shall be released from all further obligations of this Agreement. In the event of such termination, Landlord retains the right to rebuild or to find other alternatives.

**SECTION 7
Hold Harmless and Indemnification**

Section 7.1 Tenant Hold Harmless and Indemnification.

Tenant shall defend, hold harmless and indemnify Landlord against any and all claims, liability, damages or judgments asserted against, imposed or incurred by Landlord that arise out of acts or omissions of Tenant or Tenant's employees, agents or representatives in the discharge of its responsibilities under this Agreement.

Section 7.2 Landlord Hold Harmless and Indemnification

Landlord shall defend, hold harmless and indemnify Tenant against any and all claims, liability, damages or judgments asserted against, imposed or incurred by Tenant that arise out of acts or omissions of Landlord or Landlord's employees, agents or representatives in the discharge of its responsibilities under this Agreement.

**SECTION 8
Amendments**

Section 8.1 Amendment

This Agreement may be amended at any time by the mutual written agreement of the parties. In addition, Landlord may amend this Agreement upon sixty (60) days advance notice to Tenant and if Tenant does not provide written objection to Landlord within the sixty (60) period, then the amendment shall be effective at the expiration of the sixty (60) day period.

Section 8.2 Regulatory Amendment.

Landlord may also amend this Agreement to comply with applicable statutes and regulations and shall give written notice to Tenant of such amendment and its effective date. Such amendment will not require sixty (60) days advance written notice.

**SECTION 9
Other Terms and Conditions**

Section 9.1 Entire Agreement

This Agreement, attachments and the attached Benton County Provider and Program Participation Agreement constitute the entire agreement between Landlord and Tenant, and supersedes or replaces any prior agreements between Landlord and tenant relating to its subject matter. Any changes and/or amendments to the Benton County Provider and Program Participation Agreement are automatically incorporated into this Agreement.

Section 9.2 Rights of Tenant and Landlord.

Tenant agrees that Landlord may use Tenant's name, address, telephone number, description of Tenant, and Tenant's care and specialty services in any promotional activities. Otherwise, Tenant and Landlord shall not use each other's name, symbol or service mark without prior written approval of the other party.

Section 9.3 Assignment.

Tenant may not assign any of its rights and responsibilities under this Agreement to any person or entity without the prior written approval of Landlord.

Section 9.5 Signs.

Tenant shall have the right, pursuant to written approval by Landlord, to attach, affix, paint or exhibit signs on the leased premises provided 1) all signs comply with the ordinances of the city or municipality in which the property is located and with the laws of the State of Iowa; 2) signs shall not change the structure of the building, and 3) dismantled signs shall not damage the building.

Section 9.6 Mechanics' Liens

The Tenant shall not have the right to file or place a mechanic's lien or other lien upon leased premises or upon any building or improvement or upon the leasehold interest of the Tenant. Tenant shall not allow any contractor, subcontractor or anyone else who may furnish any material, service or labor for any building, improvement, alteration or any repair to become entitled to any lien upon the leased premises. The Tenant shall provide actual notice, to this effect, to all contractors and subcontractors who agree to furnish materials, services or labor. Nothing in this section shall be construed as prohibiting Landlord and Tenant from agreeing to remodeling or additions to be made to the leased premises.

Section 9.7 Invalidity

If any term, provision or condition of this Agreement shall be determined invalid by a court of law, such invalidity shall in no way effect the validity of any other term, provision or condition of this Agreement, and the remainder of the Agreement shall survive in full force and effect unless to do so would substantially impair the rights and obligations of the parties to this Agreement.

Section 9.8 No Waiver

The waiver by either party of a breach or violation of any provisions of this Agreement shall not operate as or be construed to be a waiver of any subsequent breach.

This Agreement has been executed by the parties hereto, through their duly authorized officials.

Benton County, Landlord:

Cedar Valley Ranch, Tenant:

Board Chairman (Signature)

Board Chairman (Signature)

Board Chairman (Typed)

Board Chairman (Typed)

Date: _____

Attest: _____

Benton County Auditor

The engineer reviewed the five-year plan for secondary roads with the supervisors. The engineer submitted plans for FY07 to include reviewing an alternate route than the original Oak Grove Road project and possibly putting down a macadam base with the future seal coating and widening 61st Lane. Placing rock down for future seal coating on 64th Street Drive and also 33rd Ave Drive. Seal coating 77th Street north of Belle Plaine, asphalt resurfacing E36 south of Shellsburg, widening 33rd Ave south of Atkins (old 279), adding subdrains on W24 north of Norway, as well as various bridge and box culvert projects. FY08 projects would include resurfacing W24 north of Norway; prepare 71st St. east of Atkins for seal coating, and resurfacing W30 south of Walford. FY09 road projects include resurfacing D65 west of Mt Auburn, and V71, adding subdrains on E16, seal coating 61st Lane and 33rd Ave Drive west and north of the Oak Grove Church, seal coating 33rd Ave Drive west and south of Shellsburg, and preparing 32nd Ave for 2 miles south of Highway 30

for seal coating. FY10 includes resurfacing E44 west of Van Horne, E66 east of Belle Plaine and the Big Timber Road, seal coating 71st St. east of Atkins, widening V66 north of Blairstown, and adding subdrains to E66 east of Blairstown. FY11 projects are to resurface V37 north of Hwy 8 on county line, resurface D65 east of V37 to 218, V61 between Vinton and Mt Auburn, seal coating 32nd Ave. for two miles south of Hwy 30, and adding subdrains on D65 east and north of Mt Auburn. Supervisor Buch stated that he believed the 5-year plan to be good since the Oak Grove Road project was now not going to happen and the resources are be directing to other areas.

Moved by Vermedahl, seconded by Sanders, to accept the 5-year Secondary Road Construction Program. Supervisor Sanders emphasized that the Oak Grove Road project was still going to happen just not as originally proposed. Supervisor Buch stated that he did not mean the project was not going to happen. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the 2007 Iowa Department of Transportation Secondary Road Budget. All members voting aye thereon. Motion carried.

The engineer stated that the Linn County engineer was requesting which roads were of primary interest between Linn County and Benton County as far as upgrading. The engineer stated that it was his opinion that the Benton County roads of primary concern are the ones connecting with Lewis Access, Bear Creek, and Ellis.

Larry Kotouc met with the Board to question why Marlyn Rieck was issued a letter stating that he had thirty days to clean up his property. Supervisor Buch stated that he would discuss the matter with the sanitarian as he had several individuals contact him regarding the matter. Kotouc stated that he has property on three sides of the subject property and he does not have any complaints with the condition of Rieck's property. Kotouc stated that Benton County piled a large amount of railroad ties on the property several years ago, which are still there. Supervisor Buch again stated that he would speak with the sanitarian. Supervisor Sanders commented that he did not believe it was the county's intention to order Rieck off the property, but merely to have the nuisance abated. Supervisor Buch agreed with Sanders.

Moved by Vermedahl, seconded by Sanders, to approve the recorder's quarterly report for the period ending March 31, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the auditor to destroy records from closed sessions that are more than one year old unless litigation is pending or other statutory reasons. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the auditor to send a request for proposal for audit services to EideBailly LLC and Iowa State Auditor for audit services for FY06, FY07, and FY08. Requests are to be returned to the county auditor no later than May 15th, 2006. All members voting aye thereon. Motion carried.

The county auditor requested that the Board consider contracting with a human resource management consultant for job descriptions, performance evaluations, and compensation studies for non-union employees. The auditor stated that the Board has indicated that they wish to provide wage and salary increases based on performance and that evaluations will need to be done in order to achieve that goal. The Board requested that consultants be asked to meet with them to discuss their qualifications.

The Board reviewed the application for a fireworks permit submitted by Charles Yedlik. The Board finds that the application is incomplete in that the fire chief has not signed the application. Moved by Vermedahl, seconded by Sanders, to return the application to Yedlik for completion prior to making a decision on the approval of said permit. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 14, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 11, 2006. All members voting aye thereon. Motion carried.

Approximately fifteen members of the public met with the Board to discuss a notice served on Marlyn Rieck. Rieck had been sent a letter requesting that he abate a nuisance on his property. Mark Kotouc stated that area residents had concerns because they will not have any place to take scrap metal for recycling. Kotouc added that it is beneficial to everyone in the neighborhood by allowing him or her to keep his or her farms neat. Many area farmers are also able to go to Rieck and obtain salvaged steel for use in their farming operations. Kotouc stated that one person in the neighborhood being upset should not be able to disrupt the entire area. The complainant is new to the neighborhood and constructed a new residence; and was aware of the existing business. Concerns were voiced over the idea that one person is able to move to the area and cause this type of issue. It was also stated that it was the belief the complainant is unable to sell the house and is blaming that on the Rieck property. The group further stated that Rieck is not expanding his operation as he is on a limited amount of land and is not encroaching on neighbor. Rieck is at a point where he cannot accept anymore because he is to be cleaning the property up. Kotouc stated that his family owns all ground surrounding Rieck and has never had a problem with waste coming onto their property. Kotouc stated that has planted 400 walnut trees on three acres adjoining Rieck and once the trees are grown the complainant will not be able to see the subject property. Supervisor Buch stated he drives to the Dean Harrison farm all of the time and until this issue came up didn't even know the salvage area was there. Other persons present stated that they have never had any issues with Rieck or his business. That Rieck has always been accommodating. Kotouc stated that the tire shredding operation in Vinton received government funds, yet charged people to dispose of their waste tires. He added that Rieck does not charge people to bring items to his operation, that he is not taking a job from someone else and that he is providing a salvage and recycling service and that everyone should support what he is doing.

Howard Klopping commented that the county has spent hours on this matter when it is of no concern to anyone, except one individual. Klopping stated that there is no need for people to even travel on the road except for he and his sons for farming purposes. Supervisor Buch reminded Klopping that a Pioneer Cemetery was also located in the area. Klopping stated that a sign states that the road is closed ahead, but that the entire road should be closed.

It was questioned if Marc Greenlee was accountable to the supervisors. The supervisors stated that he was but this issue was not the fault of Greenlee, adding that Greenlee is just doing his job.

The group requested that the nuisance ordinance be read. The auditor read the ordinance.

The county attorney joined the discussion stating that no citation has been issued to Rieck only a letter, setting out REASONABLE changes be made to the property and setting out a time when those changes should be done. Rieck affirmed that he had discussed the matter with the county attorney and the sanitarian.

Kotouc questioned what would happen to Rieck then. The county attorney explained that actions involving Rieck were between the county attorney, law enforcement and Rieck. The county attorney further stated that the supervisors had the authority to change the ordinance if they believed it needed changed, but that currently the law is in force and it was the duty of the county to enforce it.

It was questioned what would stop the complainant from filing further nuisance complaints against others for frivolous reasons. The county attorney stated that "reasonable" applies to everyone including a person who is making a complaint. The county attorney reiterated that the county has not asked Rieck to shut down his operation, but to make some reasonable changes, which Rieck agreed to do.

It was questioned what Benton County residents were going to do with salvageable steel if there were no junk yards allowed in the county. The county attorney responded that Benton County should enact an ordinance regarding allowing and regulating junkyards; however the supervisors have not done so.

Supervisor Sanders stated the group was on record in detail of their support of Rieck. Sanders stated that the county has an ordinance in place and the county attorney and the sanitarian are doing their jobs.

The group finalized their comments that they were present to show support of Marlyn Rieck. Adding that they all farm around him and that it is their belief that Rieck does his best to keep things moved out. That salvage and recycling is Rieck's business and his livelihood and they all think he is doing a good job. He is accommodating and providing a service in the neighborhood.

Moved by Vermedahl, seconded by Sanders, to offer a letter of support to the Cedar/Mt Auburn Fire Department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignations of Eloise Harvey, effective July 2, 2005, and James Fuller, effective February 14, 2006. Both individuals are employees of the transportation department. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the installation of a security keypad at the north door of the courthouse. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the hire of the following part-time seasonal conservation employees: Matthew Grabe, effective April 15, 2006, at a wage of \$8.00 per hour; Leslie Van Fossen, effective April 15, 2006, at a wage of \$8.00 per hour; and Zachary Svoboda, effective April 15, 2006, at a wage of \$8.00 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-13. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-13

**FINDING OF ECONOMIC DEVELOPMENT PURPOSE AND
PROVIDING TAX INCENTIVES THROUGH ABATEMENT OF INTEREST AND PENALTY**

WHEREAS, economic development is a public purpose for which the county may provide tax incentives and other financial assistance pursuant to Iowa Code 15A.1, and

WHEREAS, economic development for purposes of Iowa Code 15A.1 means private or joint public and private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost, and

WHEREAS, the Iowa Northern Railroad provides a vital role in the economy of Benton County by providing services to the business and farming community; and

WHEREAS, the Iowa Northern Railroad has requested that Benton County abate interest and penalty on delinquent taxes enabling the company to redirect resources towards the retention, upgrade and expansion of services within Benton County; and

WHEREAS, the Board of Supervisors desires to reach an equitable agreement with Iowa Northern Railroad for the abatement of the penalty and interest,

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

1. The Benton County Board of Supervisors FINDS that a public benefit would be recognized by the retention, upgrade and expansion of services by the Iowa Northern Railroad in Benton County. This finding is pursuant to Iowa Code Chapter 15A.
2. The Benton County Board of Supervisors FINDS that tax incentives and financial assistance should be granted to Iowa Northern Railroad as authorized under Iowa Code Chapter 15A.
3. The Benton County Board of Supervisors AGREES to enter into an abatement and payment plan with Iowa Northern Railroad as follows:

Iowa Northern Railroad agrees to pay all delinquent taxes for tax years 1998 through 2003, in the total amount of \$113,390.00.

Benton County agrees to allow for payment of said delinquent tax over a period of 24 months.

Benton County will assess 5% interest per annum on the unpaid balance of delinquent tax as of May 1, 2006 until said delinquent tax is paid in full.

Benton County agrees to abate interest and penalty assessed against Iowa Northern Railroad for delinquent taxes as the delinquent tax is paid.

Payments received from Iowa Northern Railroad will be applied towards the oldest delinquent tax first.

Iowa Northern Railroad agrees that all subsequent taxes will be paid in full and on time.

In the event, Iowa Northern Railroad fails to pay all delinquent tax by June 30, 2008, Benton County reserves the right to take any action allowable under law to collect said funds remaining unpaid.

Dated this 14th day of April 2006.

Benton County

Iowa Northern Railroad

Signed: _____
Ronald R. Buch, Chairman

Title:

Dated: _____

Date: _____

Moved by, seconded by, to adopt Resolution #06-14. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-14
URBAN RENEWAL JOINT AGREEMENT
City of Norway, Iowa and Benton County, Iowa**

WHEREAS, pursuant to Chapter 403 of the Code of Iowa, counties have certain urban renewal powers; and

WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a county may exercise urban renewal powers with respect to property which is located inside or within two miles of the boundaries of a city only if the county and city have entered into a joint agreement with respect to such exercise of powers; and

WHEREAS, the Board of Supervisors of Benton County (the "County") desires to adopt an urban renewal plan and to establish an urban renewal area (the "Benton County Frontier Urban Renewal Area") as shown on Exhibit A hereto in order to carry out an urban renewal project consisting of promoting economic development through the provision of direct financial assistance to the expansion of certain manufacturing and warehousing operations in the urban renewal area (the "Project"); and

WHEREAS, the property proposed to be included in the Benton County Frontier Urban Renewal Area within two miles of the boundaries of the City of Norway, Iowa (the "City"); and

WHEREAS, the Board of Supervisors of the County has requested that the City enter into a joint agreement in order to enable the County to exercise urban renewal powers within two miles of the boundaries of the City by establishing the Benton County Frontier Urban Renewal Area and carrying out the Project;

NOW, THEREFORE, it is agreed by the County and the City as follows:

Section 1. The County may exercise urban renewal powers pursuant to Chapter 403 of the Code of Iowa with respect to the property proposed to be included in the Benton County Frontier Urban Renewal Area as shown on Exhibit A hereto in order to carry out the Project.

Section 2. This Agreement shall be deemed to meet the statutory requirements of paragraph 4 of Section 403.17 of the Code of Iowa and shall be effective following approval by the governing bodies and execution by the appropriate officials of the County and the City.

IN WITNESS WHEREOF, the County has caused this Agreement to be executed by the Chairperson of its Board of Supervisors and attested by its County Auditor, and the City has caused this Agreement to be executed by its Mayor and attested by its City Clerk, as of the dates shown below.

BENTON COUNTY, IOWA

By _____
Chairperson, Board of Supervisors

Date: _____

Attest:

County Auditor

CITY OF NORWAY, IOWA

By _____
Mayor

Date: _____

Attest:

City Clerk

EXHIBIT A

Legal Description Of Property Proposed To Be Included

In The Benton County Frontier Urban Renewal Area:

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9 (Florence Township) Benton County, Iowa

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Supervisor Vermedahl discussed a request to allow MC-70 dust control to be applied over an existing MC-70 application. The Board discussed that a build up of dust control can create additional expense to the County when removal is required due to a deteriorating roadbed. The engineer was not available to discuss the matter at today's meeting.

The county auditor advised that she has received several e-mails from a person within the courthouse requesting training on county procedures and protocols for emergency situations. The auditor advised that an employee in the data processing department had originally been assigned to draft policies and procedures; however, they were not done yet. Supervisor Buch advised that he would follow up on the matter.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 18, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 14, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set May 16, 2006, at 10:00 a.m., as the date and time, for a public hearing on a land use change requested by John and Jodi Phillipp on a parcel located in the SW1/4 of the SE1/4 of 30-85-10. All members voting aye thereon. Motion carried.

Diana Haack met with the Board to request a variance to the Benton County Subdivision Ordinance. The parcel in question is located in Parcel A Section 30 of Benton Township. The variance request is to the requirements for central sewer, central water, and hard surface road. Haack currently owns approximately eighteen acres and has a home on said parcel and indicates to the Board that she has a financial hardship due to the death of her husband in October 2005. Haack explained that it is her desire to split five acres off of the parcel so that she can place a modular home on the parcel and sell her existing home. Haack stated that she has contacted all of the surrounding neighbors and has not heard any objection to her proposal. Haack added that the area is her home and it is her desire to stay on the parcel at least in part. Supervisor Sanders stated that the proposal is consistent with the surrounding land use. Sanders further stated that it appears that a hardship exists. Supervisor Vermedahl stated that the intent of the ordinance is to regulate the orderly development and that a variance can only be a minimal easing of the regulations due to a hardship. Moved by Vermedahl, seconded by Sanders, to grant a variance to the Benton County Subdivision Ordinance #26, as amended, on a parcel approximately five acres in size located on the current Parcel A of the NW1/4 of the SE1/4 of 30-85-9. The variance is limited to the requirements for a central sewer, central water system, and hard surface road. Further the variance is limited to Diana Haack as this is being granted due to the financial hardship of Haack, and in the event that Haack does not receive a land use change or decides not to construct her own personal residence, this variance will be null and void. Supervisor Vermedahl stressed to Haack that the land use change is a separate decision from this action today and there are no guarantees as to the approval a land use change. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the request of Irene Robinson to withdraw her application for a beer license for Exit 41 Beer Sales and to issue a refund to Robinson of the fees collected by the county for said permit. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a prorated refund of the county's fees received for the liquor license for Sportster's. All members voting aye thereon. Motion carried.

The engineer spoke with the Board regarding experimental dust control. Supervisor Vermedahl advised that he had been approached by a resident about placing another layer of MC-70 over existing MC-70 instead of tearing up the existing application. Vermedahl added that discussion at the April 14, 2006 supervisor's meeting resulted in the Board not being interested in the experiment as the dust control breaks up and the roadbed deteriorates, the removal of numerous layers would be much more costly to the county.

Moved by Vermedahl, seconded by Sanders, to approve the request for a utility permit submitted by CIPCO to allow for the placement of utility lines in the county's right-of-way along 22nd Avenue in Union and Big Grove Townships. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-15 and #06-16. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-15

WHEREAS: A posting for a position on the Sign Crew within the Secondary Road Department at the Benton County Shop in Vinton, Iowa has been completed, and

WHEREAS: The present bargaining unit employees have had three (3) days to sign the posting, and

WHEREAS: One present bargaining unit employee has signed the posting, and

WHEREAS: The county engineer recommends this employee for the position,

BE IT THEREFORE RESOLVED By The Benton County Board of Supervisors that Daniel Carroll be given this Sign Crew position with a Labor Grade Classification of IIID and a base wage of \$15.46. The effective date of transfer will be April 17, 2006.

Signed this 18th day of April 2006.

Chairman, Board of Supervisors

ATTEST: _____
Jill Marlow, Auditor

RESOLUTION #06-16

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and
WHEREAS: Upon the completion of the probationary period the base wage may be increased from the starting wage
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Eric Hummel
be set at \$14.11 effective April 17, 2006. This position carries a Labor Grade IIIB classification.

Signed this 18th day of April 2006.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor
Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 21, 2006

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 18, 2006. 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 Brian Umbdenstock, 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 Polk Township. There being no comment heard either for or against the request, 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 W1/2 of the NE1/4 of 32-86-9 (Polk Township) for a single residential use. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 25, 2006

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 21, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 82141 through 82475, for payment. All members voting aye thereon. Motion carried.

Linda Ballard spoke with the Board and the county engineer regarding a request for an exemption to allow her dust control to remain for another year. Ballard explained that she was not aware that there was a deadline for requesting the exemption. Ballard added that she would like to have the county provide a hard surface on ?????? Ballard expressed concern over the amount of dust generated from the vehicle traffic and the safety of the traveling public. Ballard stated that her business has increased significantly which contributes to the increased commercial traffic including semis. Her company has built a circle drive to allow for the semi trucks to turn around because of safety concerns. Ballard explained that the business hires up to thirty teenagers to help pull weeds each year. She also commented that Waste Management is using that road as a shortcut from Belle Plaine to the landfill. Ballard added that she did not see a notice in the papers telling of a deadline to request that exemption and stated that the county probably doesn't want everyone to see the notice or they would all request the exemption. Supervisor Buch stated that an ad was not ran indicating that there was a deadline to request an exemption. The engineer stated that he thought that deadline was in the ad; however upon investigation it was not. It was questioned if the engineer went out and checked the dust control areas. The engineer advised that he leaves the inspection up to the maintainer operator. Supervisor Buch advised that many people find out that the dust control from the prior year will not last throughout a second year and that other types of dust control have to be applied midsummer. Ballard questioned the possibility of having signs erected stating that there was turning traffic and setting speed limits. Supervisor Sanders stated that many residents believe that their roads should be hard surfaced. Sanders added that the county is beginning to formulate the necessary criteria that must be met before a gravel road is considered for hard surfacing, i.e. traffic count, etc. It was questioned why the road was hard surfaced to

the ethanol plant prior to the business even being open. The engineer advised that the heavy truck traffic forecasted to utilize that road indicated that the road should be surfaced. The engineer added that very heavy truck traffic is detrimental to a gravel road. The engineer stated that there are other businesses throughout the county that are located on gravel roads. The DNR has been reviewing dust on gravel roads and have determined that dust created by ordinary travel is not issue. Ballard stated that she had seen other roads paved to rural businesses and wanted to know why she couldn't have the same. Supervisor Buch stated that other businesses have shared in the cost of hard surfacing the road. Ballard stated that she would not pay for a hard surfaced road but then added that she would be interested in the cost. Supervisor Buch asked the engineer if signage could be placed on the road. The engineer advised that he would check the sight distance for the driveways to determine if they meet the minimum requirements. The engineer advised that a warning sign would be a strong possibility, but he needed to review the area first. Supervisor Vermedahl requested that the consideration of signage on the road be placed on a future agenda.

Supervisor Buch questioned if there were regulations requiring that fencing be built around the landfill. The engineer advised that he has purchased fencing for placement in areas of the landfill. The engineer advised that when plastic bags become airborne they are pretty much gone. The engineer stated that he has had seasonal employees in the past that picked up garbage in the ditches. The engineer will review the issue this week, as he will be at the landfill on other business.

Supervisor Buch relayed a concern from Glenn Werning regarding the possibility of a tile being cut when ditches were cleaned by his property. The engineer advised that he had an employee probing for the tile line yesterday but was unable to locate it.

Gary Fordice requested that the supervisors sign a letter of support for grant funds for the purchase of the Fry property adjacent to Hannen Lake Park. Moved by Sanders, seconded by Vermedahl, to sign a letter of support for a Wildlife Habitat Grant for the purchase of the Fry Property. The letter does not provide for a financial commitment from the board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Jeremy Fisher from the sheriff's department, effective April 18, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-17. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-17
SUBORDINATION AGREEMENT**

WHEREAS, Brandon Pierce made and executed a Forgivable Loan Agreement in favor of Benton County, Iowa, on April 24, 2002, which Forgivable Loan was recorded on 29th day of August 2002, in Benton County, Iowa, Book 291, Page 36 of the Benton County Recorder's Office, Benton County, Iowa, for the amount of \$13,825.00, on the following described property, to-wit:

Beginning at a point which is 72.5 feet South and 33 feet West of the Northeast Corner of Section Twenty-Four (24) Township Eighty-Two (82) North, Range Twelve (12) West of the Fifth P.M., Benton County, Iowa; thence South 86 degrees, 44 minutes West, 199.4 feet; thence North, 100 feet; thence North 86 degrees 44 minutes East, 100.4 feet; which point is 364.92 feet South of the railroad right-of-way; thence South 100 feet to the point of beginning.

Which has the address of 1004 Luzerne Street, Luzerne, Iowa 52257

and

WHEREAS, Brandon Pierce now wishes to enter into a loan/mortgage transaction with Wells Fargo Home Mortgage, Inc.; and

WHEREAS, Wells Fargo Home Mortgage, Inc. will not enter into such loan/mortgage transaction unless Benton County agrees to subordinate its Forgivable Loan Agreement as identified, to Wells Fargo Home Mortgage, Inc.,

NOW, THEREFORE, Benton County agrees to subordinate its Forgivable Loan Agreement recorded at Book 291, Page 36, of the records of the Benton County Recorder, Benton County, Iowa, on the above described property to the mortgage given by Brandon Pierce to Wells Fargo Home Mortgage, Inc., dated April 21, 2006, and recorded in the records of the Benton County Recorder, Benton County, Iowa. Benton County further agrees that its Forgivable Loan Agreement will be subordinate, inferior and secondary to the aforementioned mortgage.

Dated this 25th day of April 2006.

Benton County:

Ronald R. Buch, Chairman, Board of Supervisors

Jill Marlow, Benton County Auditor

STATE of IOWA;

Benton County;

SS:

On this _____ day of _____, 2006, before me, _____, a Notary Public in and for the State of Iowa, personally appeared, Ronald R. Buch and Jill Marlow, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the

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County of Benton, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors as contained in Resolution No. _____ adopted by the Board of Supervisors on the ____ day of ____, 2006, and that Ronald R. Buch and Jill Marlow acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public for the State of Iowa

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

April 28, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 25, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set May 19, 2006, at 9:15 a.m., as the time and date for a public hearing on a request for a land use change submitted by Valerie Reiter on a parcel located in the SW1/4 of the NW1/4 in 4-86-11, and May 19, 2006, at 9:30 a.m. as the time and date for a public hearing on a request for a land use change submitted by Dale Robinson on a parcel located in the NW1/4 of the SW1/4 of 26-86-9. All members voting aye thereon.

Moved by Vermedahl, seconded by Sanders, to approve 28 hours of vacation carry-over requested by Tony Janney. Said carry-over is to be used by September 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-18. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-18 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; 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 that the FY2006 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 15000	Fund 0002 Function 16100	\$ 1500.00

SERVICE AREA 8

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0002 Function 80100	Fund 0002 Function 80100	\$3000.00 (department change)

Signed this 28th day of April 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____
Jill Marlow
Benton County Auditor

Mike and Shirley Raue met with the Board to discuss criteria for seal coating gravel roads. M. Raue explained that he is upset about events over the past few weeks. M. Raue stated that he read the paper and saw that he had until May 4, 2006, to sign up for dust control and assumed that he had until that date to request that his dust control be left for a year. However, he returned home to find that his dust control was torn up. M. Raue stated that he has traveled around the areas of county to view oil strips as he was told that all oil strips were torn up each year unless a one-year exemption was approved. M. Raue stated that there are areas where oil strips are in place that have not been touched for several years. M. Raue stated that he wants to know the exact policy of the county as to whether a dust control strip is torn up or not. M. Raue advised that he believes that he is being discriminated against as the rules appear to be applied differently around the county. M. Raue stated that he did not request the exemption, as he did not see a deadline in the paper for requesting it. M. Raue added that advertisements paid for with county tax dollars include the names of companies providing dust control, which is free advertising for private companies at tax payer expense. M. Raue stated that had he missed a deadline that was advertised, it would be his fault. Shirley Raue questioned why an advertisement was not

published. Engineer Parizek stated that he erroneously omitted the exemption deadline in his advertisement. S. Raue questioned how the engineer could have just forgotten adding it was a part of his job. The engineer stated that he made a mistake. The engineer added that several weeks are needed to prepare roads for application of dust control. M. Raue stated that he understood the need for time to grade the roads ahead of the application of dust control and suggested that only one date be used for both sign-up for dust control and requesting an exemption. M. Raue added that his road did not contain any potholes unlike other dust control strips because he maintains his strip. M. Raue requested that the county reimburse him for some of his expense for last year's dust control strip or this year's expense due to the failure of advertising the exemption deadline. M. Raue also questioned who inspected the dust control strip to determine if the strip is being maintained in order to grant the exemption. The engineer stated that in the past he has had the maintainer operator make the determination, but if the property owner does not like the maintainer operator, then that creates a problem. The road superintendent has also inspected the strips in the past, but he no longer has the time to inspect all strips where exemptions have been requested. Therefore, this year the engineer determined that anyone asking that his dust control strip be left for a year will be left; however those strips that are not holding up will be removed by the county and this could occur at anytime over the summer and the county will not apply MC-70 to those areas. M. Raue reiterated that he was upset that no notice was given to the public about the deadline for requesting an exemption, and that private business was listed on a county-paid advertisement. M. Raue suggested that the county send a letter to those getting dust control advising them each year of the deadlines or possibly a phone call. M. Raue stated that if the county does not want to maintain the road, he will do it himself and guarantees that the road would never be a problem. M. Raue stated that only five loads of rock have ever been placed on the road in front of his residence in thirty-two years. The engineer reiterated that he accepted full responsibility for omission of the deadline for signing up for the exemption. M. Raue questioned what he was to do about the expense he has incurred due to the oversight of deadline being published. M. Raue stated that he did not understand the county's policy regarding dust control and the need to tear up the dust control strips that are being maintained properly. M. Raue questioned if he could put pavement down in front of his residence. The engineer advised that he would discuss it with Raue if he wanted to pave the road all the way to a hard surface road. M. Raue questioned if the road could be seal coated. The engineer stated that the Board has began to discuss the development of criteria for seal coating gravel roads. Supervisor Buch echoed the comments of the engineer regarding the development of a seal coating policy. M. Raue also commented that Van Buren County welcomes new development and offers tax abatement for development and Benton County discourages development from one end of the county to the other. M. Raue stated that junkyards continue to exist in the county even though they were never approved; yet the county comes right out and tears up a dust control strip. M. Raue again stated that he should be reimbursed for some of his expense. M. Raue questioned what the county's policy would be next year - "Will everyone's dust control strip be torn up except for the favorites?" Supervisor Vermedahl stated that one deadline should be used for both the request for a new dust control as well as the request for an exemption.

Supervisor Vermedahl reported that he met with John Mitchell (at Mitchell's request) yesterday, April 27, 2006, as well as speaking with him by telephone this morning, regarding his dust control strip and road condition. Vermedahl reported on his conversations. Mitchell told Vermedahl that he (Mitchell) was demanding three-fourths of a mile of dust control re-done at the county's expense due to his dust control strip being torn up by the county in February. Supervisor Vermedahl advised that it was his opinion the strip had not been torn up. Supervisor Buch advised that he has also viewed the area and it is his opinion that the strip has not been torn up by the county for the purposes of removing the strip. It was Vermedahl's and Buch's opinion that any damage to the strip that was caused by the county was due to snow removal and was limited to the edges of the road. Mitchell reported to Vermedahl that he will be hiring an attorney unless the county replaces his dust control strip. Additionally, Mitchell claims he is the victim of harassment and revenge due to his reporting of the maintainer operator being involved in pushing debris into a creek. Mitchell further stated to Vermedahl that he had read in the March 31, 2006, Board of Supervisor's minutes that the engineer had not placed rippers on the maintainers until sometime in April and that the rippers were on the maintainers in February. Further, the ripper had been used on his dust control strip and that there were marks on the road indicating such. Vermedahl stated that he could not see any marks on the road surface yesterday. The engineer advised that Mitchell did not sign a request to allow the dust control strip to remain for a year; however it is not the engineer's intention to tear up Mitchell's dust control strip this year as Mitchell had contacted his office prior to the deadline for requesting an exemption and orally advised that he did not want the dust strip torn up this year. The Board took no action on the matter.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by Keystone Communications in Monroe Township, Sections 14 and 36, along the north side of 59th Street and 62nd Street, respectively. All members voting aye thereon. Motion carried.

The engineer advised that the bids have been received on the Hot Mix Asphalt (HMA) resurfacing projects south of Keystone, north of Garrison and east of Walker. The engineer advised that he would return with the bids, bid bonds, and contracts.

The engineer spoke to the Board about a request to dispose of storm related material in the landfill free of charge. Currently, there are no exceptions to fees imposed by the landfill for storm related damage. The Board discussed the possibility of a countywide policy for storm related damage, but application would be difficult. The Board did not make any changes to the current procedures.

The engineer spoke about the possibility of a \$6,000.00 fine being imposed by the Department of Natural Resources against Benton County for various violations at the landfill. The engineer advised that he has spoke with the Howard R. Green, the county's consultant on landfill matters, and based on those conversations is requesting a thirty-day extension for response. Supervisor Vermedahl recommended that the matter be referred to the county attorney since this is a legal proceeding.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 2, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 28, 2006. All members voting aye thereon. Motion carried.

The Board and county engineer spoke about the request from Iowa County to share engineering services. Supervisor Buch advised that he had been contacted by an Iowa County supervisor asking if Benton County would be interested in sharing the Benton County engineer due to the resignation of the Iowa County engineer. Myron Parizek, Benton County Engineer, advised that he was not interested in providing engineering services to Iowa County. The Board also discussed the management and liability issues that may be associated with contracting engineering services. Moved by Vermedahl, seconded by Sanders, to direct the chair to respond back to the Iowa County supervisor that Benton County is not interested in entertaining a sharing agreement for engineering services due to the current workload of the Benton County engineer. The engineer would not be able to dedicate the necessary time to each county for the arrangement to be beneficial to Benton County or to Iowa County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Iowa Telecom to place utility lines in the county's right-of-way in Harrison Township Section 15. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to direct the chair to sign the Help America Vote Act: 2005 Voting System Funding Allocation County Voting System Supplemental Allocation Agreement between Benton County and the Iowa Secretary of State. Said agreement provides for additional election equipment funding in the amount of \$4797.50. All members voting aye thereon. Motion carried.

The Board discussed the mural being donated to Benton County by Duane and Dianne Schmidt. The mural was originally located in the old Legion building in Vinton when it was a bank. The mural was purchased by the Schmidts at an auction and restored. The mural will be ready for delivery on May 15, 2006; however, the Board discussed having it presented during the courthouse centennial celebration in 2007. Supervisor Vermedahl will speak further with Duane Schmidt regarding the donation of the mural.

Walt Kollmorgen, Veteran's Affairs Director, met with the Board to provide an update on activities in Benton County and the amount of funding coming into Benton County veterans from the State. Kollmorgen also informed the Board that he is unable to get all of his duties done in the number of hours he currently works. Kollmorgen stated that the amount of red tape he is required to go through when filing a veteran's claim has increased dramatically. Kollmorgen advised that he is required to take work home as his morning hours are used filing quarterly reports and commissioner reports. Kollmorgen advised that he would like to add three hours to his weekly schedule with probably two more hours in Vinton and an additional hour in Belle Plaine. Kollmorgen also requested to be compensated accordingly if additional hours are approved. Kollmorgen stated that he might keep the posted hours as is currently done with the additional hours providing him the flexibility and opportunity to get additional paperwork done. Kollmorgen advised that he would like to purchase a small copy machine for his office. Moved by Vermedahl, seconded by Sanders, to approve an additional compensated three hours per week for the veterans affairs director to be used at either the Vinton or Belle Plaine office as determined by the director. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 5, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 2, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-18. Voting aye: Buch, Sanders, and Vermedahl. Nays: none. Motion carried.

**RESOLUTION #06-18
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, 2006 to June 5, 2006, for Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loose Strife.

Group 2. By June 1, 2006 for Canadian Thistle, Russian Knapweed, Buckhorn, Wild Mustard and Buckthorn.

Group 3. July 1, 2006 to July 15, 2006, for Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horse Nettle, Perennial Sow Thistle, Quack Grass, Butterprint, Puncture Vine, Cocklebur, Bull Thistle, Musk Thistle, Wild Sunflower and Teasel.

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

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

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

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

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

Dated this 5th day of May 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Dave Mick met with the Board to request that an ordinance be enacted in rural Benton County to control noise. The ordinance would except out noise that is produced by agriculture. Mick's presentation included the fact that the number of location of rural residences are not as they were in the past where there were only four homes per a 40-acre section. Mick continued that rural residential development has increased creating the need for control of "non-country" noises, specifically incessant dog barking and late night parties. Mick advised that in September of 2004, he surveyed forty-six of his neighbors and forty-one signed the survey stating that they supported noise control. Mick further stated that if an ordinance controlling noise were enacted, that would also allow law enforcement officers to enter onto properties in response to a complaint and perhaps be able to view other illegal activities. Mick stated that he has a problem with a neighbor's dogs barking incessantly throughout the night. Mick stated he has no recourse if the offender does not want to voluntarily comply and that is the basis for his request for an ordinance.

Supervisor Vermedahl asked Mick to define noise. Mick responded that it is sound that is obtrusive or unwanted. Vermedahl commented that Mick's definition is pretty value laden and that is usually the problem with a noise type of ordinance: a practical way for an officer to define noise. Mick countered that cities have found a way to address noise issues and therefore he believed that the county had the capability of addressing it also. Mick admitted that the definition of noise could be subjective at times; however his particular problems dealt with dogs. Mick questioned if an ordinance could be drafted with a narrow application to dogs barking incessantly for periods of two to three hours. The Board continued discussing the difficulties of enforcing a noise ordinance and their belief that it would be too subjective if enacted.

The Board of Supervisors of Benton County, Iowa, met on May 5, 2006, at 9:30 o'clock a.m., at the Board Room, Benton County Courthouse, Vinton, Iowa, for the purpose of conducting a public hearing on the designation of an urban renewal area and on a proposed urban renewal plan and project. The Chairperson presided and the roll being called the following Supervisors were present and absent:

Present: Supervisors Buch, Sanders, and Vermedahl

Absent: None.

The Board investigated and found that notice of the intention of the Board to conduct a public hearing on the designation of the Benton County Frontier Urban Renewal Area and on an urban renewal plan and project for the Area had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

There were no objections, written or oral, or evidence presented prior to the public hearing or during said hearing.

There being no further objections, comments, or evidence offered, the Chairperson announced the hearing closed.

Supervisor Vermedahl moved the adoption of a resolution entitled "A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Benton County Frontier Urban Renewal Area", seconded by Supervisor Sanders. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Supervisors Buch, Sanders, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 06-19

A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Benton County Frontier Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the “Urban Renewal Law”, a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been recommended that the Benton County Frontier Urban Renewal Area be established on the real property (the “Property”) lying within the area legally described in Exhibit A to this Resolution, that the area be designated as being appropriate for commercial and industrial development and that sufficient need exists to warrant finding the area to be an economic development area; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the area identified above as an urban renewal area and on a proposed urban renewal plan and project for the area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, the proposed urban renewal plan and project were submitted to and reviewed by the County’s Zoning Commission; and

WHEREAS, pursuant to Section 403.17(4) of the Code of Iowa, the City of Norway has executed and delivered a joint agreement (the “Joint Agreement”) consenting to the County’s inclusion of the Property in an urban renewal area; and

WHEREAS, pursuant to Section 403.17(3) of the Code of Iowa, the owners of “agricultural land” proposed for inclusion in the Benton County Frontier Urban Renewal Area have executed and delivered agreements consenting to such inclusion; and

WHEREAS, copies of the urban renewal plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to Benton Community School District and Kirkwood Community College; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

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

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist within the boundaries set out in Exhibit A.

Section 2. The area identified in Section 1 hereof is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Benton County Frontier Urban Renewal Area.

Section 3. The development of this area is necessary in the interest of the public health, safety or welfare of the residents of Benton County, Iowa.

Section 4. It is hereby determined by this Board of Supervisors as follows:

- A. The proposed urban renewal plan conforms to the general plan of the county as a whole;
- B. Proposed commercial and industrial development in the urban renewal area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 5. The urban renewal plan for the Benton County Frontier Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the proposed project for such area based upon such plan is hereby in all respects approved.

Section 6. The Joint Agreement set out as Exhibit B to this Resolution is hereby approved.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved May 5, 2006.

Chairperson, Board of Supervisors

Attest:

County Auditor

EXHIBIT A
Legal Description
Benton County Frontier Urban Renewal Area

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9
(Florence Township), Benton County, Iowa

EXHIBIT B

URBAN RENEWAL JOINT AGREEMENT

City of Norway, Iowa and Benton County, Iowa

WHEREAS, pursuant to Chapter 403 of the Code of Iowa, counties have certain urban renewal powers; and

WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a county may exercise urban renewal powers with respect to property which is located inside or within two miles of the boundaries of a city only if the county and city have entered into a joint agreement with respect to such exercise of powers; and

WHEREAS, the Board of Supervisors of Benton County (the "County") desires to adopt an urban renewal plan and to establish an urban renewal area (the "Benton County Frontier Urban Renewal Area") as shown on Exhibit A hereto in order to carry out an urban renewal project consisting of promoting economic development through the provision of direct financial assistance to the expansion of certain manufacturing and warehousing operations in the urban renewal area (the "Project"); and

WHEREAS, the property proposed to be included in the Benton County Frontier Urban Renewal Area within two miles of the boundaries of the City of Norway, Iowa (the "City"); and

WHEREAS, the Board of Supervisors of the County has requested that the City enter into a joint agreement in order to enable the County to exercise urban renewal powers within two miles of the boundaries of the City by establishing the Benton County Frontier Urban Renewal Area and carrying out the Project;

NOW, THEREFORE, it is agreed by the County and the City as follows:

Section 1. The County may exercise urban renewal powers pursuant to Chapter 403 of the Code of Iowa with respect to the property proposed to be included in the Benton County Frontier Urban Renewal Area as shown on Exhibit A hereto in order to carry out the Project.

Section 2. This Agreement shall be deemed to meet the statutory requirements of paragraph 4 of Section 403.17 of the Code of Iowa and shall be effective following approval by the governing bodies and execution by the appropriate officials of the County and the City.

IN WITNESS WHEREOF, the County has caused this Agreement to be executed by the Chairperson of its Board of Supervisors and attested by its County Auditor, and the City has caused this Agreement to be executed by its Mayor and attested by its City Clerk, as of the dates shown below.

BENTON COUNTY, IOWA

By (s) Ronald R. Buch
Chairperson, Board of Supervisors

Attest:

(s) Jill Marlow
County Auditor

Date: April 14, 2006
CITY OF NORWAY, IOWA

By (s) Gary Butz
Mayor

Attest:

(s) Wendy Chesnes
City Clerk

Date: May 1, 2006

EXHIBIT A

Legal Description Of Property Proposed To Be Included
In The Benton County Frontier Urban Renewal Area:

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9 (Florence Township) Benton County,
Iowa

After discussing the Urban Renewal Plan with legal counsel, Supervisor Vermedahl introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Sanders; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: Supervisors Buch, Sanders, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared said resolution duly adopted, as follows:

RESOLUTION #06-19A

RESOLUTION AMENDING RESOLUTION #06-19

WHEREAS, the Benton County Board of Supervisors adopted a resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Benton County Frontier Urban Renewal Area on this date, and

WHEREAS, the Board of Supervisors desires to amend said resolution to incorporate a change in the total proposed amount of the project due to a typographical error,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #06-19, titled *A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Benton County Frontier Urban Renewal Area*, adopted on this date is HEREBY AMENDED by the addition of Paragraph C to Section 4 as follows:

Section 4

C. The urban renewal plan for the Benton County Frontier Urban Renewal Area as presented is corrected to read, "Proposed amount of debt to be incurred: \$120,000.00".

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 161

All parts of the original Resolution #06-19, as adopted on this the 5th day of May 2006 remain in full force and effect.

This resolution passed this 5th day of May 2006.

Chairperson, Board of Supervisors

Attest:

County Auditor

A meeting of the Board of Supervisors of Benton County, Iowa, was held at 9:30 o'clock a.m., on May 5, 2006, at the Board Room, Benton County Courthouse, Vinton, Iowa, pursuant to the rules of the Board.

The Chairperson presided and the roll was called, showing Supervisors present and absent as follows:

Present: Supervisors Buch, Sanders, and Vermedahl

Absent: None

The Board investigated and found that notice of the intention of the Board of Supervisors to conduct a public hearing and to approve a Development Agreement between the County and Frontier Natural Products Co-op with respect to the expansion of the Company's manufacturing and warehousing facilities, which provides for certain property tax incentives in the form of property tax payments in a total amount not exceeding \$120,000, had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

Allen Merta of Priority One explained how the TIF funds were to be used as a local match for a CEBA loan and forgivable loan awarded to Frontier Cooperative. Merta and Bill Kooistra of Frontier Cooperative explained the scope of the development project.

There were no objections, written or oral, or evidence presented prior to the public hearing or during said hearing.

There being no further objections or comments, the Chairperson announced that the hearing was closed.

Supervisor Sanders introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Vermedahl; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: Supervisors Buch, Sanders, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared said resolution duly adopted, as follows:

RESOLUTION 06-20

Approving Development Agreement with Frontier Natural Products Co-op, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the Board of Supervisors of Benton County, Iowa (the “County”), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Benton County Frontier Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, the Board of Supervisors is considering adopting an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the “Urban Renewal Tax Revenue Fund”), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, an agreement between the County and Frontier Natural Products Co-op has been prepared (the “Agreement”), pursuant to which Frontier Natural Products Co-op has agreed to expand manufacturing and warehousing facilities in the Urban Renewal Area (the “Frontier Natural Products Co-op Project”) and the County would provide tax increment payments in a total amount not exceeding \$120,000; and

WHEREAS, this Board of Supervisors, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on May 5, 2006, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors;

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

Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

The Frontier Natural Products Co-op Project will add diversity and generate new opportunities for the Benton County and Iowa economies;

The Frontier Natural Products Co-op Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

This Board of Supervisors further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to Frontier Natural Products Co-op.

The Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board of Supervisors, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

As provided and required by Chapter 403 of the Code of Iowa, the County’s obligations under the Agreement shall be payable solely from a subfund (the “Frontier Natural Products Co-op Subfund”) which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

The W3/4 of the S1/2 of the SW1/4 of Section 21, Township 82, Range 9 (Florence Township), Benton County, Iowa.

The County hereby pledges to the payment of the Agreement the Frontier Natural Products Co-op Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Benton County to evidence the continuing pledging of the Frontier Natural Products Co-op Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 5th day of May 2006.

Chairperson

Attest:

County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-20A, approving an Ordinance Establishing An Urban Renewal TIF District and Setting Dates for Considerations. Voting aye: Buch, Sanders, Vermedahl. Voting nay: none. Motion carried.

RESOLUTION #06-20A

APPROVING AN ORDINANCE ESTABLISHING AN URBAN RENEWAL TIF DISTRICT AND SETTING DATES FOR CONSIDERATIONS

WHEREAS, the Benton County Board of Supervisors has reviewed a proposed ordinance establishing an urban renewal tax increment finance (TIF) district; and

WHEREAS, the Board of Supervisors desires to create said TIF district,

NOW IT IS THEREFORE RESOLVED that the Benton County Board of Supervisors FINDS that the Ordinance Establishing an Urban Renewal TIF District should and is hereby approved.

BE IT FURTHER RESOLVED that said Ordinance Establishing an Urban Renewal TIF District be set in for consideration on the following dates:

May 16, 2006 at 10:15 a.m.

May 19, 2006 at 10:15 a.m.

May 23, 2006 at 10:15 a.m.

The auditor is directed to publish legal notice of the above dates of consideration

Passed and approved this 5th day of May 2006.

Chairperson

Attest:

County Auditor

Renee Tharp, Benton Development Group Director, met with the Board to request a release of funds for economic development purposes. Tharp advised that her board of directors had approved distribution of funds to Vinton Unlimited and the IBSSS Business Incubator, Inc. from the economic development grant funds budgeted by Benton County. Tharp was requesting release of those funds. Moved by Vermedahl, seconded by Sanders, to release \$9,300.00 of the appropriated economic development grant funds to Benton Development Group for distribution. All members voting aye thereon. Motion carried.

Sheriff Forsyth told the Board that the communications tower is close to being completed, including the northwest antenna. Forsyth stated that the microwave equipment originally did not work due to incorrect heights, but has since been adjusted. There are continuing problems with the tower lights and RC Systems is working with the manufacturer to resolve those issues. Additionally, there is equipment waiting to be installed for emergency management. The sheriff was advised that funds were not budgeted for the tower project in FY07 and that it was imperative that the project be completed and paid for prior to June 30th, 2006. The sheriff was also told that under Iowa bidding requirements that a 30-day notice had to be given prior to making the final payment, essentially requiring that the project be completed and accepted by the Board by May 26, 2006.

The sheriff advised that he has been contacted regarding the lease of space on the communications tower by a utility company. Discussion was held as to where the revenue from leasing would be deposited, as well as how maintenance expenses would be apportioned to the various departments. It was suggested that a written memorandum of understanding between the various entities be drafted setting forth financial responsibilities and related matters.

The sheriff spoke to the Board regarding the lease purchase of a dishwasher for the jail. The cost of the dishwasher is \$3,800 or it may be on a lease/purchase contract for \$75.00 month with all maintenance included. The

sheriff also spoke about leasing a vehicle for a detective. Moved by Vermedahl, seconded by Sanders, to set May 16, 2006, at 10:30 a.m. as the time and a date for a public hearing on a lease agreement for a vehicle for the sheriff's department and a lease/purchase agreement for a dishwasher for the correctional center. All members voting aye thereon. Motion carried.

The sheriff spoke to the Board about courthouse security and the protocol taken in the various situations. The sheriff advised that if a fire alarm is activated that the fire department will be summoned immediately and that instructions should be provided to them as to designated contact personnel. Also, in the case of a break-in, both the sheriff's department and the Vinton Police Department should have contact information. Discussion was also held on the panic alarm system and procedures in the event of an alarm. Supervisor Vermedahl volunteered to coordinate a meeting with various officials to begin development of a security policy and protocol plan.

The sheriff advised that he had asked that an agenda item regarding an animal ordinance be placed on the agenda; however that matter was discussed earlier in the meeting when Dave Mick met with the Board.

Moved by Vermedahl, seconded by Sanders, to acknowledge the filing an annual manure management plan updates submitted by Narber Farm, Inc. and Cedar Valley Egg. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 9, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 82476 through 82867, for payment. All members voting aye thereon. Motion carried.

Gary Fordice, Benton County Conservation Executive Director, met with the Board to discuss a purchase agreement for property adjacent to Hannen Park. Fordice requested that the Board approve the purchase explaining that the conservation board plans to apply for a Wildlife Habitat Grant to pay for the property. The conservation board will apply for other grant funds to make up the 25% local cost share required. Fordice advised that the Wildlife Habitat Grant requires that the property be used for public hunting. Supervisor Buch questioned the hunting requirement due to the proximity of camping and recreational areas of the park. Supervisor Buch also questioned the impact on the county's budget as to staffing and maintenance costs if additional land is purchased. Fordice stated that there would be additional costs to conservation's general fund budget. Supervisor Buch stated that the conservation board would probably be able to find funding to purchase the property, but where would the funds come from to maintain it. It was questioned who would be responsible for payment on the property if grant funds are not obtained. Fordice stated that it was his understanding that the Iowa Heritage Foundation would purchase the property and hold it from five to seven years or until Benton County Conservation could raise the funds to pay for it. Fordice stated that if the grant money was not obtained then Iowa Heritage Foundation would have to sell the property. Supervisor Buch asked who would be responsible for the difference if Iowa Heritage Foundation sold the property for less than what it was purchased for. Fordice advised he would have to do additional research in order to respond. Fordice advised that he had not spoken with the conservation board members regarding the purchase but plans to hold a meeting this week to discuss it. Moved by Vermedahl, seconded by Sanders, to defer a decision on the conservation board's request regarding approval of a purchase agreement for property adjacent to Hannen Park pending the conservation board's action on the matter. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application submitted by William J. Schrader for a farm exemption on a parcel located in Section 25 of Florence Township. The applicant currently owns sixty acres located immediately north of the corporate limits of Walford. Schrader would like to build a personal residence on his property. Schrader is currently involved in the commercial production of an agricultural product. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in the W3/4 of the S1/2 of the NW1/4 of 25-82-9 as the owner is currently involved in the commercial production of food and fiber. The exemption is granted for a single residence. All members voting aye thereon. Motion carried.

Dan Knipper of Hall and Hall Engineering met with the Board to request approval of a replat of Lots 14 & 15 of Beau Chene Estates 2nd Addition. Knipper explained that the current lot line was being moved to the east of its current location. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-21. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

BEAU CHENE ESTATES FIRT ADDITION BENTON COUNTY, IOWA
RESOLUTION APPROVING RE-PLAT OF LOT 14 AND LOT 15
RESOLUTION NO. 06-21

WHEREAS, the Benton County Board of Supervisors has been presented with a Final Plat for the Re-Pat of Lot 14 and Lot 15 Beau Chene Estates First Addition to Benton County, Iowa, per the plat recorded in the office of the recorder of Benton County, Iowa, and

WHEREAS, the owners Harry V. Ruth and Elizabeth A. O'Hara, owners of Lot 15, and Beau Chen Incorporated by Richard Osterkamp, President, owner of Lot 14, have had a re-plat of Lots 14 and 15, Beau Chene Estates First Addition to Benton County, Iowa, subdivides and readjusts the common boundary lines, which reduces the size of Lot 15 and increases the size of Lot 14, said re-plat clarifying descriptions and boundaries pursuant to Iowa Code Section 354.6, and WHEREAS, the previously approved Restrictive Covenant filed with the original plat apply to the re-plat, and

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WHEREAS, the Benton County Board of Supervisors have reviewed said Re-Plat and fully discussed same and find it advantageous to Benton County, Iowa.

THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors on behalf of Benton County, Iowa, that the Final Plat Re-Platting Lots 14 and 15, Beau Chene Estes First Addition to Benton County, Iowa, be approved and accepted.

This resolution was passed and approved on the 9th day of May, 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

The Board did not take action on the engineer's request for a FY06 budget amendment. The matter is to be placed on the next agenda when the engineer will be in attendance at the meeting.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

May 12, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 9 2006. All members voting aye thereon. Motion carried.

Dave Mick asked the Board if they were going to enact a noise ordinance in rural Benton County. Supervisor Buch advised that the Board is researching such an ordinance but had not made a determination. Supervisor Vermedahl advised that upon checking with Linn County, it was found that Linn County does not have a rural noise ordinance as reported by Mick at an earlier board meeting. The City of Vinton does have some regulation on barking dogs. Mick questioned if the Board was going to do anything or not: adding that the problem was not going to go away. Supervisor Vermedahl advised that once the matter had been researched, the Board may not take the action that Mick desired.

Brian Gruhn, Attorney, met with the Board to discuss labor negotiations between Benton County and the labor unions. This matter is exempt from public meeting requirements and all in attendance were asked to leave the room with the exception of the county engineer and the county sheriff.

Moved by Sanders, seconded by Vermedahl, to approve the labor contracts between Benton County and the Professional, Public, and Maintenance Employees (Secondary Roads) for the period July 1, 2006 through June 30, 2008, and the Teamsters (Sheriff Department), for the period July 1, 2006 through June 30, 2007. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account as of April 30, 2006, was \$42,144.57.

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign the contract and bond with Fred Carlson Company for the asphalt-resurfacing project on D62, V42, and V66. The contract is approximately is for \$1.3 million but about 80% will be paid for with STP federal funds. All members voting aye thereon. Motion carried.

The Board discussed funding of the Highway 30 study project. Supervisor Buch explained that previously the Board had taken action not to contribute to the project unless Linn County and Cedar County participated. The engineer stated that the project was not actual construction and he was not in favor of using STP funds for the project. Linn County has decided to participate in the study. Supervisor Vermedahl suggested the Benton Development Group be contacted. Moved by Vermedahl, seconded by Sanders, that the matter be brought to Benton Development Group for assistance in procuring the \$10,000 participation amount for Benton County. All members voting aye thereon. Motion carried.

Chuck Yedlik met with the Board and engineer to discuss application of rock on the secondary roads. Yedlik stated that every spring rock is applied to the roads and then cars go through the loose gravel and throw it into the ditch. Yedlik stated that when the roadbed is wet the rock is pushed into the bed, but when the roads are dry the gravel just lays loose on the road causing a hazard to the traveling public. Yedlik stated that years ago gravel was placed on the sides of the road and left there. Then throughout the year when holes developed then the rock is graded onto the traveled portion of the road. Yedlik further stated that maintainers appear to be grading the road on a weekly basis and he questioned whether maintenance needed to be done that frequently with the cost of fuel. The engineer responded that he did not disagree with Yedlik on some points; however traffic has increased dramatically on some roads and weekly maintenance is necessary. The engineer also stated that many times maintainer operators are pulled from road maintenance and put on other jobs. Yedlik stated that this year has been drier than usual and here is a nice blanket of loose rock on the road. Yedlik commented that it appears that the county is just trying to use up a tonnage quota for rock. The engineer reported that even though the price of rock has increased, he has actually spent less on rock in the last two years than in prior years. Yedlik stated that he thought the roads were well maintained in the winter, but stressed the questionable amount of rock being applied in the spring.

The Board discussed the engineer's request for a FY06 budget amendment. Supervisor Vermedahl questioned if the amendment was really necessary. The engineer stated that he has reviewed numbers in various ways and that he would hope that he could make the current budget work, but he has several unknowns that he is unsure about. The engineer is asking for the additional budget authority because of those unknowns. Moved by Vermedahl, seconded by

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Sanders, to set May 26, 2006, at 9:30 a.m., as the time and date for a public hearing on amending the FY06 county budget. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set May 30, 2006, at 9:30 a.m., as the time and date for a public hearing on a proposal to vacate a portion of 70th Street Drive in Section 18 of Union Township, and to set May 30, 2006, at 10:00 a.m., as the time and date for a public hearing on changing the road classification from Service Area B to Service Area C along a portion of 70th Street Drive in Section 18 of Union Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a Beer Permit submitted by Blairstown Demo Derby. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 16, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 5, 2006 and May 12, 2006. All members voting aye thereon. Motion carried.

Chairman Buch arrived at 9:05 a.m.

The Board proceeded with canvassing the special city elections held on May 9, 2006. Moved by Vermedahl, seconded by Sanders, to declare the tallied results of the May 9, 2006, Special City Elections for Newhall and Norway, as official. The auditor is directed to prepare the official abstracts for said elections and to file the results in the official records of Benton County. All members voting aye thereon. Motion carried.

The Board requested two proposals for audit services for FY06 through FY08. Proposals were received from the Office of Auditor of State and EideBailly, LLP. EideBailly has provided audit services to Benton County since 1993. The proposals are as follows:

Auditor of State: \$84,315.00 with approximately 490 hours of fieldwork and review completed during the month of January annually. The price is for fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008. The price does not include Single Audit work, preparation of financial statements and footnotes.

EideBailly, LLP: \$123,000 with approximately 440 hours of fieldwork and review (historically completed throughout various times of the year). The price includes Single Audit work, all accrual adjustments and report preparation.

Moved by Vermedahl, seconded by Sanders, to award a contract for audit services for FY06 through FY08 to EideBailly, LLP. Consideration is given to the county's long standing business relationship with EideBailly, LLP, the timing of the audit fieldwork being done at various times throughout the year versus all work done in January, the services provided by EideBailly, LLP are all inclusive meaning consultation services, federal audit work, and accrual entries. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to direct the chair to sign a request for an extension to the contract #03-WS-040 for community development block grant funds for the Watkins wastewater treatment project. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve an application for a utility permit submitted by Linn County Rural Electric Cooperative to place utility lines in the county's right-of-way in Section 9 of Florence Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve an application for a utility permit submitted by Qwest Communications to place utility lines in the county's right-of-way in along 19th Avenue in Section 16 of Jackson Township. All members voting aye thereon. Motion carried.

Supervisor Sanders moved the adoption of Resolution #06-22, stating that it would serve the greater good in protecting the safety of Benton County residents, Supervisor Vermedahl seconded said motion. Roll Call Vote: Aye- Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-22

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

WHEREAS: the sight distance at this intersection is restricted from more than one direction, and

WHEREAS: this restriction is a problem for traffic entering the intersection for other directions, and

WHEREAS: creating a four-way stop is desirable.

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

1. NE Corner SE¼ Section 12 T82N R9W. (Eastbound traffic on 75th Street Drive @ Benton-Linn Road)

Passed and approved this 16th day of May, 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John and Jodi Phillip, 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 commercial purpose on approximately two acres in Eldorado Township. The applicants advised that the commercial use will be limited to a riding arena, petting zoo, and scheduled parties that would include pony rides, sleigh rides, hayrack rides, etc. Supervisor Buch expressed concern over the availability of parking, adding that visitors should not be allowed to park along the highway. The applicants advised that they are providing on-site parking near an outside arena. Supervisor Buch also commented on the number of vehicles on the property. The applicant advised that many of the vehicles would be removed; however some vehicles are to be restored by their son. The applicant advised that the extra vehicles are to be removed within the next week or two. Discussion was held on the proposed use being relative to agriculture. 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 NW1/4 of the NE1/4 of 30-83-10 (Eldorado Township) for a commercial purpose that is limited to activities related to agriculture and farming education through exposure to the public. The activities are restricted to those types similar to petting zoo, pony rides, sleigh rides, hayrack rides, day camps for children, horse boarding, riding arena, and as set forth in the applicant's land use application. Further, this change is limited to two acres where the current building site is situated. This change is further restricted to the current property owners, John and Jodi Phillips. All other uses of the property and/or change in property ownership shall be required to obtain a new land use change. All members voting aye thereon. Motion carried.

The time of 10:15 a.m. having arrived on this 16th day of May 2006, Supervisor Buch introduced an ordinance entitled "Ordinance No. 52. An Ordinance providing for the division of taxes levied on taxable property in the Benton County Frontier Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa."

It was moved by Supervisor Vermedahl and seconded by Supervisor Sanders that the aforementioned ordinance be given its first consideration and that it be adopted.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Supervisors Buch, Sanders, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial consideration.

Moved by Vermedahl, seconded by Sanders, to defer action on the lease agreements for the sheriff's department dishwasher and vehicle to Friday, May 19, 2006, as the sheriff is not present at today's meeting. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to defer action on accepting Phase II of the communications tower project to Friday, May 19, 2006, as the sheriff is not present to report on the status of the project. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 17, 2006

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Sanders, and Vermedahl present. Supervisor Buch attended the meeting by telephone. Chairman Buch called the meeting to order at 3:25 p.m.

The Board met without notice as required under Chapter 21 of the Iowa Code due to an emergency situation at Hannen Lake. The Board has been notified that an oil contamination of the lake at Hannen Park has occurred due to rain on fresh oil applied for dust control at the park. The incident could pose an imminent threat if not contained.

Present for the meeting were Public Health Officer Marc Greenlee, County Engineer Myron Parizek, Emergency Management Director Scott Hansen, and County Attorney David Thompson.

Upon recommendation of the county attorney, Vermedahl moved and Sanders seconded that the Board enter into closed session pursuant to Iowa Code 21.5(c). All members voting aye thereon. Motion carried at 3:30 p.m.

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

Moved by Vermedahl, seconded by Sanders, that Benton County immediately purchase the necessary material to contain the oil on Hannen Lake. That county labor be utilized throughout the evening hours to apply the material and continue monitoring the situation. Authorization is given to Public Health Officer Marc Greenlee to meet with an environmental specialist on May 18, 2006, to make a determination whether further remedial action is necessary. Greenlee is empowered by the Board of Supervisors to authorize additional action for clean-up and containment. Further, Greenlee is designated as the spokesperson regarding this matter and all requests for information are to be directed to him. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 19, 2006

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 168

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

Moved by Vermedahl, seconded by Sanders, to approve a liquor license application submitted by the American Legion Post #57. 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 Valarie Reiter, 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 2.67 acres in Cedar Township. The parcel is an old farmstead/building site. There were no members of the public present to comment either for or against said application. Hearing all comment, it was moved by Vermedahl, 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 Parcel A of the SW1/4 of the NW FRL 1/4 of 4-86-11 (Cedar 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 Dale Robinson, 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 add a residential use to a current commercial use on approximately three acres in Polk Township. The applicant, his father, and legal counsel were present, as well as the Urbana mayor and two adjacent neighbors. The county attorney was also present. The change is being requested to allow the applicant to have an area of an existing commercial building to be used as his personal residence. Additionally, he is requesting that the same change be granted on another commercial building for use as a residence by his parents, Harold and Irene Robinson. Comments were heard as follows: The adjacent property owners did not comment either for or against the request. Myron Lown indicated that he just wanted to be assured that everything was legal. Harry Hawley advised that he was present to clear up any misunderstandings, if any, regarding the use of his adjoining property. Mayor Eldred was asked what Urbana's zoning regulations were in situations such as this. Eldred replied that they currently have a residential/commercial use that was annexed into the city. Eldred was not aware of any other commercial/residential situations in Urbana; however without a copy of Urbana's zoning ordinance he could not answer whether a commercial/residential use was permitted in Urbana. David Happel, legal counsel for the applicant, explained that his clients were not trying to really change anything. Happel advised that the applicant and his parents had been living in the buildings since 1999 when a land use change was approved by the county for a commercial use. Harold Robinson commented that other commercial buildings housed residential quarters near Urbana, and that the quarters subject to today's hearing were constructed with doors, windows, bath facilities, and other amenities for residential living. Robinson also advised that when the property was assessed by Benton County, the assessor was told there were living quarters in the buildings. County Attorney David Thompson stated that he did not believe the applicant had satisfied the burden of proof that the proposed use was a compatible use. Thompson added that the entire area contained commercial development and apartments located within the area were not compatible. Thompson further questioned if the Board was comfortable with Robinson's intended use, adding that Robinson had been quoted as saying he was not aware that a strip club was going to be located in his building. Happel responded that his client did not know what type of business would be located in the building as the lease agreement is with JJ Wireless. Supervisor Buch stated that if he was leasing a building he would know what the building was going to be used for. Supervisor Vermedahl stated that the question ultimately is whether the Board of Supervisors wants to allow single family residential uses in commercial buildings. Supervisor Buch agreed stating that if this change is allowed then the supervisors would have to apply that consistently across the county, as there would be no reason to deny it elsewhere. Happel responded that if the Board went house-to-house, they would find commercial/residential uses throughout the county. Happel also stated that this matter would not be an issue had a juice bar not been located in the commercial part of the building. Thompson advised that he was not aware of the dual uses until the juice bar issue came up. Supervisor Buch echoed those comments stating that he had been at the restaurant when it was Sportsters and was not aware there was an apartment in the building. Mayor Eldred stated that he did not have any issue with the Robinsons living in the buildings, but would not want to see apartments rented out in the future. Happel and the applicants both stated that the Robinsons would stipulate that the land use change be strictly granted to them as owners and only while they resided there. Supervisor Sanders stated that Harold Robinson is not the owner and that created a problem with that suggestion. Supervisor Buch stated that the supervisors have attached stipulations to other land use requests recently. Supervisor Vermedahl requested additional time to consider the request. Sanders moved and Vermedahl seconded that the matter be deferred until June 2, 2006, at 9:30 a.m. to allow time for consideration of the request. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-23. Voting aye thereon. Motion carried.

RESOLUTION #06-23

WHEREAS: Benton County Secondary Road Department has a need for part-time seasonal help at the Vinton Shop and WHEREAS: This individual will help supplement our construction activities and surveying this summer.

THEREFORE BE IT RESOLVED BY THE Benton County Board of Supervisors that Nick Staab be hired at a wage of \$9.00 per hour starting May 25th, 2006.

Signed this 19th of May, 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

The county engineer spoke to the Board regarding participating with Linn County in a contract for building a macadam road base on 64th Street Drive in Section 13 for future sealcoating. The road currently has approximately 250 vehicles per day and would eventually tie into a sealcoated road in Linn County. The engineer advised that if Benton County is to develop a policy for upgrading gravel roads to sealcoated that a traffic count of around 300 would probably be the deciding factor. Moved by Sanders, seconded by Vermedahl, to state that our intentions are to cooperate with Linn County for the upgrade of 64th Street Drive in Section 13 of Canton Township. All members voting aye thereon. Motion carried.

The time of 10:15 a.m. having arrived on this 19th day of May 2006, Supervisor Buch introduced an ordinance entitled "Ordinance No. 52. An Ordinance providing for the division of taxes levied on taxable property in the Benton County Frontier Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa."

It was moved by Supervisor Vermedahl and seconded by Supervisor Sanders that the aforementioned ordinance be given its second consideration and that it be adopted.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Supervisors Buch, Sanders, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial consideration.

Chuck Eldred, Mayor of Urbana, met with the Board regarding an unwritten agreement about Urbana's city police using a county vehicle while responding on city business. Sheriff Popenhagen allowed a special deputy to use a county car and keep it at his residence to respond to both county and city response. Urbana furnishes both the gas and oil for the vehicle. There is a concern as to liability. The county attorney stated that any individual who has permission to operate a county-owned vehicle and is involved in an accident would be the county's liability. Mayor Eldred requested that some written agreement be entered into between the Urbana and the County. Supervisor Vermedahl suggested that a 28E Agreement be drafted. The county attorney stated that his office could draft an agreement. Supervisor Buch questioned if other reserves received cars. Sheriff Forsyth stated that he understood that the prior sheriff allowed the reserve deputy to take the county car so that he could respond to incidents on I380. However, the reserve deputy probably does not respond to that many calls now as the county has full time deputies living in Urbana. Mayor Eldred stated that the use of the vehicle was a great benefit to the city. Moved by Vermedahl, seconded by Sanders, that Benton County enter into a 28E Agreement with the City of Urbana for the purpose of sharing a law enforcement vehicle. The county attorney is draft said agreement. All members voting aye thereon. Motion carried.

The Board discussed health insurance options with non-union employees. It was explained that the unions had approved labor contracts with varying health insurance options. The Board is allowing non-union employees to choose in which of the plans they would like to participate. The Teamsters (sheriff's department) has negotiated a change in the insurance plan, effective July 1, 2006, for a \$1000/\$2000 out-of-pocket maximum with an increase in the employee's monthly premium to \$10/\$140. The PPME (secondary roads) has agreed to an insurance plan effective July 1, 2006, for a \$2000/\$4000 out-of-pocket maximum. The employee's monthly premium is \$0/\$110. The plan changes July 1, 2007 with an increase in premium to \$10/\$140, and then changes January 1, 2008 to a \$1000/\$2000 out-of-pocket maximum. Moved by Sanders, seconded by Vermedahl, that all non-union employees participating in the county's health insurance plan must provide written directions to the county auditor as to which plan they will participate in for the following fiscal year ending June 30, 2007, no later than May 31, 2006. All members voting aye thereon. Motion carried.

The Board held a public hearing on entering into lease agreements for a vehicle at the sheriff's department. The vehicle lease agreement is \$4,500 for the first year and \$3,500 for the second year. There is no maintenance or warranty included in the lease agreement. The lease agreement will be entering its second year on July 1, 2006. Moved by Vermedahl, seconded by Sanders, to enter into a lease agreement with Craig Griffith Ford to continue leasing a truck for the sheriff's department. All members voting aye thereon. Motion carried.

The Board held a public hearing on entering into a lease agreement DeVere Company for a dishwasher at the law enforcement center. The lease is for \$75.00 per month for five years and includes all maintenance. Moved by Vermedahl, seconded by Sanders, to enter into a lease agreement for a dishwasher with DeVere Company. All members voting aye thereon. Motion carried.

The sheriff requested approval by the Board for vacation carry-over for Mark Johnson. The auditor advised the Johnson was covered by a bona-fide union contract, which covered vacation matters. The contract provides that the sheriff approves carry-over for union employees in his department.

Moved by Vermedahl, seconded by Sanders, to approve the following law enforcement agreements:

Town	Hours of Coverage	Cost
Blairstown	15 hours/week or 780 hours/year	\$14,040.00
Keystone	5 hours/week or 260 hours/year	\$4,680.00
Van Horne	15 hours/week or 780 hours/year	\$14,040.00
Walford	10 hours/week or 520 hour/year	\$9,360.00
Mount Auburn	½ hour/week or 26 hours/year	\$468.00
Newhall	15 hours/week or 780 hours/year	\$14,040.00

All members voting aye thereon. Motion carried.

The county engineer and county sheriff spoke with the Board about Phase II of the Communications Tower Project. The sheriff advised that everything at the county's main tower site is completed, as well as at the Norway site, Mt Auburn site, and Newhall site. However, at the Norway site there is some question whether the secondary roads equipment is working properly. Further, it is unknown if the work for emergency management is done and also the public health department. It is the sheriff's understanding that Radio Communications needs to add a control station, which is being done today or Monday. The light controller at the tower has been changed out and the new one is working properly. The Board discussed the project approval requirement and the need to have the project completed by the end of the fiscal year. However, there was concern with accepting the project with some items unresolved. The county

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 170

auditor explained that it was necessary to publish acceptance of the project thirty days prior to end of the fiscal year. The retainer must be held for thirty days after the project has been completed and the county has accepted it. The county attorney advised that publication in one newspaper would meet the requirements of the law. Moved by Sanders, seconded by Vermedahl, to defer action on approval of Phase II of the Radio Communication Tower project until Tuesday, May 23, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to support Washington County and the Iowa State Association of Counties and contribute \$2,000.00 towards the litigation expense relative to the lawsuit filed by Washington County against the Iowa, Chicago & Eastern Railroad, as the decision rendered on the legal issues will have an impact on all counties across the state. The contribution is to be paid from the secondary roads fund. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 23, 2006

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

The Board met with Ardith Franzen regarding renewal of the Johnson County Child Support Interagency Agreement. Iowa County, Benton County, Jones County and Johnson County are parties to the Agreement. Franzen reported that over the past twelve months \$2,859,834.21 was collected for child support in Benton County. Franzen also told the Board that the agreement between the counties does not create any cost to Benton County. She advised that Johnson County is the host county and their expenses are reimbursed by the State. Supervisor Vermedahl questioned if any of the money used to pay the collection expenses was from the child support money. Franzen advised that most money is received through federal incentives with some state appropriation, but no money is derived from child support money. Moved by Vermedahl, seconded by Buch, to enter into the Cooperative Reimbursement Agreement with the State of Iowa, Department of Human Services, Bureau of Collections and the Political Subdivisions of Johnson County as the Host County, and Benton, Jones, and Iowa counties, for child support collection services, for the period beginning July 1, 2006 through June 30, 2012. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 82868 through 83226, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 16, 2006, May 17, 2006, and May 19, 2006. All members voting aye thereon. Motion carried.

The county treasurer met with the Board regarding the abatement of mobile home taxes. The treasurer advised that it was her recommendation that the taxes be abated due to the expense and time involved in collecting on mobile homes that were no longer in existence was not in the best interest of the county. The treasurer advised the costs to collect will far exceed the amount to be collected. Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-24. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-24

WHEREAS, pursuant to Iowa Code 445.16, the county treasurer has recommended that delinquent taxes be abated on mobile homes that are no longer located in Benton County; and

WHEREAS, the cost to collect the delinquent tax would be more than the amount of tax collected,

IT IS THEREFORE RESOLVED that the following taxes, interest, and penalty be abated in full:

Parcel Number - Abated Amount

190-F1222484 - \$498.00
BU4319F - \$880.00
370-V7014FFR33264 - \$826.00
GKMCXMU015007 - \$340.00
0519694946D - \$920.00
3CB6012NR3N193 - \$843.00
N028398X - \$932.00
1470631 - \$470.00
6512625 - \$2,006.00
2477 - \$247.00
1036 - \$297.00
1262 - \$1,064.00
540-2536 - \$316.00

Dated this 23rd day of May 2006.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Tammy Wetjen-Kesterson met with the Board to request that the county enter into a contract for Decategorization Program Administration between Benton County and Wetjen-Kesterson and to renew and amend the current program administration contract. Wetjen-Kesterson advised that copies were given to the county attorney both

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electronically and in hard copy on May 3, 2006. Wetjen-Kesterson advised that she has not received any comment from the county attorney. Wetjen-Kesterson also advised that she is trying to find another fiscal agent for the contract. Supervisor Vermedahl contacted the county attorney's office regarding the contracts; however the county attorney was unavailable. Moved by Vermedahl, seconded by Buch, to defer action on entering into the contracts for Decategorization Program Administration Between Benton County and Tammy Wetjen-Kesterson and Renewal and Amendment to the Contract for Program Administration for Benton/Iowa County Decat Project until Tuesday, May 30, 2006, to allow time to obtain an opinion from the county attorney. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign a claim with the State of Iowa for \$2,800.00 for DeCat services. Both members voting aye thereon. Motion carried.

The Board of Supervisors of Benton County, Iowa, met on the 23rd day of May, 2006, at 10:15 o'clock a.m., at the Boardroom, Benton County Courthouse, in Vinton, Iowa.

The Chairperson presided and the roll was called showing members present and absent, as follows:

Present: Supervisors Ronald Buch and Supervisor David Vermedahl

Absent: Supervisor Jason Sanders.

The Chairperson announced that, on May 16, 2006, and on May 19, 2006, the Board of Supervisors had given initial and second consideration to an ordinance entitled "Ordinance No. 52. An Ordinance providing for the division of taxes levied on taxable property in the Benton County Frontier Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa".

It was moved by Supervisor Vermedahl and seconded by Supervisor Buch that the aforementioned ordinance be given its final consideration and that it be adopted. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Supervisor Buch and Supervisor Vermedahl

Nays: None.

Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its final consideration and had been adopted.

Sheriff Forsyth met with the Board regarding completion and final acceptance of Phase II of the Radio Communications Tower Project. This matter had been continued to this date to allow for resolution of several issues. The sheriff advised that the project was complete to the best of his knowledge. The sheriff met with the county engineer and reviewed the project in detail. The public health component was completed on May 22, 2006. The emergency management director acknowledged that he has received the equipment but it has not been installed due to a change order requested by the director. The secondary roads radio issues have been resolved. Moved by Vermedahl, seconded by Buch, that Benton County accept Phase II of the Radio Communications Tower Project as being final and complete as of this date. Further, the final claim in the amount of \$71,073.86 is hereby authorized for payment. The auditor is directed to retain 10% of the total project cost for thirty days and if no claims have been filed against the contractor, then the final 10% is to be paid prior to the end of the current fiscal year. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 26, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 23, 2006. All members voting aye thereon. Motion carried.

The auditor advised that the budget amendment scheduled for this date would need to be reset due to failure of meeting the publication requirements. Moved by Vermedahl, seconded by Buch, to reschedule the public hearing on amending the county's FY06 budget for June 13, 2006, and republish the notice for said hearing. Both members voting aye thereon. Motion carried.

Kevin Paulsen of RSM McGladrey met with the Board to discuss human resource consulting services. Paulsen told the Board about services his company could provide for the development of job descriptions, compensation analysis, and performance evaluation training. The Board requested that Paulsen submit a proposal for said services.

Chad Coburn provided a brief update on the Watkins wastewater treatment project. Coburn also requested written clarification as to past and current projects with Benton County pertaining to legal action and financial arrangements between the county and Poweshiek Water Association. Moved by Vermedahl, seconded by Buch, to provide a letter to Poweshiek Water Association stating no legal action has been filed as of this date by Poweshiek Water Association against Benton County. Further, that Benton County has not provided financial loans to Poweshiek Water Association other than through sub recipient agreements for Community Development Block Grant funds. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

May 26, 2006

Chad Coburn, Executive Director
Poweshiek Water Association

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P.O. Box 504
Brooklyn, Iowa 52211

RE: Legal Action

Dear Chad,

You have requested confirmation from Benton County that legal action was not filed by Poweshiek Water Association against Benton County regarding the Community Development Block Grant project #01-WS-006. The grant in question was for the construction and extension of rural water into Benton County. Please accept this letter as confirmation that, as of this date, Poweshiek Water Association has not filed any legal action against Benton County, Iowa.

You have also requested clarification as to financial agreements between Benton County and Poweshiek Water Association. Again, as of this date, the only financial relationship between Benton County and Poweshiek Water Association is through sub recipient agreements for Community Development Block Grants (CDBG). Benton County applied for and received CDBG funding on behalf of Poweshiek Water Association. The CDBG funds are passed through Benton County to Poweshiek Water Association requiring the sub recipient agreements. Benton County has not entered into any other financial arrangement with Poweshiek Water Association.

If you have further questions. Please contact us.

Sincerely,

Ronald R. Buch, Chairman
Benton County Board of Supervisors

May 30, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 26, 2006. 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 vacating a part of 70th Street Drive located in section 18 of Union Township. The vacation is for approximately two thousand feet, beginning at a point 2100 feet east of 16th Avenue, thence east approximately 200 feet to the south side of the old railroad right-of-way. The engineer advised that the adjacent property owners had been notified by certified mail of today's hearing and no comments were heard either orally or written by him prior to this date. The engineer also notified the East Central Iowa Rural Electric Cooperative as well as Alliant Energy. Supervisor Vermedahl questioned if the county would be better served by making the road a class "C" road instead of vacating the road. Vermedahl also questioned if the vacated right-of-way would be sold to the adjacent property owners. The engineer advised that the right-of-way is an easement and will be returned to the property owners. Hearing no comment either for or against said vacation, the Chair declared the public hearing closed.

It was moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-25. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-25

VACATING ROAD RIGHT-OF-WAY

WHEREAS, the Benton County Board of Supervisors held a public hearing on the vacation of a part of a road location in Union Township Section 18; and

WHEREAS, notice had been provided to all parties pursuant to Iowa law; and

WHEREAS, no objections either written or oral were heard or received.

NOW BE IT RESOLVED by the Benton County Board of Supervisors to vacate a part of 70th Street Drive located in section 18 of Union Township. The vacation is for approximately two thousand feet, beginning at a point 2100 feet east of 16th Avenue, thence east approximately 200 feet to the south side of the old railroad right-of-way. Quit claim deeds are to be prepared by the Benton County Engineer and issued no later than June 16, 2006.

Dated this 30th day of May 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

The time of 9:45 a.m. having arrived, and this being the time and date for a public hearing on changing the classification of the east 1200 feet of 70th Street Drive in section 18 of Union Township. There were no comments filed prior to today's hearing either for or against said change.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-26. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 173

RESOLUTION #06-26 DESIGNATING OF A CLASS C ROAD

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, 70th Street Drive, commencing 20 feet west of the W. ROW line of the Public
Roadway along 17th Avenue (near the E¼ corner of Sec. 18, T83N, R11W); thence running west
<i>to N. ROW line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company.</i>
<i>A total road length of approximately 1200 feet.</i>

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 30th day of May, 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Move by Sanders, seconded by Vermedahl, to approve utility permits requested by Van Horne Cooperative Telephone Company to place utility lines in the county's right-of-way in Big Grove, Eldorado and Union Townships along the following avenues: 21st, 19th, 22nd and 23rd and along 71st Street. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-27. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-27

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 174

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>TA-2749</u>	20 ton 0.3 miles west and 0.1 miles north of the SE corner of section 28-85-09 (Taylor Township) on 25 th Avenue.
<u>FL-4820</u>	20 ton 0.2 miles west of the NE corner of section 14-82-09 (Florence Township) on 76 th Street.
<u>MO-4530</u>	20 ton 0.5 miles east of the NW corner of section 23-85-12 (Monroe Township) on 59 th Street.
<u>CE-3915</u>	20 ton 0.1 miles west of the E ¼ corner of section 10-86-11 (Cedar Township) on 51 st Street Drive.
<u>HO-1041</u>	20 ton 0.1 miles south of the NW corner of section 29-84-12 (Homer Township) on 11 th Avenue.
<u>CE-0720</u>	23 ton 0.3 miles west of the NE corner of section 18-86-11 (Cedar Township) on 52 nd Street.

Signed this 30th day of May 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Veremdhahl, seconded by Sanders, to adopt Resolution #06-28. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-28 COUNTY MAINTENANCE PROJECT AGREEMENT

This agreement entered into this _____ day of _____, by and between Linn County, Iowa, and Benton County, Iowa.

WHEREAS, both the Counties are public agencies as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is proposed, that 64th Street Drive and 33rd Avenue Drive be improved in Benton County for a distance of 1.25 miles, and

WHEREAS, both County Boards of Supervisors have informed themselves as to the proposed improvements.

IT IS NOW AGREED that Benton County and Linn County enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project and, said cooperative actions include the following:

- 1) SCOPE OF WORK – Regrade, drain, place 6" rock surface and apply Calcium Chloride dust control on the above indicated portion of roadway from Bear Creek Road in Linn County into Benton County to the intersection of 33rd Avenue Drive and 64th Street.
- 2) DURATION - This Agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project.
- 3) PURPOSE - The purpose of this Agreement is to accomplish the proposed project as described herein in accordance with the aforesaid scope of work and in agreement with conditions specified in this Agreement.

- 4) ADMINISTRATION - Linn County shall be responsible for the administration of this project.
- 5) Both Counties agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against the County or City or which in any way result from carelessness or neglect of either party or its agents, employees, or workmen in any respect whatsoever.
- 6) Both Counties agree to indemnify and hold each other, their employees and agents, wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by the City or County, its agents, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.
- 7) FINANCING - Linn County shall initially finance the cost of the project. Benton County shall reimburse Linn County for the actual cost based on estimates outlined below:

Qty(Tons)	Item Description	Price/Ton	Total
3,713	CHOKE STONE	\$10.00	\$37,130.00
2,145	MACADAM BASE	\$10.00	\$21,450.00
			\$0.00
		TOTAL	\$58,580.00

This reimbursement is due upon completion and final acceptance of the work.

- 8) TERMINATION:
- a) This Agreement shall be considered binding upon both Counties and shall not be terminated until provisions of paragraph 8b are met after actual work has begun on the project.
- b) This agreement will be terminated upon final acceptance of the work by Benton County and final settlement of the financial conditions set forth in paragraph 7 thereof.

Executed in duplicate each of which shall constitute as original on this ____ day of _____, 2006.

BOARD OF SUPERVISORS
LINN COUNTY, IOWA

ATTEST:

LINN COUNTY AUDITOR

BOARD OF SUPERVISORS
BENTON COUNTY, IOWA

ATTEST:

BENTON COUNTY AUDITOR

After conferring with the county attorney, and finding that the contracts met with his approval, it was moved by Vermedahl, seconded by Sanders, to enter into the contracts for Decategorization Program Administration Between Benton County and Tammy Wetjen-Kesterson and Renewal and Amendment to the Contract for Program Administration for Benton/Iowa County Decat Project. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 176

June 2, 2006

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

Moved by Vermedahl, seconded by Sanders, to set a land use hearing on Friday, June 23, 2006 at 9:15 am for a land use change requested by Tom Holst on a parcel located in the NE1/4 of SW1/4 of Section 1, Township 85, Range 9. All members voting aye thereon. Motion carried.

Marc Greenlee met with the board to discuss the purchase of a vehicle for the sanitarian/land use office. Greenlee explained several options including the current Ford Explorer that the county engineer currently has. The engineer advised that there is nothing wrong with the Explorer, but that he will purchasing a new one in the near future. The vehicle has less than 70,000 miles on it. Greenlee also told the Board that there is an older sheriff's patrol car but has not been able to get a firm date from the sheriff as to when the vehicle will be available. Greenlee stated that his current vehicle is running again but still is unpredictable. Greenlee also told that Board that there is a statewide site for purchase of government vehicles that he would review. Greenlee stated that a 4x4 vehicle would be useful in situations that require him to drive to remote locations. County Auditor Jill Marlow stated that it would also be convenient for the vehicle to be able to seat members of the supervisors when traveling to view changes on land use sites. Vermedahl requested that Greenlee research various options and present then to the board for consideration.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-29. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-29

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; 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 FY2006 county budget is hereby amended within service areas as follows:

SERVICE AREA 3

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0070 Function 31100	Fund 0001 Function 31100	\$ 3,000.00
Fund 0002 Function 33100	Fund 0002 Function 33000	\$ 1,560.00

SERVICE AREA 7

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0020 Function 70100	Fund 0020 Function 71200	\$ 10,000.00
Fund 0020 Function 71000	Fund 0020 Function 71300	\$ 15,000.00
Fund 0020 Function 71100	Fund 0020 Function 71300	\$ 5,000.00
Fund 0020 Function 71100	Fund 0020 Function 72100	\$175,000.00
Fund 0020 Function 72000	Fund 0020 Function 72100	\$ 40,000.00
Fund 0020 Function 72300	Fund 0020 Function 72100	\$13,000.00
Fund 0020 Function 72200	Fund 0020 Function 72100	\$ 35,000.00
Fund 0020 Function 72300	Fund 0020 Function 71400	\$ 42,000.00

Signed this 2nd day of June 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow
Benton County Auditor

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a decision on a land use change requested by Dale Robinson, the Board took up the matter for further consideration. The original land use hearing was held on May 19, 2006. The request is to add a residential use to a current commercial use on approximately three acres in Polk Township. Marc Greenlee presented the board with a Table of Compatibility of Land Uses/Proposed Use from the comprehensive plan indicating which uses are compatible. The table indicated that commercial-neighborhood uses had a low compatibility with residential rural uses. The applicant and David Happel their legal counsel were present, as well as the county attorney. The change is being requested to allow the applicant to have areas of existing commercial buildings to be used for a residence by him personally and another by an immediate family member. Comments were heard as follows: There were no objections noted by adjacent property owners at this meeting. Happel explained that the county attorney had presented him with a letter requesting answers to various questions on the day before this hearing. Happel presented Thompson with some of those answers, but was unable to answer all of them fully due to the short time frame, including a copy of the lease agreement with the prior juice bar and that the notice that the lease was terminated on May 26, 2006. Happel advised that the building would not be leased to those individuals in the future under any circumstances. Happel also advised that the applicant and his parents had been living in the buildings since 1999 when a land use change was approved by the county for a commercial use, and that the applicants were asking for a variance to allow apartments in the commercial buildings. Happel also stated that the applicants were willing to accept a variance with the stipulation that the variance would terminate with sale of the property

to a different owner or if the current tenants change. Happel stated that Harold Robinson has put in a new code-conforming septic system. The area is now a commercial use and residential is not considered compatible according to the comprehensive plan. Greenlee cautioned that the supervisors should give major consideration to the request and its affect on the comprehensive plan when making their decision. Happel also stated that the area is not served by city water or sewer hook-up which making it harder for future development in the immediate area. County Attorney David Thompson stated that it was within the power of the Board to grant or deny the land use change. Supervisor Sanders stated that he is aware of other situations currently in the county, which had a commercial/residential use. Sanders also commented that the supervisors are not able to predict the future relative to this situation. Supervisor Buch stated that if the applicants were not living there now, he would have a hard time granting the change. Sanders also stated that he realized that if everyone were given the freedom to do what they wanted with their land, it would be difficult to keep non-compatible uses under control.

Supervisor Vermedahl and County Attorney David Thompson left the meeting temporarily. Upon their return, Thompson advised that he is currently drafting an adult entertainment ordinance for consideration by the Board. Supervisor Vermedahl questioned Happel and Robinson if this application could again be tabled to a future date allowing the supervisors time to consider the ordinance regulating adult entertainment. Happel responded that there would not be a problem provided the county relative to the land use takes no enforcement action during that time.

Moved by Vermedahl, Seconded by Sanders, to table the decision on a land use change requested by Dale Robinson on approximately 3 acres generally described as a Part of the NW1/4 of the SW1/4 of 26-86-9 (Polk Township) until September 8, 2006. All members voting aye thereon. Motion Carried.

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

Ronald R. Buch, Chairman

Attest: _____

Hayley Rippel, Deputy Benton County Auditor

June 6, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 30, 2006, and June 2, 2006, with corrections. All members voting aye thereon. Motion carried.

Roger Witt met with the Board regarding the fire alarm system in the courthouse elevator. Witt explained the new fire alarm system needed to be tied into the elevator alarm system located in the elevator shaft. Supervisor Vermedahl stated that the elevator smoke detector controlling the shaft's should be connected to the new courthouse fire alarm system and allowed to operate the way it was intended. Supervisor Sanders' position was that the elevator's alarm system remains as currently installed and operated as a stand-alone system. Moved by Sanders, seconded by Buch, to direct that the new fire alarm system be disconnected from the alarm in the elevator shaft until the elevator maintenance contractor can do the necessary connections. Buch and Sanders voting aye. Vermedahl voting nay. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Edmond Landuyt to a three-year term on the Veterans Affairs Commission beginning July 1, 2006. All members voting aye thereon. Motion carried.

The Board received a request for a fireworks permit submitted by Charles Yedlik. After finding that Yedlik met the necessary qualification and the application was complete with supporting documentation, it was moved by Vermedahl, seconded by Sanders, to approve the application and a grant a fireworks permit to Charles Yedlik for an event to be held July 2, 2006. All members voting aye thereon. Motion carried.

The auditor's office spoke to the Board concerning the health insurance coverage for county employees. Effective July 1, 2006, the county will begin offering two different plans. The Board was asked if retired employees who are still on the county's insurance plan should be allowed to choose which plan they would like to have or if the current plan was to be offered to them. Moved by Vermedahl, seconded by Sanders, to allow county retirees who are on the county's health insurance plan the opportunity to choose which plan they would prefer to be covered under effective July 1, 2006. All members voting aye thereon. Motion carried.

The Board was also presented with information on the calculation of the coverage under the health plans effective July 1, 2006, and the county's cost of the insurance. It was also questioned how coverage should be determined in situations where husband and wife were both employed by the county and one employee is covered by a bargaining unit. Supervisor Vermedahl advised that he would speak with Brian Gruhn, the county's labor negotiator, regarding the matter.

Walter Kollmorgen, Veteran's Affairs Director, met with the Board to request approval for the purchase of a copy machine for his office. Kollmorgen reported that although there are three offices with copy machines in the basement, he was only provided access to one in the emergency management department. Kollmorgen further stated that he was not comfortable entering into that department when the emergency management director was gone. Kollmorgen presented a quote for a Konica Minolta 7020 digital copier from Business Solutions Group, Inc. for \$1250.00. The copier is a refurbished unit. There would be an additional \$125.00 shipping fee and a \$125.00 optional set-up fee. The cost includes a full service maintenance agreement, which includes toner; parts and services billed at \$.018 per copy after the first free 500 copies. Supervisor Sanders stated that he believed that Kollmorgen should use existing copy equipment located in the basement and would like to discuss the matter with those departments before making a decision. Moved by Sanders, seconded by Vermedahl, to defer a decision on the approval to purchase a copy machine until Tuesday, June 13, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve law enforcement contracts with the City of Atkins and the City of Norway, effective July 1, 2006. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 178

Attest: _____
Jill Marlow, Benton County Auditor

June 9, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 6, 2006. All members voting aye thereon. Motion carried.

Mary Williams met with the Board regarding overspending the EFSP budget. Williams advised that she was made aware of the overspending by Benton County Auditor Jill Marlow on May 15, 2006, and was advised that overspending a budget was a violation of Iowa law. Auditor Marlow directed Williams to meet with the Board regarding the matter. Williams was offered the opportunity to go into closed session. Williams did not wish to go into closed session. Williams explained that the EFSP fund is purely a grant driven fund and that funds had been received and her department began issuing funds to expend the money. Supervisor Vermedahl stated that the incident is a serious matter and that it should not happen again. Supervisor Vermedahl stated that in past incidents that a letter was placed in the employee's file stating that the employee has been warned not to exceed budget authority in the future. Williams apologized for her oversight and will insure that the matter will not happen again. Moved by Vermedahl, seconded by Sanders, to direct the chair to write a letter of warning and place in the employee's personnel file. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, requested rate changes for certain providers for the fiscal year beginning July 1, 2007. Williams advised that the rates have been negotiated through the statewide the County Rate Information System in which Benton County belongs. Moved by Sanders, seconded by Vermedahl, to approve the provider rates for FY07 as shown below. All members voting aye thereon. Motion carried.

Systems Unlimited – RCFMR - \$141.99 (currently \$136.74)

Genesis Development – Supported Community Living - \$34.78 (currently \$33.77)

Genesis Development – Employment Services - \$39.47 (currently \$36.49)

Reach for Your Potential – Adult Day Care - \$63.32 (currently \$63.36)

Reach for Your Potential – Supported Community Living - \$24.32 (currently \$25.09)

Supervisor Vermedahl questioned if the Board would like to consider adoption of an ordinance regulating kegs. It was the opinion of the Board as a whole that review of a keg ordinance should be done, but with reservation as to whether or not further action would be taken. Supervisor Vermedahl stated he would contact the county attorney regarding drafting such an ordinance.

The county engineer met with the Board to request that the Board enter into a 28E Agreement with the City of Urban. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-30. Voting aye was Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-30

BE IT RESOLVED by the Benton County Board of Supervisors that the following Intergovernmental Agreement is hereby entered into:

INTERGOVERNMENTAL AGREEMENT FOR GRADING/MACADAM STONE BASE/SEALCOATING PROJECT ALONG THE CORPORATE LIMITS OF URBANA

This Agreement is made by and between Benton County, Iowa, a political subdivision of the State of Iowa, acting through its Board of Supervisors, hereinafter referred to as the "County" and the incorporated City of Urbana acting by and through its City Council, hereinafter referred to as the "City".

In the interest of intergovernmental cooperation and in the interest of economy this agreement is being made to delineate the construction work to be done by the County and the reimbursement procedure for the City. This agreement between the County and City is made under Chapter 28E of the Code of Iowa.

WHEREAS: It is proposed to grade, place macadam stone base and choke stone, and seal coat the road surface along the corporate limits of Urbana as follows:

On 30th Avenue, from Iowa Highway 150, south approximately 0.5 miles.

WHEREAS: The City has informed itself as to the improvements, the method of funding and has approved this project, and

WHEREAS: The City desires that the County complete the above mentioned construction and desires making agreement with the County for reimbursement of their portion of this project, and

WHEREAS: Section 28E of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by another public agency of the State of Iowa.

NOW, THEREFORE, BE IT RESOLVED that the following be stipulated and agreed upon between the parties hereto, as follows:

1. That this agreement shall commence on the date that both parties sign this agreement and shall continue until the project is completed and is approved by all agencies involved and the City has reimbursed the County for all costs incurred.
2. The County shall be responsible for the administration of this project. The project administrator shall be the Benton County Engineer. Project is to include contract and day labor work to complete the project.
3. The County and the City agree to share the cost of the project on a 50%/50% basis. The estimated cost of the project is \$92,000 as approximated in the Attachment to this agreement.
 - a. The County shall initially finance the cost of the project.
 - b. The City shall reimburse the County based on 50 percent of the final cost of constructing the project in accordance with the scope of work and in accordance with a detailed invoice provided by the County.
 - c. The total reimbursement will be divided into three equal payments. The first installment will be billed after July 1, 2006, and due 30 days from the billing date. The remaining two installments will be billed July 1, 2007 and July 1, 2008, to be paid no later than September 30 of the respective year.
4. The City and the County agree to hold harmless and indemnify each other against all liabilities, judgments, cost and expense, which in any way come against the County or the City as the result of this agreement.
5. This agreement shall be binding upon the City and the County and shall not be terminated until final settlement of the financial conditions and payment as set forth above.

EXECUTED this _____ day of _____ 2006.

BENTON COUNTY, IOWA

CITY OF URBANA, IOWA

By: _____
Chair, Board of Supervisors

By: _____
Mayor

Attest: _____
Auditor

Attest: _____
City Clerk

MACADAM STONE BASE w/SEAL COAT

ESTIMATED COST FOR ½ MILE OF GRADING & MACADAM on 30th AVENUE

SUBDRAINS & OUTLETS (Tile)	=	\$ 7,500.00
ROADWAY CULVERT	=	\$ 4,000.00
MACADAM STONE	2,500 TONS @ \$8.45/TON =	\$21,500.00
¾" ROAD STONE	1,600 TONS @ \$7.55/TON =	\$12,500.00
¾" CHIPS	200 TONS @ \$11.00/TON =	\$ 2,500.00
DOUBLE SEAL COAT (HFE-150)	=	\$ 4,000.00
COUNTY LABOR & EQUIPMENT	=	\$40,000.00
TOTAL	=	\$92,000.00

Dated this 9th day of June 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 180

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-31. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-31

BE IT RESOLVED by the Benton County Board of Supervisors that the following Intergovernmental Agreement is hereby entered into:

**INTERGOVERNMENTAL AGREEMENT
FOR
HMA RESURFACING/RECYCLING – PROJECT STP-S-CO06(68)—5E-06
INSIDE THE CORPORATE LIMITS OF GARRISON**

This Agreement is made by and between Benton County, Iowa, a political subdivision of the State of Iowa, acting through its Board of Supervisors, hereinafter referred to as the "County" and the incorporated City of Garrison acting by and through its City Council, hereinafter referred to as the "City".

In the interest of intergovernmental cooperation and in the interest of economy this agreement is being made to delineate the construction work to be done by the County and the reimbursement procedure for the City. This agreement between the County and City is made under Chapter 28E of the Code of Iowa.

WHEREAS: It is proposed to rehabilitate by Cold-in-Place Recycling/Pavement Scarification/HMA Resurfacing and rock shoulders inside the corporate limits of Garrison as follows:

On Sycamore Avenue, from Pine Street, north 1550 feet, to the north corporate limits.

WHEREAS: The City has informed itself as to the improvements, the method of funding and has approved this project, and

WHEREAS: The City desires that the County contract for the above mentioned construction and desires making agreement with the County for reimbursement of their portion of this project, and

WHEREAS: Section 28E of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by another public agency of the State of Iowa.

NOW, THEREFORE, BE IT RESOLVED that the following be stipulated and agreed upon between the parties hereto, as follows:

6. That this agreement shall commence on the date that both parties sign this agreement and shall continue until the project is completed and is approved by all agencies involved and the City has reimbursed the County for all costs incurred.
7. The County will act as the contracting authority and will have the complete authority to administer this project. All services provided under this 28E Agreement shall be performed in a good and workmanlike manner in accordance with appropriate standards of the Iowa Department of Transportation for the design and construction of public improvements and shall comply with all statutes, codes, ordinances, rules and regulations applicable thereto.
8. All costs associated with the project will be financed as follows:
 - a. The City's portion of construction costs will be paid out of Benton County's Farm-to-Market account.
 - b. The City shall reimburse the County for the appropriate costs as approximated in the Attachment to this agreement. The actual reimbursement amounts shall be based on actual contract costs. The total reimbursement will be divided into two payments. The first installment will be billed upon completion, and due 30 days from the billing date. The remaining installment will be billed after July 1, 2007, to be paid no later than September 30 of the respective year. This reimbursement shall be submitted to the Benton County Engineer's Office for deposit in the local Secondary Road fund or the County's Farm-to-Market account, as directed by the County Engineer.
9. The City will provide manhole risers and utility risers for locations within the project.
10. The City and the County agree to hold harmless and indemnify each other against all liabilities, judgments, cost and expense, which in any way come against the County or the City as the result of this agreement.
11. This agreement shall be binding upon the City and the County and shall not be terminated until final settlement of the financial conditions and payment as set forth above.

EXECUTED this _____ day of _____ 2006.

BENTON COUNTY, IOWA

CITY OF GARRISON, IOWA

By: _____
Chair, Board of Supervisors

By: _____
Mayor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 181

Attest: _____

Auditor

Attest: _____

City Clerk

City of Garrison

PROJECT
COST
(ESTIMATE)
STP-S-
CO06(68)--5E-
06

ITEM NO.	ITEM CODE	ITEM	UNIT	ADJUSTED	PRICE	TOTAL PRICE
1	2121-7425020	Granular Shoulders, Type B	Tons	130	\$11.55	\$1,501.50
2	2214-5145150	Pavement Scarification	S.Y.	5850	\$2.14	\$12,519.00
3	2303-0021500	Hot Mix Asphalt Mixture (300,000 ESAL), Base Course, 1/2 in. Mix	Tons	1300	\$23.68	\$30,784.00
4	2303-0245828	Asphalt Binder, PG 58-28	Tons	80	\$333.18	\$26,654.40
5	2303-6911000	Hot Mix Asphalt Pavement Samples	L.S.	0	\$1,440.00	\$0.00
6	2318-1001100	Cold-in-Place Recycled Asphalt Pavement	S.Y.	1800	\$1.18	\$2,124.00
7	2318-1001200	Asphalt Rejuvenating Agent	Gal	1800	\$0.82	\$1,476.00
8	2528-8445110	Traffic Control	L.S.	0	\$4,415.00	\$0.00
9	2528-8445112	Flaggers	Days	10	\$255.00	\$2,550.00
10	2528-8445114	Pilot Cars	Days	2	\$380.00	\$760.00
11	2533-4980005	Mobilization	L.S.	0	\$13,100.00	\$0.00

TOTAL ESTIMATE: \$78,368.90

Total STP funds for Project \$320,000.00
Total Project Cost \$405,318.80

Federal % Local %
78.95% 21.05%

Total Cost for City Share of Project (using 78.95% paid by federal funds) \$16,496.65

Dated this 9th day of June 2006.

Ronald R. Buch, Chairman_____
Jason Sanders_____
David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-32. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-32

BE IT RESOLVED by the Benton County Board of Supervisors that the following Intergovernmental Agreement is hereby entered into:

INTERGOVERNMENTAL AGREEMENT
FOR
HMA RESURFACING/RECYCLING – PROJECT STP-S-CO06(67)—5E-06
INSIDE THE CORPORATE LIMITS OF KEYSTONE

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 182

This Agreement is made by and between Benton County, Iowa, a political subdivision of the State of Iowa, acting through its Board of Supervisors, hereinafter referred to as the "County" and the incorporated City of Keystone acting by and through its City Council, hereinafter referred to as the "City".

In the interest of intergovernmental cooperation and in the interest of economy this agreement is being made to delineate the construction work to be done by the County and the reimbursement procedure for the City. This agreement between the County and City is made under Chapter 28E of the Code of Iowa.

WHEREAS: It is proposed to rehabilitate by Cold-in-Place Recycling/Pavement Scarification/HMA Resurfacing and rock shoulders inside the corporate limits of Keystone as follows:

On 5th Avenue, from the south corporate limits, north approximately 1000 feet, to Railroad Street.

WHEREAS: The City has informed itself as to the improvements, the method of funding and has approved this project, and

WHEREAS: The City desires that the County contract for the above mentioned construction and desires making agreement with the County for reimbursement of their portion of this project, and

WHEREAS: Section 28E of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by another public agency of the State of Iowa.

NOW, THEREFORE, BE IT RESOLVED that the following be stipulated and agreed upon between the parties hereto, as follows:

12. That this agreement shall commence on the date that both parties sign this agreement and shall continue until the project is completed and is approved by all agencies involved and the City has reimbursed the County for all costs incurred.
13. The County will act as the contracting authority and will have the complete authority to administer this project. All services provided under this 28E Agreement shall be performed in a good and workmanlike manner in accordance with appropriate standards of the Iowa Department of Transportation for the design and construction of public improvements and shall comply with all statutes, codes, ordinances, rules and regulations applicable thereto.
14. All costs associated with the project will be financed as follows:
 - a. The City's portion of construction costs will be paid out of Benton County's Farm-to-Market account.
 - b. The City shall reimburse the County for the appropriate costs as approximated in the Attachment to this agreement. The actual reimbursement amount shall be based on actual contract costs. The total reimbursement will be billed upon completion, and due within 90 days from the billing date. This reimbursement shall be submitted to the Benton County Engineer's Office for deposit in the local Secondary Road fund or the County's Farm-to-Market account, as directed by the County Engineer.
15. The City and the County agree to hold harmless and indemnify each other against all liabilities, judgments, cost and expense, which in any way come against the County or the City as the result of this agreement.
16. This agreement shall be binding upon the City and the County and shall not be terminated until final settlement of the financial conditions and payment as set forth above.

EXECUTED this _____ day of _____ 2006.

BENTON COUNTY, IOWA

CITY OF KEYSTONE, IOWA

By: _____
Chair, Board of Supervisors

By: _____
Mayor

Attest: _____
Auditor

Attest: _____
City Clerk

City of
Keystone

PROJECT
COST
(ESTIMATE)
STP-S-
CO06(67)--
5E-06

ITEM NO.	ITEM CODE	ITEM	UNIT	TOTAL	PRICE	TOTAL PRICE
1	2121-7425020	Granular Shoulders, Type B	Tons	200	\$12.95	\$2,590.00

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 183

2	2214-5145150	Pavement Scarification	S.Y.	2371	\$2.14	\$5,074.18
3	2303-0021500	Hot Mix Asphalt Mixture (300,000 ESAL), Base Course, 1/2 in. Mix	Tons	400	\$25.40	\$10,160.00
4	2303-0245828	Asphalt Binder, PG 58-28	Tons	24	\$333.18	\$7,996.32
5	2303-6911000	Hot Mix Asphalt Pavement Samples	L.S.	0	\$500.00	\$0.00
6	2318-1001100	Cold-in-Place Recycled Asphalt Pavement	S.Y.	280	\$1.18	\$330.40
7	2318-1001200	Asphalt Rejuvenating Agent	Gal	280	\$1.04	\$291.20
8	2528-8445110	Traffic Control	L.S.	0	\$2,750.00	\$0.00
9	2528-8445112	Flaggers	Days	2	\$255.00	\$510.00
10	2528-8445114	Pilot Cars	Days	1	\$380.00	\$380.00
11	2533-4980005	Mobilization	L.S.	0	\$11,350.00	\$0.00

**TOTAL
ESTIMATE:** \$27,332.10

Total STP funds for Project \$280,000.00
Total Project Cost \$357,404.90

Federal % Local %
78.34% 21.66%

Total Cost for
City Share of
Project
(using
78.34% paid
by federal
funds) \$5,920.13

Dated this 9th day of June 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to enter into a 3-year contract, effective July 1, 2006, with Moor's Salvage for disposal of white goods at a cost of \$6.00 per unit. The contract also provides that Moor's Salvage will collect the scrap metal at the landfill and pay the county \$20.00 per ton or 25% of market for scrap metal, whichever is greater. Moor's Salvage will also collect used propane tanks at a cost of \$5.00 each. All members voting aye thereon. Motion carried.

WHITE GOODS RECYCLING AND DISPOSAL AGREEMENT

THIS AGREEMENT is made and entered into this first day of July, 2006 by and between the Benton County Landfill (the "Landfill") and Moor's Salvage & Recovery, Inc., (the "Contractor").

WHEREAS, the East Central Iowa Council of Governments (ECICOG) is coordinating a white goods recycling and disposal program for its affiliate landfills of which Landfill is one; and

WHEREAS, the intent of this program is to provide for the legal and safe removal, management/processing, and recovery/disposal of hazardous and non-hazardous materials from white goods collected regularly by the Landfill; and

WHEREAS, in connection therewith, the Landfill desires to contract with the Contractor for certain collection, transportation, processing, recycling, and disposal services; and

WHEREAS, the Contractor is willing to provide such services on the terms and conditions hereafter set forth.

NOW, THEREFORE, in consideration of their mutual promises hereinafter set forth, the parties agree as follows:

I. DEFINITIONS

A. This Agreement and the Request for Proposal for White Goods Recycling and Disposal issued by the East Central Iowa Council of Governments and dated March 13, 2006, ("RFP") and the Contractor's Proposal submitted in response thereto ("Proposal"), incorporated herein by reference, shall comprise the Agreement by and between Contractor and Landfill. The Agreement contains the entire agreement of the parties and no amendment or modification of the Agreement shall be valid or effective unless in writing and signed by the parties thereto. Provided, if there is a conflict between the provisions of this Agreement and the other documents comprising the Agreement, the provisions of this Agreement shall control.

B. "White goods" shall be defined as defined in the RFP.

II. SCOPE OF WORK

A. Contractor shall provide the services described in Section III of the RFP ("Scope of Work") in the manner required by Section III of the RFP ("Scope of Work").

B. All such services will be provided in a good worker like manner consistent with that level of care and skill ordinarily exercised by members of the trade or profession currently practicing under similar conditions.

C. Contractor shall utilize only facilities in full compliance with applicable laws, or fully permitted hazardous waste treatment, storage and disposal facilities (TSDFS) under the Resource Conservation and Recovery Act, as amended, and the Toxic Substances Control Act, as amended.

D. Contractor will perform all contracted services in accordance with all applicable federal state and local laws, rules, regulations and orders, including, but not limited to, those of the US Environmental Protection Agency, the US Department of Transportation, the Iowa Department of Natural Resources, and state and federal Occupational Health and Safety Authorities.

E. Contractor will make every effort possible to avoid land disposal of materials recovered from the white goods. All PCB contaminated waste greater than fifty (50) PPM shall be incinerated.

F. Contractor shall provide the Landfill with a detailed summary report on a quarterly basis as well as a fiscal year summary as described in Section III of the RFP ("Scope of Work"). Contractor shall assist the Landfill in determining the source of inconsistencies between such report and Landfill records. Contractor shall provide timely copies of any and all records to Landfill upon request.

G. Contractor shall maintain all records required by law for a period of not less than three (3) years. Contractor shall provide the Landfill with originals or copies of all records and documents pertaining to performance of this contract. The Landfill shall be custodian of original documents where required by law.

III. WARRANTIES AND REPRESENTATIONS

A. Contractor represents and warrants that it is in full compliance with all applicable local, state and federal laws, regulations and orders.

B. Contractor represents and warrants that it has all licenses, permits, registrations, and/or any other governmental authorizations required to provide the services under the Agreement.

C. Contractor represents and warrants that it has the personnel, equipment, and financial resources to fully and satisfactorily provide services under this Agreement.

IV. CONTRACTOR COMPENSATION

A. For each white good processed by the Contractor pursuant to the terms of the Agreement, the Landfill shall pay the Contractor six dollars (\$6.00) per unit.

B. The price paid to the Landfill by the Contractor for scrap metal will be the greater of \$20 per gross ton or 25% of the market price paid to the Contractor at date of sale. A receipt from the scrap metal end market shall be attached to Contractor payment.

C. The Landfill shall pay the Contractor five dollars (\$5.00) per gas grill type LP tank; five dollars (\$5.00) per larger (100 lbs) LP tanks; and one dollar (\$1.00) per small "coleman" type LP tank.

D. Scrap metal and propane tank prices are subject to change during the contract period after a thirty (30) day written notice of any such price change from the Contractor. The price the Landfill will pay the Contractor to accept propane tanks shall not be increased more than once per year.

E. The Contractor shall submit an invoice to the Landfill no later than ninety (90) days after collection/processing of the white goods. The Landfill will pay invoices within thirty (30) days of receipt, providing compliance with the Agreement.

Five (5) percent of the invoice will be retained by the Landfill pending the receipt of all of the following applicable documents from Contractor:

- Fully signed manifest and Certificate of Destruction for PCB's;
 - Completed inventory sheet, bill of lading, and/or Certificate of Recycling for CFC's;
 - Fully signed manifest and Certificate of Recycling for mercury and mercury containing components; and
 - Fully signed manifest, Certificate of Recycling or Destruction, and/or letter of final disposition for other materials.
- Upon receipt of the above and request for payment, Landfill shall make payment of the retained amount within thirty (30) days.

V. INSURANCE REQUIREMENTS & INDEMNIFICATION

A. Contractor and all subcontractors used by the Contractor in providing services pursuant to the terms of this Agreement shall obtain and maintain at their sole expense the insurance described in Section III of the RFP ("Scope of Work"). Certificates of Insurance shall be provided to the Landfill by the Contractor for themselves and for any subcontractors the Contractor utilizes. Provision of such certificates shall be a condition precedent to the Landfill obligations hereunder and shall be a condition precedent to the Contractor's commencement of services hereunder. The terms of this provision shall apply to the Contractor, and all subcontractors used by the Contractor, throughout the term of this Agreement.

The Landfill, its individual member entities, and their respective officials, departments, employees and agents shall be named as additional insureds in such policies. Coverage may not be terminated or changed by the Contractor except upon thirty (30) days written notice to the Landfill. The policy shall provide insurance to fully cover all operating exposures and any other liability related to operating and maintaining any collection, transfer and disposal services. The policy shall not contain any exclusions that will restrict coverage on any operations performed by the Contractor or any subcontractors, and shall be in a standard form policy provided for by a carrier approved by the State of Iowa. The Landfill's approval of the minimum insurance coverage provided for herein is not intended to and shall not in any way relieve, decrease or limit the liability of the Contractor. It is expressly understood that the Landfill does not in any way represent that the above-specified minimum insurance limits are sufficient or adequate to protect the interest or potential liabilities of the Contractor.

B. The Contractor shall assume all responsibility for obtaining any casualty or liability insurance not required to be obtained under the terms of this Agreement but which the Contractor, in its sole discretion, deems necessary to protect its own interests.

C. Contractor agrees to and shall hold the Landfill free and harmless, to indemnify and defend the Landfill from all liability for any claim that may arise by reason of injuries to any employees of the Contractor or its agents who may be injured while performing work or labor in connection with the Contractor's provision of services pursuant to this Agreement. Such agreement to indemnify, defend and hold harmless shall extend to the Landfill and their respective officials, departments, employees and agents. The Contractor shall provide the Landfill with Certificates of Worker's Compensations Insurance including employer's liability. Provision of such evidence of coverage shall be a condition precedent to the Landfill's obligations hereunder and shall be a condition precedent to the Contractor's commencement of services hereunder.

D. Contractor shall hold harmless, indemnify and defend the Landfill, its individual member municipalities and all of their respective officials, departments, employees and agents from and against any and all damages, costs, claims, liens, fines, suits and the costs and expenses of such (including, without limitation, attorney's fees, consultant's fees, defense and settlement costs) that may arise by reason of or out of any action or inaction by Contractor or its agents, employees or subcontractors, including, without limitation, claims under CERCLA or any other environmental law.

E. To the extent allowed by law, Landfill shall hold harmless and indemnify the Contractor from and against any and all damages, costs, claims, liens, fines, suits and the costs and expenses of such (including, without limitation, attorney's fees, consultant's fees, defense and settlement costs) that may arise by reason of or out of the negligent action or inaction by Landfill or its employees.

F. The Contractor agrees that all final disposal facilities shall have at a minimum Environmental Impairment Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, covering all environmental exposures. The Contractor shall provide evidence of such coverage to the Landfill.

VI. TERM OF AGREEMENT

The Agreement period will be from July 1, 2006 to June 30, 2009. The Agreement may be extended for one, three-year (36 month) term by the Landfill, if the terms and conditions of such renewal is agreed upon by the Landfill and Contractor. The Landfill will provide written notice to the Contractor regarding its intention to renew or not renew the Agreement at least ninety (90) days prior to the end of the Agreement. Because the Landfill is a vital member of the ECICOG Solid Waste Planning Area, the interests of all affiliate landfills will be considered in the decision to renew.

VII. INSPECTION OF OPERATIONS AND/OR RECORDS

The Landfill shall have the right, but not the duty, to inspect any equipment, facility or service used by the Contractor in providing services pursuant to this Agreement and, likewise, the right to inspect and make and keep copies of all books and records maintained by the Contractor which relate to the services provided by the Contractor hereunder, at any reasonable time and upon reasonable notice. Such inspections shall be conducted in a manner so as to minimize disruption to the Contractor's business. The Contractor shall cooperate fully with the Landfill during any inspection. The Contractor shall also provide the Landfill with copies of all local, state, or federal inspections conducted during the Agreement period. Copies of such inspections shall be mailed to the Landfill within ten (10) days after receipt by the Contractor.

VIII. TERMINATION OF AGREEMENT

- A. This Agreement shall terminate automatically as of midnight, June 30, 2009.
- B. This Agreement shall terminate automatically as of the date the Contractor makes a general assignment for the benefit of its creditors or proceedings are commenced in a court of competent jurisdiction for the reorganization, liquidation or voluntary dissolution of the Contractor, or for its adjudication as bankrupt, or for the appointment of a receiver of the property of the Contractor. Upon any termination under this provision, this Agreement shall not be or become an asset of the Contractor in the hands of any trustee or receiver.
- C. Either party shall have the right to terminate this Agreement at anytime for cause. Cause is defined as any breach by the other party of any provisions of the Agreement, including the warranties and representations, or the insolvency of the Contractor or reason set forth in paragraph VIII.(H). The terminating party shall exercise its right to terminate by written notice to the other party of its intent to terminate the Agreement. Such notice shall set forth the reason or reasons for such termination. The party receiving the notice shall have thirty (30) days following the receipt of such notification to remedy the cause for termination set forth in such notice and if such party shall fail within said thirty (30) days, to remedy such cause, this contract shall terminate.
- D. Upon termination of this Agreement under the provisions of this section or otherwise, the Landfill shall have no further obligations to the Contractor (except payment for services satisfactorily performed as of date of the written notice of termination and expenses incurred with prior written consent of the Landfill), provided, however, that termination shall not abrogate, impair, release or extinguish any debt, duty, obligation or liability of the Contractor to the Landfill hereunder which may have accrued prior to or arising before such termination, including, but not limited to, any such debt, duty, obligation or liability which was the cause of termination or which may arise out of such cause, and the Landfill shall have the right to withhold any payment or partial payment then due or to become due to the Contractor hereunder for application against any such debt, duty, obligation, or liability. The duty of the Contractor to indemnify, hold harmless and defend shall survive the termination of the Agreement.
- E. No right or remedy conferred upon the Landfill under the terms of this Agreement, including, but not limited to, the right to termination, shall be exclusive of any other right conferred upon the Landfill under the terms of this Agreement or by law or equity. All such rights are cumulative and no single exercise of any such right or remedy shall preclude the exercise of any other such right or remedy with respect to the same or any other breach by the Contractor.
- F. In the event of any termination of the Agreement, the Landfill shall have the right to forthwith take possession of copies of all records prepared by or used by the Contractor in the performance of the Agreement through the date of termination and the Contractor shall have the duty to provide same to the Landfill.
- G. The Landfill shall have the right to terminate this Agreement if there is an individual or aggregate transfer of interest in ownership of the Contractor at any time or over time greater than forty-five (45) percent. The Contractor shall notify the Landfill of any change in ownership of the Contractor or transfer of any equity interest in the Contractor within ten (10) days of such change. Failure to do so constitutes a breach of this Agreement.
- H. The Agreement may also be terminated by the Landfill for the following reasons: 1) Non-appropriation of funds and 2) Non-allocation of funds.
- I. The Agreement may be terminated by the Landfill if the Contractor is not complying with the terms and conditions of the Agreement between Contractor and any of the ECICOG affiliate landfills for like services.
- J. The required Performance Bond in the amount of 100% of the annual estimated contract value of \$16,000 shall be posted at the time of contract execution and held by Landfill through the contract period. Excluded from the performance bond is the scrap metal value and LP tank recycling fees. In the event the Contractor fails to perform the terms of this Agreement the Landfill shall have the right to make claim on the Performance Bond.

IX. MISCELLANEOUS

- A. **Illegal Provisions.** If any provisions of the Agreement shall be declared illegal, void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- B. **Relationship of Parties.** Nothing in this Agreement is intended, nor should it be interpreted or construed, as in any way to establish a partnership between the parties hereto or as constituting the Contractor as the agent, representative or employee of the Landfill or vice versa, for any purpose whatsoever. The Contractor is, and shall remain

during the term of this Agreement, an independent Contractor with respect to the performance of the obligations hereunder and in its relationship to the Landfill.

C. **Nonwaiver.** No failure, forbearance, neglect or delay by either party to enforce this Agreement or any provision of this Agreement or to exercise any of such party's rights hereunder shall effect or limit such party's right to strictly enforce the same, or constitute or be interpreted as a waiver of any right to enforce this agreement or any provision thereof in the future.

D. **Resolution of Dispute.** Any controversy, claim or dispute between the parties, directly or indirectly, concerning this Agreement or the breach hereof or the subject matter hereof which cannot be resolved informally shall be adjudicated or formally settled in Benton County, Iowa.

E. **No Guarantee.** Nothing in this Agreement is intended and shall not in any event be interpreted or construed as any promise, guaranty, warranty or representation of delivery to the Contractor of any particular quantity or category of white goods or of the generation of any particular amount of revenue. Contractor enters into this Agreement in sole reliance on its own skill, knowledge, judgment and investigation concerning all matters that a reasonable and prudent businessperson would investigate before entering into an agreement such as this.

F. **Headings.** Headings in this Agreement are for the sake of convenience and organization and shall not be accorded substantive meaning in the construction and interpretation of this Agreement.

G. **Governing Law.** This Agreement shall be interpreted, construed and enforced in accordance with the laws of the State of Iowa.

H. **Notice.** Contractor shall designate in writing one individual as a primary contact for all matters relating to this contract and shall update such designation as necessary. Except as otherwise herein provided, all notices required or permitted to be served by either party or the other shall be in writing and shall be deemed given when hand delivered or when mailed by certified mail to the principal office of the party to which notice is given, as follows:

If to Contractor:	Name	Julius Moor
	Address	3604 County H
		PO Box 307
		Kieler, WI 53812
	Phone	608/568-7678
	Fax	608/568-7271

If to Landfill:	Name	Myron Parizek
	Address	PO Box 759
		Vinton, IA 52349
	Phone	319/472-2211
	Fax	319/472-2737

I. **Nondiscrimination.** The Contractor agrees that during the term of this Agreement, the Contractor will not, within the State of Iowa or elsewhere, discriminate against any employee or applicant for employment because of race, color, creed, national origin, ancestry, sex, disability, religion, age (18 or older), or marital status and will include a similar provision in all subcontracts entered into in connection with the performance of the Contractor's obligations hereunder.

J. **Assignment.** The Contractor shall not assign this Agreement or any part of it to any other party without the express written consent of the Landfill. Nor shall the Contractor pledge, hypothecate or otherwise create any interest, whether for security or otherwise, in any other party to the payments due Contractor under the terms of this Agreement.

K. **Severability.** All parts and provisions of this Agreement are severable. If any part or provision shall be held invalid, the remainder of this Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

LANDFILL:

CONTRACTOR:

By _____
Ronald Buch, Chairman
Benton County Board of Supervisors

By _____
Julius Moor, General Manager

Supervisor Vermedahl spoke to the county engineer regarding a notice from the Department of Natural Resources regarding issues at the county's landfill. The engineer stated that the violation notice was due to a timing issue and that many of the issues stated were in the process of being done when the inspection occurred. The engineer also stated that there were some issues within the DNR itself between the main office and field staff. Supervisors Vermedahl and Buch, both stated that the DNR was not a department and that some of their recommendations, if not all, should be

addressed. Vermedahl added that if there were issues within the DNR and not knowing what recommendations to follow, then those should be investigated through the DNR to determine resolution. Supervisor Buch stated that he asked the engineer to install a fence on the west side of the landfill several months ago and it still has not been constructed. Supervisor Sanders stated that the engineer was going to have make employees accountable for getting work done. The engineer needs to give instructions to employees and if the job doesn't get done, then proper reprimands need to be done. Supervisor Vermedahl directed the engineer to address the DNR's concerns regarding the landfill in the near future.

The engineer reported that the balance in the Blairstown landfill bank account as of May 31, 2006, was \$47,441.56.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the contract for audit services with EideBailly, LLP for fiscal years 2006, 2007, and 2008. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

June 13, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 9, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 83227 through 83950, for payment. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, the Board proceeded with the canvass of the Primary Election held on June 6, 2006. The results were reviewed and verified by the Board. Moved by Sanders, seconded by Vermedahl, to approve the canvass of the June 6, 2006, Primary Election and to declare the results official. The auditor is directed to file the results in the records of the Benton County Auditor's Office. All members voting aye thereon. Motion carried.

The results of the Primary Election held on June 6, 2006, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

Democrat:

State Representative – Dawn Pettengill

County Supervisor – no candidate

County Treasurer – no candidate

County Recorder – no candidate

County Attorney – David Thompson

Republican:

State Representative – no candidate

County Supervisor – Jason Sanders

County Treasurer – Kelly Geater

County Recorder – Lexa S. Speidel

County Attorney – no candidate

The Board proceeded with amending the FY06 budget. The Board found that notice of the amendment had been properly made in accordance with law. There was no one present either in support or opposition of the proposed amendment. Hearing no comment, it was moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-33

FY06 BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; and

WHEREAS, the Board now desires to amend said budget,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2006 county budget is hereby amended as follows:

REVENUES:

Intergovernmental: -\$573,000

EXPENDITURES:

Public Safety & Legal Services: + \$8,500

Physical Health & Social Services: + \$8,000

County Environment & Education: - \$90,000

Roads & Transportation: + \$75,000

Capital Projects: - \$1,300,000

Dated this 13th day of June 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow
Benton County Auditor

The Board continued the discussion on the request by Veterans Affairs to purchase a copy machine for their office. The cost of the copier is approximately \$1,500.00. Supervisors Sanders stated that it was his belief that the veterans' affairs director could utilize an old copier located in the attic of the courthouse. The old copier was originally in the juvenile probation office. The auditor also advised that the county attorney plans to purchase a new copier and that perhaps his old copier could be used by veterans' affairs. Sanders agreed to further research the possibility of using existing equipment.

The Board discussed a letter received from the Emergency Management Commission regarding rural addressing. Currently, Scott Hansen, Emergency Management Director, provides rural addressing services to the unincorporated areas of the county. Rural addressing is necessary for emergency response personnel to locate a residence in time of an emergency. The Emergency Management Commission has stated in their letter that Hansen will no longer provide that service effective July 1, 2006. The Commission states that providing those services is not a part of the director's job description; that the director must report to the State that all work time is devoted to emergency management type activities; and that the county failed to fund the Emergency Management Commission at the level they requested for FY07. Supervisor Vermedahl stated that he had difficulty believing that the Emergency Management Commission did not believe that the ability for emergency response services to quickly find and respond to incidents were not a vital function of the department. Vermedahl stated that he believed that the Emergency Management Commission was in fact turning their backs on the rural residents of Benton County. The supervisors spoke with the county engineer about the possibility of his department fulfilling the duties needed for rural addressing. The engineer neither agreed nor disagreed as to whether his department could perform the additional work. The Board agreed to speak with the sheriff regarding certain duties that his officers could perform, and also to find ways to streamline the amount of time needed to complete rural addressing. The matter is to be placed on a future agenda for further discussion.

Moved by Sanders, seconded by Vermedahl, to approve cigarette permits for Kimm's Minimart and Benton Golf Club for the fiscal year beginning July 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-34. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-34

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and
WHEREAS: Upon the completion of the probationary period the base wage may be increased from the starting wage
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Steve Helms be set at \$14.73 effective June 20, 2006. This position carries a Labor Grade IVB classification.
Signed this 13th day of June, 2006.

Chairman, Board of Supervisors

ATTEST: _____

Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the contract and bond with Peterson Contractors, Inc. for the bridge replacement project on V37 north of Dysart. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

June 20, 2006

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

Don and Mary Eells met with the Board regarding the placement of aides on the county's transportation buses. Eells explained that his son currently rides the bus to Cedar Rapids on a daily basis, and due to his son's disabilities some safety issues have arisen as a result of his behavior. Eells requested that Benton County place an aide on the bus to assist with the clients riding on the transportation bus. Eells commented that currently the only non-client person on the bus is the driver, and if an accident or some other event occurred, the driver would be the only person there to assist all of the riders. Eells advised that they are privately funding an aide to assist with their son on the bus, but requested that the county establish a standard to provide aides. It was suggested that Benton County Transportation increase the rate to the providers so that there would be no financial impact to the county. Mary Halstead, Transportation Director, stated that she spoke with other transportation directors in the area and was unable to find any other county that provided an aide. Halstead stated that she wasn't sure how the funding would be addressed as many clients' transportation is ultimately funded by the state. Halstead commented that she would need two aides at most times. Eells told the Board that the his request could be viewed in two ways: self-interest and the possibility that others need the service but are tired of fighting the system. Eells also stated that wheelchair bound individuals are locked down on the bus, and if the driver should become incapacitated then those individuals would have no means of escaping the vehicle in the case of an accident. Halstead questioned if an aide would be paid for "waiting time", stating that there are times when an individual is taken to a doctor's appointment and time is spent waiting and not actually transporting. Supervisor Buch requested that Halstead do additional research and provide information to the Board as to costs and to consult other transportation departments

outside of this are to ascertain if they provide services in these situations. Supervisor Vermedahl asked that Eells also speak with their provider regarding the employment of an aide.

Moved by Sanders, seconded by Vermedahl, to enter into a Purchase of Service Contract between Benton County and the East Central Iowa Council of Governments for the period July 1, 2006 through June 30, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the law enforcement agreement between Benton County and the City of Luzerne, effective July 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the following new hires: David B. Upah, full-time deputy effective June 26, 2006 at \$15.92 per hour; Garrison Reekers, full-time deputy effective July 1, 2006 at \$16.24 per hour; Josh West, full-time corrections, effective June 20, 2006 at \$9.71 per hour; and Mark Christy, part-time corrections, effective June 20, 2006 at \$9.71 per hour. All members voting aye thereon. Motion carried.

The Board discussed the request by Veterans Affairs for a copy machine. The county attorney offered to place his back-up copier in the veterans' affairs' office for their use with the stipulation that in the event his copier breaks down that he can move the copier back to his office. Supervisor Sanders reported that Emergency Management has offered to let Veterans Affairs use their copy machine and provided keys to the director of Veterans Affairs. Supervisor Sanders is to speak with Veterans Affairs regarding the offers.

The Board discussed the letter from Emergency Management regarding the discontinuance of rural addressing services. There was no conclusion reached as to how to proceed with rural addressing on July 1, 2006.

Mike Beumer, Weed Commissioner, met with the Board to advise that he overspent his road clearing budget and that he would need an additional \$5,000.00, in order to meet payroll for the rest of June. The auditor advised that secondary roads was the only department that money could be transferred from and that the county engineer had already requested a budget amendment. Supervisor Sanders stated that department heads are prohibited from exceeding their budgets and that legal implications could occur when these types of events happen. The Board advised that a letter would be placed in Beumer's file regarding the incident. Supervisor Buch questioned what options the county had regarding the matter. The auditor advised that the Board would need to ask the engineer if he would have funds available in his budget or otherwise people would have to be laid off until the next budget year.

Beumer provided a brief update on the activities of his department and the areas that he is spraying.

The auditor updated the Board on the passage of HF2590, which will make certain records pertaining to security matters public records. The county attorney is preparing a security policy for the Board's consideration regarding security of certain records in response to the new law.

Auditor Jill Marlow spoke to the Board regarding the hire of temporary part-time employees during the general election. Marlow advised that funds were in her FY07 budget for the specific purpose of hiring part-time employees. Marlow stated that she would be advertising sometime in July for hire at the end of August. The employee(s) would be employed for approximately three months.

The county engineer met with the Board regarding the purchase of a new four-wheel drive (4WD) sports utility vehicle (SUV). The purchase is brought about due to the need for a vehicle for the sanitarian. The engineer currently has a 2002 4WD SUV with approximately 68,000 miles on it. The engineer stated that he would purchase a new SUV and sell his current SUV to the sanitarian. The trade-in value is \$8,535.00 on his current SUV with retail at \$14,020.00. The engineer commented that he would sell the vehicle for somewhere in between the two numbers. Moved by Vermedahl, seconded by Sanders, that the matter be placed on next Tuesday's agenda so as to allow the Board an opportunity to speak with the sanitarian. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolutions #06-35 through #06-39. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-35

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, 2006, 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	\$ 117,343.00
General Basic	General Supplemental	\$ 506,000.00
Rural Services Basic	Secondary Road	\$1,459,036.00
Rural Services Basic	Sanitary Disposal	\$ 189,840.00
Sanitary Disposal	Closure/Post Closure	\$ 55,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2006-2007 exceptions to the quarterly transfer shall be transfers to the Conservation Land Acquisition fund, which shall be done at the end of the fiscal year and the transfer to the Closure/Post Closure fund, which may be done at anytime during the fiscal year. Said quarterly transfers shall be one quarter of the total transfer to each fund as set forth in Section 1 and may be contingent on the funds apportioned to the general basic fund and rural services

Section 3. The amount of the transfers required in section 1 to the secondary road fund shall be in accordance with Iowa Code 331.429(1)(a) and (b). The amount of the transfers required in section 1 to the conservation land

acquisition funds shall be derived from conservation fees deposited into the general fund and said transfer shall not exceed the amount of fees deposited.

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

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

Section 6. The auditor is directed to correct her books when said operating transfers are made and to notify the treasurer and county engineer of the amounts of said transfers.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 20, 2006, the vote thereon being as follows:

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Jill Marlow, Auditor

**RESOLUTION # 06 – 36
APPROPRIATIONS**

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2006, 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 service area to each department on the budgets filed in the office of the county auditor are hereby appropriated. 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, effective July 1, 2006.

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 2006-2007 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 2006-2007 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2007.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 20, 2006, the vote thereon being as follows:

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Jill Marlow, Auditor

Resolution #06-37

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 192

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 2007.

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 20th day of June, 2006.	

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

Attest: _____
Jill Marlow, Auditor

RESOLUTION #06-38

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 2007:

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 20th day of June, 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. VermedahlAttest:

Jill Marlow, Auditor

RESOLUTION #06-39

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; 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 FY2006 county budget is hereby amended within service areas as follows:

SERVICE AREA 4 (All Fund 0010)

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Function 40420		\$ 2000.00
Function 40430		\$ 4000.00
Function 40440		\$1000.00
Function 40730		\$1500.00
Function 41210		\$500.00
Function 41310		\$2700.00
Function 41330		\$1000.00
Function 41410		\$4000.00
Function 41500		\$3000.00
Function 41710		\$6000.00
Function 41740		\$1000.00
Function 42210		\$2000.00
Function 42310		\$1000.00
Function 42320		\$20,000.00
Function 42330		\$1000.00
Function 42710		\$25,000.00
Function 43320		\$1000.00
	Function 43630	\$35,000.00
	Function 41320	\$41,700.00

SERVICE AREA 6

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0011 Function 71400	Fund 0020 Function 71400	\$ 5,000.00

SERVICE AREA 9

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0001 Function 9000	Fund 0001 Function 901000	\$ 10,000.00

Signed this 20th day of June 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David VermedahlATTEST:

Jill Marlow
Benton County Auditor
Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried.

Ronald R. Buch, ChairmanAttest:

Jill Marlow, Benton County Auditor

June 23, 2006

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 194

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 13, 2006, and June 20, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set July 18, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Phillip and Laura Larabee, on a parcel located in the NE1/4 of the NW1/4 of 31-85-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set July 14, 2006, at 9:15 a.m., for a public hearing on a manure management plan submitted by Dennis Zieser. This matter was not on the agenda, but action is needed due to state mandated time lines for action on this matter. The application was filed with Benton County on June 22, 2006 in the late afternoon. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Thomas A. Holst, 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 Polk Township. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to close the public hearing and 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 SW1/4 of 1-85-9 (Polk Township) for a single residential use. The applicant is advised that the current road is gravel and any dust control will be the responsibility of the applicant. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a fireworks permit for Dan Freese, as a member of the Watkins Fire Department, for an event to be held on July 8, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-40. Voting aye were Sanders and Vermedahl. Both members voting aye thereon. Motion carried.

RESOLUTION #06-40 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$95,906.34, from the TIF Fund to the General Basic Fund.

Dated June 23, 2006.

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to authorize the vice-chair to sign the Master Contract between Benton County Sheriff's Department and Chauffeurs, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffeurs & Helpers of America 2006-2007. Both members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen met with the Board regarding a fiscal agent agreement between Benton County and the Benton/Iowa County Decat Board. Wetjen-Kestersen advised that she would return on Tuesday when a full board was present due to signature requirements.

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

Jason Sanders, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

June 27, 2006

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

Moved by Vermedahl, seconded by Sanders to approve the minutes of June 23, 2006. All members voting aye thereon. Motion Carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 83951 thru 84382, for payment. Check number 83950 was voided. All members voting aye thereon. Motion carried.

Mary Williams, Director of Benton County Social Services met with the Board of Supervisors to update them with recent legislative updates and to present them with provider contracts. Moved by Vermedahl, seconded by Sanders, to approve the chair to sign provider contracts. All members voting aye thereon. Motion carried. Williams also presented the board with a revised letter of a previous letter to the board regarding Benton County Social Services wages for fiscal year 2007. Supervisor Vermedahl stated that the county is currently waiting on a proposal from Kevin Paulsen, director of RSM McGladrey, a Human Resource Consulting Firm. This would give the supervisors more of a guideline to follow when approving wage increases. Williams agreed to wait a month and let the board consider this.

Gary Fordice, Benton County Conservation Executive Director, updated the board with current activities in his department. Both the Conservation Board and the Foundation Board hired Shive-Hattery as the architect to do the work for the Nature Center to be located at Rogers Park. It might take up to 4 months for a rough draft but he will keep them posted on the progress.

Tammy Wetjen-Kestersen, Decat Coordinator, presented the board with a contract that Benton County provide fiscal agent duties for the Community Partnership for Protecting Children Grant. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the contract. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to authorize Vermedahl, as trustee of the Heartland Risk Insurance Pool, to sign insurance contract binding coverage for Benton County for fiscal year 2006-2007 with Heartland Risk Insurance Pool. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolutions #06-41 and #06-42. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-41

TRANSFERRING FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$285.00 be transferred from the General Basic Fund to the CDBG Fund.

Dated this 27th day of June, 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Hayley Rippel, Deputy Auditor

RESOLUTION #06-41

TRANSFERRING FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$77,000.00 be transferred from the Sanitary Disposal Fund to the Closure/Post Closure Fund.

Dated this 27th day of June, 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____
Hayley Rippel, Deputy Auditor

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

Ronald R. Buch, Chairman

Attest: _____
Hayley Rippel, Deputy Benton County Auditor

June 30, 2006

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

Moved by Vermedahl, seconded by Sanders to approve the minutes of June 27, 2006. All members voting aye thereon. Motion Carried.

Moved by Sanders, seconded by Vermedahl, to set July 21, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Craig Johnston, on a parcel located in the NW1/4 of 2-86-12. All members voting aye thereon. Motion carried.

Linda Langston, Linn County Supervisor and Andy Woolridge, Chairman of Center Point Recreation Board met with the Benton County Supervisors to discuss the Center Point Park Expansion and Improvement Project. They are applying for a CAT grant through the Vision Iowa Fund and are looking for local support. Langston informed the Board that Linn County was going to support the project in the amount of \$7500.00. They were asking Benton County to possibly donation \$1500.00 toward the project in fiscal year 2008. Dave Vermedahl directed them to contact Renee Tharp with Benton Development Group for the funding.

Moved by Vermedahl, seconded by Sanders, to appoint Mary Williams, Benton County Social Services Director as the designee for filing and approving the State Psychiatric Papers. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into and authorize the chair to sign the following provider contracts:

Mercy Psychiatric Clinic:

Initial Evaluation related to Commitment - \$252.00 (was \$172.00)
Medical Testimony - \$110.00 for Medical Testimony
Daily Care by a Doctor - \$83.00
Discharge Plan - \$200.00 (was \$124.00)

Iowa Northland Regional Transit:

\$50.00 per trip waiver minus (county share) \$19.00 per trip

Benton County Social Services:

\$25.00 per month per client for representative payee services with Linn County

North Star Community Services:

Sheltered Work - \$39.46 per day
Adult Day Care Services - \$45.50 per day
Supported Community Living - \$37.63 per day

All members voting aye thereon. Motion carried.

The Board decided to form a committee for the purposes of making a recommendation about rural addressing in Benton County. The committee is to consist of David Vermedahl, Randy Forsyth, and Myron Parizek.

Moved by Vermedahl, seconded by Sanders, to pay mileage to Benton County Supervisors for travel to and from the courthouse for regular board meetings starting July 1, 2006. All members voting aye thereon. Motion carried.

The county engineer presented quotes for a new four-wheel (4WD) drive vehicle for his use as follows:

Raleigh Johnson Motor Co. – Jeep Grand Cherokee Laredo - \$24,496.00

Grovert Chevrolet – Trailblazer LS - \$26,055.00

Ervin Motor Co. – GMC Envoy SLE - \$23,902.00

Shaul & Ullerich Chevrolet Co. – Chevrolet Trailblazer LS - \$23,966.00

Craig Griffith Ford, Inc. - Ford Explorer XLS - \$21,840.00

It was the recommendation of the county engineer that the quote from Craig Griffith Ford be accepted. Moved by Sanders, seconded by Buch, to purchase a 2006 Ford Explorer XLS from Craig Griffith Ford, Inc. in the amount of \$21,840.00. Buch and Sanders voting aye thereon. Vermedahl abstained stating a conflict of interest because of a business relationship with Craig Griffith Ford, Inc. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the sale of the county engineer's 2002 Ford Explorer to the county sanitarian/land use administrator for \$8,500.00. All members voting aye thereon. Motion carried. There was also discussion about amending the county sanitarian/land use administrator's budget to provide funding for this purchase.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the labor contract between Benton County and the Professional, Public, and Maintenance Employees Union (Secondary Roads) for FY2007-2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the following Quit Claim Deeds for road vacations in Section 18 of Union Township. All members voting aye thereon. Motion carried.

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **T.9.M. Inc.**, whose address is 803 Tilford, Dysart, Iowa 52224, all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

The south 33 feet of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 18, Township Eighty-three (83) North, Range Eleven (11) West of the 5th P.M., except that part lying in the old right-of-way of the Chicago, Milwaukee and St. Paul Railway, containing 0.97 acres more or less,
And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6) (Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 197

Dated: June 30, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors

By _____
Jason Sanders

By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 30th day of June, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** to me personally known, who being by me duly sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **Rodney Lee Smith**, whose address is 1470 Miami Dr NE, Cedar Rapids, Iowa 52402,
all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

The north 33 feet of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section 18, Township Eighty-three (83) North, Range Eleven (11) West of the 5th P.M., except that part lying in the old right-of-way of the Chicago, Milwaukee and St. Paul Railway, containing 0.88 acres more or less,
And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6) (Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

Dated: June 30, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors

By _____
Jason Sanders

By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 30th day of June, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** to me personally known, who being by me duly

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 198

sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **Rodney Lee Smith**, whose address is 1470 Miami Dr NE, Cedar Rapids, Iowa 52402,
all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

The north 33 feet of the east 559.34 feet of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 18, Township Eighty-three (83) North, Range Eleven (11) West of the 5th P.M., containing 0.42 acres more or less,
And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6) (Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

Dated: June 30, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors

By _____
Jason Sanders

By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 30th day of June, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** to me personally known, who being by me duly sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **David Lee Galbraith**, whose address is 1629 70th Street Dr, PO Box 238, Keystone, Iowa 52249-0238,
all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 199

The south 33 feet of the east 559.34 feet of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 18, Township Eighty-three (83) North, Range Eleven (11) West of the 5th P.M., containing 0.42 acres more or less,

And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6) (Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

Dated: June 30, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors

By _____
Jason Sanders

By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 30th day of June, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** to me personally known, who being by me duly sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

The county engineer informed the board that the Union Pacific Railroad bridge in Luzerne had to be closed due to damage from a traffic accident. Traffic is being rerouted and dust control was applied to detour. He has been in contact with the railroad about this matter.

Marc Greenlee, Sanitarian/Land Use Administrator, met with the Board to advise that he overspent his rural services land use budget and that he would need an additional \$1,467.93. Greenlee stated that the overspending was due to health insurance not being calculated correctly, extra expense with board of adjustment, and sick leave conversion wages. The Board advised that a letter would be placed in Greenlee's file regarding the incident.

Mary Halstead, Benton County Transportation Director had to cancel her meeting with the Board.

Moved by Vermedahl, seconded by Sanders, to adopt Resolutions #06-43. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-43

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2006 budget on March 8, 2005; 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 FY2006 county budget is hereby amended within service areas as follows:

SERVICE AREA 0

<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
02200 (Fund 0001)	02200 (Fund 0028)	\$2,900.00

SERVICE AREA 1

<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
10400 (Fund 0001)	10100 (Fund 0001)	\$115.00
10400 (Fund 0001)	10500 (Fund 0001)	\$ 43.00
10000 (Fund 0090)	10100 (Fund 0090)	\$15,000.00

SERVICE AREA 3

<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
30200 (Fund 0002)	30200 (Fund 0001)	\$385.00
32000 (Fund 0002)	32000 (Fund 0001)	\$40.00
32000 (Fund 0002)	32100 (Fund 0001)	\$ 3.00
30400 (Fund 0001)	34000 (Fund 0001)	\$65,451.00*

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 200

*Form 634-B correction only

SERVICE AREA 4 (All Fund 0010)		
<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
42110	41650	\$ 1,200.00

SERVICE AREA 6		
<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
60200 (Fund 0060)	63200 (Fund 0030)	\$3,850.00
61000 (Fund 0001)	61100 (Fund 0001)	\$1,121.00
61200 (Fund 0001)	61100 (Fund 0001)	\$ 116.00
61200 (Fund 0001)	61100 (Fund 0002)	\$ 156.00
63000 (Fund 0011)	60100 (Fund 0011)	\$ 332.00

SERVICE AREA 7 (All Fund 0020)		
<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
71000	71100	\$20,000.00
71400	71100	\$ 8,000.00

SERVICE AREA 9		
<u>Amended To Function</u>	<u>Amended From Function</u>	<u>Amount</u>
92000 (Fund 0060)	92100 (Fund 0001)	\$1,300.00
92100 (Fund 0060)	92100 (Fund 0001)	\$ 311.00
91000 (Fund 0001)	90000 (Fund 0001)	\$ 368.00
92300 (Fund 0011)	92100 (Fund 0011)	\$ 74.00

Signed this 30th day of June 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Brenda Sutton, Deputy County Auditor

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

Ronald R. Buch, Chairman

Attest: _____

Brenda Sutton, Deputy Benton County Auditor

July 7, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 30, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the auditor's quarterly report and the veteran's quarterly report for the period ending June 30, 2006. Both members voting aye thereon. Motion carried.

The rural addressing committee provided an update to the Board on their proposal for rural addressing services. The sheriff's department will spot addresses, assign numbers and maintain the rural addressing database. Secondary Roads will install the signage and charge the costs back to rural services.

The engineer reported that the balance in the landfill account in the Blairstown bank as of June 30, 2006, was \$1,079.17.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right-of-way in section 31 of Leroy Township along 16th Avenue Road. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the vice-chair to re-sign the 28E Agreement between Benton County and the City of Urbana for a sealcoat project. Both members voting aye thereon. Motion carried.

INTERGOVERNMENTAL AGREEMENT FOR GRADING/MACADAM STONE BASE/SEALCOATING PROJECT ALONG THE CORPORATE LIMITS OF URBANA

This Agreement is made by and between Benton County, Iowa, a political subdivision of the State of Iowa, acting through its Board of Supervisors, hereinafter referred to as the "County" and the incorporated City of Urbana acting by and through its City Council, hereinafter referred to as the "City".

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 201

In the interest of intergovernmental cooperation and in the interest of economy this agreement is being made to delineate the construction work to be done by the County and the reimbursement procedure for the City. This agreement between the County and City is made under Chapter 28E of the Code of Iowa.

WHEREAS: It is proposed to grade, place macadam stone base and choke stone, and seal coat the road surface along the corporate limits of Urbana as follows:

On 30th Avenue, from Iowa Highway 150, south approximately 0.5 miles.

WHEREAS: The City has informed itself as to the improvements, the method of funding and has approved this project, and

WHEREAS: The City desires that the County complete the above mentioned construction and desires making agreement with the County for reimbursement of their portion of this project, and

WHEREAS: Section 28E of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by another public agency of the State of Iowa.

NOW, THEREFORE, BE IT RESOLVED that the following be stipulated and agreed upon between the parties hereto, as follows:

17. That this agreement shall commence on the date that both parties sign this agreement and shall continue until the project is completed and is approved by all agencies involved and the City has reimbursed the County for all costs incurred.
18. The County shall be responsible for the administration of this project. The project administrator shall be the Benton County Engineer. Project is to include contract and day labor work to complete the project.
19. The County and the City agree to share the cost of the project on a 50%/50% basis. The estimated cost of the project is \$92,000 as approximated in the Attachment to this agreement.
 - a. The County shall initially finance the cost of the project.
 - b. The City shall reimburse the County based on 50 percent of the final cost of constructing the project in accordance with the scope of work and in accordance with a detailed invoice provided by the County.
 - c. The total reimbursement will be divided into three equal payments. The first installment will be billed after July 1, 2006, and due 30 days from the billing date. The second installment will be billed July 2, 2007 and due 90 days from the billing date. The final installment will be billed July 1, 2008, which the City shall pay no later than September 30, 2008 provided the City has accepted improvements.
20. The City shall accept all future maintenance responsibilities of 30th Avenue upon completion and acceptance of the improvements. The City will provide written acceptance of the improvements upon a satisfactory inspection.
21. The City and the County agree to hold harmless and indemnify each other against all liabilities, judgments, cost and expense, which in any way come against the County or the City as the result of this agreement.
22. This agreement shall be binding upon the City and the County and shall not be terminated until final settlement of the financial conditions and payment as set forth above.

EXECUTED this _____ day of _____ 2006.

BENTON COUNTY, IOWA

CITY OF URBANA, IOWA

By: _____
Chair, Board of Supervisors

By: _____
Mayor

Attest: _____
Auditor

Attest: _____
City Clerk

The engineer presented quotes for two pickup trucks for the secondary roads department as follows:
The quotes submitted are for two vehicles but reflect different vehicle trade-in values. It was the recommendation of the engineer that both vehicles be purchased from Ervin Motor Co.

2006 ½ ton Extended Cab Pickup Truck (#2)

Craig Griffith Ford, Inc. – Ford F150 2 WD Ext Cab with trade - \$18,194

Ervin Motor Co. – GMC Sierra 1500 Ext Cab 2WD Work Truck with trade - \$16,810

Raleigh Johnson Motor Co., Inc – Dodge Ram Quad Cab 1500 2WD Short Box with trade - \$20,467

2006 ½ ton Extended Cab Pickup Truck (#3)

Craig Griffith Ford, Inc. – Ford F150 2WD Ext Cab with trade - \$17,994

Ervin Motor Co. – GMC Sierra 1500 Ext Cab Work Truck with trade - \$17,775

Raleigh Johnson Motor Co., Inc. – Dodge Ram Quad Cab 1500 2WD Short Box with trade - \$20,390

Moved by Vermedahl, seconded by Sanders, to award the purchase of two 2006 ½-ton extended cab pickup trucks to Ervin Motor Co. The cost to be \$16,810 and \$17,775 with trade-in allowances. Both members voting aye thereon.
Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 202

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

Jason Sanders, Vice-Chairman

Attest: _____
Jill Marlow, Benton County Auditor

July 11, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 7, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve checks numbered 84383 thru 84732, for payment. Both members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board to discuss the cash being held in his office. Forsyth advised that he thought the cash was for secret investigations and was general fund money; however the cash is actually forfeiture money and should be placed in the forfeiture fund. Forsyth advised that he would deposit \$1600.00 cash into the forfeiture fund. The Board told Forsyth that they would amend his budget to put the spending authority for the \$1600 if it was not already budgeted.

The board also discussed the county's current mileage and expense plan with Sheriff Forsyth. The policy states that board approval is required for meals for an employee when he/she is not outside of the county. Forsyth stated that there are a few occasions when it is necessary to feed workers while they are within the county, for example if employees volunteer their time and are not being paid. Forsyth advised that it was the least the county could do for those individuals. Moved by Vermedahl, seconded by Buch to agree to buy meals for volunteers when working within the county limits, with the exception for employees that come in and volunteer just to get a paid meal. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve law enforcement contract between Benton County and City of Garrison. The Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-44. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION # 06-44 AMENDING RESOLUTION #06-41 TRANSFER OF FUNDS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #06-41 on June 27, 2006, transferring funds from the general basic fund to the Community Development Block Grant fund, and

WHEREAS, said resolution stated the amount of the transfer was \$285.00, and

WHEREAS, the Board desires to correct the amount of said transfer,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #06-41, adopted on June 27, 2006, is HEREBY amended to reflect that the amount of the transfer from General Basic to the Community Development Block Grant fund is \$555.00.

Dated this 11th day of July, 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____
Hayley Rippel, Deputy Auditor

Tammy Wetjen-Kesterson, Coordinator for the Benton/Iowa County Decategorization Board, met with the supervisors to provide an update on the organization's progress and upcoming projects. Wetjen-Kesterson presented the board with a proposed contract setting forth that Benton County agreed to provide fiscal agent duties for the Community Partnership for Protecting Children Grant. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the contract providing that Benton County serve as a fiscal agent for the Community Partnership for Protecting Children Grant. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Hayley Rippel, Deputy Benton County Auditor

July 14, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 11, 2006. All members voting aye thereon. Motion carried.

Roger Witt met wit the Board to discuss the courthouse's current phone system. Witt advised that another card has gone bad and it is necessary to purchase another card and have the system re-programmed. The new card with programming will be slightly under \$600.00. The new card will allow one more phone line and two additional extensions. Witt advised that there isn't any alternative, as we no longer have cards available to switch in and out of the system.

Moved by Vermedahl, seconded by Sanders, to authorize the purchase of a new phone card with the necessary programming. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve 3 days of vacation carry-over requested by Rick Bramow. Said carry-over is to be used no later than October 1, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the auditor to obtain a county credit card in accordance with established policy in the amount of \$2,000.00. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on an application for a confinement feeding operation construction permit submitted by Dennis Zieser. The chair declared the public hearing open. Persons present: Jim Magdefrau, Dennis Zieser, Marion Schminke, and Ray McKee. Prior to Marc Greenlee presenting the master matrix review to the Board, McKee commented that several years ago he requested a "granny house" be placed on his twenty-three acres for his elderly parents to reside in and was told that all of his neighbors had to be notified. McKee also stated that he asked to do gunsmithing in his home, and was told that he had to file a \$500 fee and hold a land use hearing. McKee stated that Zieser would be providing a service to someone else by feeding hogs for another company. McKee questioned what the difference was between Zieser's business proposal and his that would require him to notify all of his neighbors in writing, but not Zieser. The supervisors advised that agricultural uses are exempt from the county's land use ordinance. Greenlee advised that today's hearing was to comply with the Department of Natural Resource's (DNR) requirements for the master matrix for animal confinement feeding operations and not the county's land use ordinance. The county has no authority on the approval of the confinement use and can only make recommendations on the proposal. McKee stated that he was told by one office in the courthouse that he did not need a license to operate a gunsmithing business in rural Benton County, but the land use office said he had to have a land use change. Schminke questioned if the confinement facility could be placed next to Zieser's residence. Zieser stated that he could not due to the separation distance required by the DNR. Zieser's current residence is located to close to other residences and would not meet the separation distance from those neighboring residences. Schminke questioned if approval of a confinement facility would prohibit a neighbor from placing a new residence within the restricted area. Zieser explained that a new residence can be constructed within the separation distance but a new facility cannot be constructed within the required separation distance of an existing residence. Schminke questioned if a food processing facility could be placed in the area due to it being an agricultural use without going through a land use change. Greenlee advised that processing is different than the production of food and fiber. Schminke stated that the concern is the odor on hot muggy days similar to what is experienced in Blirstown. Greenlee stated that the proposed facility is covered and not exposed. Manure will not see the light of day until it is disposed, which differs from the Blirstown facility as it is an open facility. Greenlee stated the review criteria are different for enclosed and open facilities under the DNR rules. Greenlee added that this proposal is to expand the current facility from 2400 finished hogs (960 animal units) to a facility housing 4800 finished hogs at any one time. Zieser stated that he experienced some problems with odor, as the material was not incorporated into the ground within a few days after application. McKee asked why he would have to rezone the entire 23 acres to do gunsmithing. Greenlee advised that he would not have to rezone the entire 23 acres. McKee advised that the lady in the land use office told him he would have to rezone the entire thing. Greenlee stated that he could rezone just one building. McKee added that he has never had a problem with Zieser as a neighbor, but his concern was that he could not do gunsmithing without going through a full-blown zoning change. Supervisor Vermedahl requested that Greenlee briefly outline the requirements and timeline required under the DNR's master matrix requirements regarding animal confinement feeding operations. Zieser was questioned how often he would be disposing manure and he responded once a year. Supervisor Vermedahl asked Schminke if he had any comments to be included in the report to the Department of Natural Resources. Schminke stated that he had no comments to be included. Schminke stated that he is neither in support or opposition of the application. That he was present just for an opportunity to be educated on the process. McKee also advised that he did not have comments but was present for procedural education. McKee and Schminke left the meeting.

Zieser advised that he was back before the Board due to a discrepancy in dates of filing with the DNR and his original proposal was rejected based on those discrepancies. Zieser was also missing several fields for manure application. Greenlee proceeded with presentation of the review of the master matrix. The application is for a hog confinement feeding operation located in the NE1/4 of the NE1/4 of Polk Township, Section 23. The notice of the hearing had been published in the Cedar Valley Times on the June 28, 2006. Greenlee explained that Zieser was increasing his operation from 2400 head to 4800 head on-site, which calculates to 1920 animal units and therefore requires that the project comply with the master matrix for confined animal feeding operations. Greenlee further explained that Benton County received the application on June 22, 2006, and the Department of Natural Resources (DNR) received the same on June 26, 2006, and the county has until July 26, 2006 to complete a review and submit a recommendation along with the master matrix to the DNR. Greenlee advised that he would continue with his review and present his findings to the Board. Greenlee advised that no written comments were received, and their being no oral comments heard concerning the actual application, the chair declared the public hearing closed.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 204

July 18, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of July 14, 2006. All members voting aye thereon. Motion carried.

Mary McLaughlin, GIS Coordinator and Larry Andreesen, Assessor met with the board to discuss a contract change order with Schneider Corporation. This contract change will be a reduction in cost from \$230,240.00 to \$228,818.00 due to the county being able to produce their own maps, need for different software and a change in educational training location. Moves by Vermedahl, seconded by Sanders, to authorize the chair to sign contract change order for Professional Services between Benton County and Schneider Corporation. 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 Phillip and Laura Larabee, 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. There were no public comments heard either for or against the application. 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 E½ of the NW1/4 of 31-85-9 (Benton Township) for a single residential use. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, requested rate changes for certain providers for the fiscal year beginning July 1, 2007. Williams advised that the rates have been negotiated through the statewide the County Rate Information System in which Benton County belongs. Moved by Sanders, seconded by Vermedahl, to approve the provider rates for FY07 as shown below. All members voting aye thereon. Motion carried.

Goodwill/Iowa City – Sheltered work - \$16.73 per half day (currently \$16.09)
Goodwill/Iowa City – Work activity 1:1 - \$32.80 per hour (currently \$31.99)
Goodwill/Iowa City – Work activity 1:2-5 - \$36.40 per half day (currently \$35.00)
Goodwill/Iowa City – Supported Employment - \$48.02 per hour (currently \$46.17)
Goodwill/Iowa City – Supported Community Living - \$49.66 per hour (currently \$47.75)
Goodwill/Iowa City – Enclave - \$11.86 per hour (currently \$11.40)
Goodwill/Cedar Rapids – Enclave - \$10.55 per hour (currently \$10.73)
Goodwill/Cedar Rapids – Work activity 1:2-5 - \$29.17 per half day (currently \$27.46)
Goodwill/Cedar Rapids – Work activity 1:1 - \$32.80
Goodwill/Cedar Rapids – Supported employment - \$53.00 per hour (currently \$52.26)
Goodwill/Cedar Rapids – Sheltered work - \$13.88 per half day (currently \$13.97)
Goodwill/Cedar Rapids – Supported Community Living - \$57.85 per hour (currently \$46.89)
B & D Services – Supported Community Living - \$28.19 per hour
Washington County Mini Bus – Transportation - \$2.50/one way trip

Moved by Sanders, seconded by Vermedahl, to approve the Sheriff's Quarterly report for April 1, 2006 through June 30, 2006. All members voting aye thereon. Motion carried.

No action was taken to change the employee expense reimbursement for expenses within the county.

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

Ronald R. Buch, Chairman

Attest:

Brenda Sutton, Benton County Deputy Auditor

July 21, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of July 18, 2006. 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 Craig Johnston, 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 Cedar Township. Greenlee voiced his concern with flooding in the area but after further review of the building site with Johnston determined that it was not considered to be within the flood prone area. The existing driveway was reviewed by Morris Higgins County Road Supervisor. Higgins determined that the site distance was not within the county requirements but Johnston could still use the driveway for access to his property. There were no public comments heard either for or against the application. 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 Parcel A of the NW1/4 of the NW1/4 of 2-86-12 (Cedar Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee presented the recommendation along with the master matrix to be signed by the Benton County Board of Supervisors and sent to the Department of Natural Resources (DNR) for Dennis Zeiser's hog confinement feeding operation located in the NE1/4 of the NE1/4 of Polk Township, Section 23. After reviewing the application, it was moved by Sanders, seconded by Vermedahl to sign the Master Matrix review and evaluation for Dennis Zeiser to

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 205

construct a hog confinement feeding operation located in the NE1/4 of the NE 1/4 of Polk Township, Section 23. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Recorder's quarterly report for the period of April 1, 2006 to June 30, 2006. All members voting aye thereon. Motion carried.

Gary Keller spoke with the board about the progress of the Oak Grove Road project. The board explained to Keller that Linn County was no longer interested in proposed route of the project therefore Benton County would have to look at an alternative proposal. County Engineer Myron Parizek explained that he was in the process of surveying alternative routes.

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

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Farmers Mutual Telephone Company to place utility lines in the county's right-of-way along 55th Street in Sections 35 and 36 in Polk Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the vacation carryover of 15 hours for Nicholas Rissman to be used by October 1, 2006. All members voting aye thereon. Motion carried.

Myron Parizek the county engineer discussed the road crossing agreement with the Union Pacific Railroad for the bridge in Luzerne. No action was taken at this time. More review of the agreement is needed.

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

Ronald R. Buch, Chairman

Attest: _____
Brenda Sutton, Benton County Deputy Auditor

July 25, 2006

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

Moved by Sanders, seconded by Buch, to approve the minutes of July 21, 2006. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to approve checks numbered 84733 thru 85157, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set August 18, 2006, at 9:15 a.m. as the date and time for a public hearing on a land use change requested by Mitch Schminke on parcel in the SE1/4 of the NW1/4 of 33-85-9 (Benton Township). Both members voting aye thereon. Motion carried.

Andrew Lent, the new city coordinator for Vinton stopped in to introduce himself to the board.

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

Ronald R. Buch, Chairman

Attest: _____
Hayley Rippel, Benton County Deputy Auditor

July 28, 2006

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

Moved by Sanders, seconded by Buch, to approve the minutes of July 25, 2006. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to Sign the 28E agreement with Poweshiek Water Association for Watkins waste water treatment facility. Both members voting aye thereon. Motion carried.

Scott Hansen talked with the board about the NIMS (National Incident Management System) program. There are two training sessions for the department heads. Moved by Sanders, seconded by Buch to have Scott Hansen conduct the meetings Tuesday, August 22, 2006 at the Law Enforcement Center Conference room from 9:30 a.m. to 1:00 p.m. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to grant a utility permit for Qwest in Section 26, Township 85N, Range 10, Taylor Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to sign a New Public Road Crossing Overpass Agreement between Benton County and the Union Pacific Railroad. Both members voting aye thereon. Motion carried.

The Adult Entertainment Ordinance that was to be at 10:00 a.m. was moved to Tuesday, August 1, 2006 at 9:05 a.m.

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

Ron Buch, Chairman

Attest: _____
Delane Kalina, Benton County Auditor

August 1, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 28, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the treasurer's semi-annual report for the period ending June 30, 2006. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-45. Buch and Vermedahl voting aye. Nays none. Motion carried.

RESOLUTION NO #06-45

ESTABLISHING TAX INCREMENT REVENUE FUND AND AUTHORIZING LOAN TO THAT FUND

WHEREAS, the Board of Supervisors of Benton County, Iowa, has established the Benton County Frontier Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, certain expenses have been incurred in connection with a project which will be located within the Urban Renewal Area; and

WHEREAS, in order to make the cost of these expenses eligible to be paid from incremental property tax revenues, it is necessary to create an internal debt;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the County of Benton, Iowa, as follows:

Section 1. There is hereby established, and the County Auditor is hereby directed to show in the County financial records, the Benton County Frontier Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area shall be deposited.

Section 2. It is hereby directed that \$ 4,167.92 be advanced to the Tax Increment Fund from the General Basic Fund, in order to pay the costs of the expenses. This advance shall be treated as a loan (the "Loan") to the Tax Increment Fund and shall be repaid to the General Basic Fund, with interest at the rate of 0% per annum, out of incremental tax revenues received with respect to the Urban Renewal Area.

Payments on the Loan are subject to annual appropriation by the Board of Supervisors and to the Board's determination that there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund.

Once appropriated, payments shall be made on the Loan on June 1 of each year to the extent there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund. Funds shall be credited first to accrued interest and then to outstanding principal. The right is hereby reserved to issue additional obligations, or to enter into additional loans, payable from the Tax Increment Fund, which may either rank on a parity with the Loan or may have a priority over the Loan with respect to the revenues in the Tax Increment Fund.

Section 3. The Tax Increment Fund is hereby pledged to the repayment of the Loan, and a copy of this Resolution shall be filed in the office of the County Auditor to evidence this pledge. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2006, the original amount of the Loan, and to certify, no later than December 1 of each succeeding year, any remaining outstanding balance of the Loan, plus accrued interest.

Section 4. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict. PASSED AND APPROVED the ____ day of _____, 2006.

Chairperson

Attest:

County Auditor

Gary Fordice, Benton County Conservation Executive Director, told the Board that the Wildlife Habitat Grant that he had applied for was not approved; however the application scored high enough to automatically be submitted for reconsideration in the fall. Fordice also reported that the conservation department is currently in the planning stages for replacing the Mt. Auburn boat dock. It was also reported that Shive-Hattery is the firm hired to design the Benton County Nature Center.

David Thompson, Benton County Attorney, presented a draft of an ordinance regulating adult entertainment in Benton County. The ordinance would regulate adult themed businesses in the unincorporated areas of the county, including but not limited to adult bookstores, adult movie or video theaters, strip clubs, juice bars, massage parlors, any type of sexual encounter businesses, and nude studios. The ordinance will require businesses to obtain a permit from the county before opening any of the defined sexually themed activities. The ordinance established minimum separation distances from a residence, schools, parks, etc. The permit process would be extensive with requirements that other county ordinances be complied with also. Thompson stated that it is important to note that the County is not banning adult themed business but only regulating them. The county cannot ban sexually themed business constitutionally. The county attorney will present additional material so that a determination can be made that these types of establishments affect crime, etc. The fact that the county does not have zoning, made it necessary to be extremely detailed and specific with this ordinance. Supervisor Vermedahl stated that the ordinance appeared pretty comprehensive at first glance, but questioned if an establishment would end up being allowed because it was omitted in the definitions. The county attorney advised that it would be better to have extensive definitions instead of a general definition. The Board requested that this matter be placed on the next agenda to set dates for consideration.

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

Ronald R. Buch, Chairman

Attest:

Jill Marlow, Benton County Auditor

August 4, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 25, 2006, at 9:15 a.m., as time and date for public hearing on a land use change requested by Ken Gatewood on a parcel located in the SE1/4 of the SE1/4 of 25-83-12. Both members voting aye thereon. Motion carried.

Representatives of WasteNot Iowa met with the Board to discuss plasma arc technology for the elimination of solid waste. The group described how plasma arc torch would burn solid waste with any remaining product being totally recyclable. The process produces synthetic energy, which can be used to power the torch as well as other equipment. The material remaining can be used in tiles and bricks. Florida is in the process of constructing a plasma arc facility and plans to burn all solid waste currently being produced as well as reclaiming old landfills by opening them and burning the waste. WasteNot Iowa is attempting to have a facility constructed in Linn County, which could serve regional counties. The cost to construct a facility would be approximately \$120 million. WasteNot Iowa is asking that the supervisors adopt a resolution supporting the plasma arc torch and its future use in Iowa.

Dave Redlinger, Vinton City Council, and Don Martin met with the Board to discuss a proposal to construct a bike trail connecting the Old Creamery Trail in Vinton to the Cedar Nature Trail in Urbana. Redlinger advised that the cities of Dysart and Garrison are in support of the project as well. Three different routes are being considered:

1. North along Hwy 150
2. North on the old 150 road bed, then east along E16, then north again into Urbana
3. East along the south side of the Cedar River, then north along W26.

Redlinger stated that proposals #1 and #2 were the most probable. Redlinger stated that if the county did not want to allow the trail to be placed in their right-of-ways that perhaps the City of Vinton could annex the route to Urbana. Redlinger also advised that grant opportunities are being researched and that financial commitment from the county may be requested in the future; however currently he was only asking that the county engineer oversee the project. The county engineer advised that he did not have the time available to put towards the project due to his other duties. The Board did not take any position on the proposal or offer support at this time.

The county engineer reported that balance in the Blainstown landfill account on July 31, 2006, was \$15,947.26.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-46. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-46

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from July 31, 2006, through the completion of the project.

From the NW corner of Section 6-T85N-R12W thence south one (1) mile to the SW corner of Section 6-T85N-R12W along Hwy V37 in Monroe Township.

Signed this 4th of August, 2006.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

Moved by Vermedahl, seconded by Buch, to approve a change order to the EideBailly Audit Contract dated June 1, 2006, to include services for preparation of the annual financial reports at a cost of \$1,100.00. Both members voting aye thereon. Motion carried.

Mary Williams met with the Board to request approval of provider clients. Moved by Vermedahl, seconded by Buch, to enter into the following provider contracts:

Covenant Hospital, Waterloo, Iowa for Mental Health and Substance Abuse Commitments - \$520.45, all-inclusive, effective August 1, 2006.

Communication Service of the Deaf, Inc. for supported community living at \$28.13 per hour and sign language at \$35.00 per hour – retroactive to July 1, 2006

Area Substance Abuse – Post Hearing Substance Abuse treatment - \$34.86 per day

Both members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, met with the Board to provide an update on transit services. Halstead advised that she has not received the new bus yet. The delivery was suppose to have been in June and that she has already paid ECICOG. Auditor Marlow advised that she would request a refund from ECICOG until the bus is delivered. Halstead also reported on the income her department has received.

Halstead requested approval to attend a conference in Atlanta, Georgia from September 26 through the 29th. The conference is on “Route Match”, the new computer software that Benton County Transportation is using. Halstead advised she would be sharing a room and would be traveling by air. Halstead estimated the cost for her to attend the conference would be \$500.00. Moved by Vermedahl, seconded by Buch, to approve out-of-state travel for Mary Halstead to attend the Route Match conference being held in Atlanta, Georgia. Both members voting aye thereon. Motion carried. Halstead added that if others in the region did not attend, then she will not attend either.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 208

Moved by Vermedahl, seconded by Buch, to set September 1, 2006, at 9:30 a.m., as the time and date to amend the Benton County FY07 budget. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 15, 2006 at 10:00 a.m., August 18, 2006 at 10:00 a.m., and August 22, 2006 at 9:00 a.m. as the time and dates for considerations of Ordinance #53 on Sexually Themed Business. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-47. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-47

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

WHEREAS, the Benton County Auditor has requested that outstanding checks issued prior to July 1, 2004, be cancelled,

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

General Basic Fund

06/08/2004	#64279	\$22.80	Qwest
		<u>\$22.80</u>	

Emergency Management Services

06/08/2004	#64277	\$731.16	Qwest
		<u>\$731.16</u>	

Grand Total: \$753.96

This resolution adopted on the 4th day of August 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to request an extension to the Community Development Block Grant for the Watkins Wastewater Treatment Facility project. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

August 8, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 4, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 85158 through 85540, for payment. All members voting aye thereon. Motion carried.

Lisa Treharne of East Central Iowa Council of Governments met with the Board regarding the Community Development Block Grant for the wastewater treatment facility in Watkins. Treharne advised the bid opening was held last week; however, construction cannot begin until all required publications have been made. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Notices to the Public regarding the Request for Release of Funds and Certification and Finding of No Significant Impact on the Environment. All members voting aye thereon. Motion carried.

Karl Korff met with the Board regarding Friends of the Shelter. Korff explained that Friends of the Shelter is a non-profit organization providing for the care of animals. Korff advised that the Code of Iowa defines animal shelters and dog pounds differently and the goal is to bring the two together in Benton County. There was a prior concern regarding the number of animals being euthanized at the dog pound and volunteers stepped in for the purpose of adopting out the animals. More volunteers joined in and approximately one year ago Friends of the Shelter was organized. The current status of the dog pound is that the county owns land and building, with the city of Vinton operating the facility. The property surrounding the dog pound has been sold and a residential subdivision planned for the area. There is a proposal

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 209

to move the facility to land owned by the City of Vinton near the wastewater treatment plant. Korff presented statistics showing the following:

2003 – animals in – 298: animals out – 32

2004 – animals in – 378: animals out – 148

2005 – animals in – 471: animals out – 334

2006 (6 months) – animals in – 276: animals out – 240

Korff advised that not all animals could be adopted due to behavior or disease issues. The organization would like to work hand-in-hand with the county and cities. Korff advised that a new shelter is needed, adding that the current facility is not acceptable. The law requires that animals be housed at no less than 50 degrees and the cost to heat the current facility is tremendous. Friends of the Shelter are currently doing fundraising for the construction of a new animal shelter and are trying to recruit more members. They plan to speak at high schools to try and gain volunteers and also with the sheriff regarding troubled youth volunteers. Korff advised that many people are volunteering their services to further the shelter and the organization. Supervisor Vermedahl questioned if Friends of the Shelter would take over operation of the facility. Korff advised that they did not anticipate changes in the operation as the City currently has people in place for that purpose. The organization is asking the county to continue financial support for the shelter and to support a new facility. Korff also asked the Board to let others know of the opportunity to volunteer.

Moved by Vermedahl, seconded by Sanders, to set August 25, 2006 at 9:05 a.m., August 29, 2006 at 9:05 a.m., and September 1, 2006 at 9:05 a.m., as the time and dates for considerations of Ordinance #54, an Ordinance Readopting the Existing Code of Ordinances and/or Repealing Certain Portions Therein. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance. Mike Wauters submitted the application on a parcel located in the E1/2 of 7-82-12. Greenlee advised that the applicant meets the requirements of the land use ordinance for granting of a farm exemption. Moved by Vermedahl, seconded by Sanders, to grant a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in the E-1/2 of 7-82-12 requested by Mike Wauters. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

August 11, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 8, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set September 5, 2006 at 9:15 a.m. as time and place for a land use hearing for Sue Travis in the SW ¼ SW ¼ 2-84-9. All members voting aye thereon. Motion carried.

Dave Vermedahl on behalf of the Rural Addressing Committee updated the board on the Committee. There really were no changes. The Sheriff is assigning the numbers and the sign crew with Secondary Roads is installing the numbers. There were no complaints.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-48. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION 06-48

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from August 21, 2006, through the completion of the project.

Along 61st Street Lane, from 26th Avenue easterly approximately one (1) mile to 27th Avenue in Taylor Township for replacement of at grade railroad crossing.

Signed this 11th of August 2006.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST _____

Delane Kalina, Deputy Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-49. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-49 ABATING TAX

WHEREAS, the City of Vinton has requested abatement of 2005 tax on parcel 240-71600, as they are currently the owners of said property; and

WHEREAS, Iowa Code 445.63 allows the Board of Supervisors to abate a tax owed by a political subdivision, NOW THEREFORE BE IT RESOLVED that the 2005 tax due on parcel 240-71600 is abated in its entirety.

Dated this 11th day of August 2006.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST _____

Delane Kalina, Deputy Auditor

The Board discussed the noise ordinance as it pertains to dogs barking in the County. After discussing it with the County Attorney, it was decided that at this time they had no way of policing the problem.

Vermedahl advised the board that he attended the REAP meeting held August 10th, 2006 and updated them on some of what was discussed.

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

Ronald R. Buch, Chairman

Attest: _____

Delane Kalina, Benton County Deputy Auditor

August 15, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 11, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-50. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-50
ABATEMENT OF TAX**

WHEREAS, the City of Van Horne has requested abatement of the 2005 tax on several parcels, as they are currently the owners of said property; and

WHEREAS, Iowa Code 445.63 allows the Board of Supervisors to abate a tax owed by a political subdivision, BE IT RESOLVED by the Benton County Board of Supervisors that the 2005 tax due on the following parcels is hereby abated in full: 230-00550, 230-00600, 230-00900, and 230-01050.

Dated this 15th day of August 2006.

Jason Sanders, Vice-Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow, Benton County Auditor

The board discussed the proposal from RSM McGladrey for human resource consultation services. The auditor asked the board if they wanted additional organizations to quote on the service, noting that proposals would probably have to be gotten from the Des Moines area. The board stated that they feel comfortable with RSM McGladrey and asked that they return to a meeting for further discussions.

Mary Halstead, Benton County Transportation Director, met with the Board to provide an update on her department. Halstead advised that her office is still without internet service due to the lightning damage suffered at the sheriff's department last week. Halstead advised that she has been able to use the auditor's office computer to access her transportation programs; however she could not print the reports out. Halstead advised that she has since obtained a separate printer in the event she cannot access the internet again. Halstead also advised that she needed to advertise for two part-time positions and asked for authority to do so. Moved by Vermedahl, seconded by Sanders, to authorize Halstead to advertise for two part-time drivers. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board to request that the Board enter into an Agreement for Joint Vehicle Use between the Benton County Sheriff and the City of Urbana. The agreement is to allow the City of Urbana to use a sheriff's squad car and providing for a city officer to respond to county incidents. The Board requested that the agreement be given to the county attorney for review prior to any action being taken.

The time of 10:00 a.m. having arrived, and this being the time and date for the first consideration on an ordinance regulating sexually themed businesses, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers on August 9, 2006. There was one member of the media present and no one from the public present. The auditor reported that she had not received any comment either for or against the proposed ordinance prior to today. The county attorney reviewed the proposed ordinance with the Board. The county attorney suggested that changes be made relative to the procedural process and with whom the permit applications were filed. The county attorney also stated that the definitions in the ordinance are highly detailed and specific, which is allowed due to the many studies done on illegal activities associated with or to sexually themed businesses. Hearing no other comment, and having fully discussed the proposed ordinance, it was moved by Vermedahl, seconded by Sanders, to approve the first consideration of Ordinance #53, Sexually Themed Businesses with the following change and/or additions:

#1. The land use administrator/sanitarian will be the official designated to receive permit applications.

- #2. The permit process shall be in the same order as a permit for a land use change.
#3. The fee for the permit and renewal of the permit shall be set by resolution of the Board.
#4. A section shall be added stating that sexually themed businesses must also comply with other county ordinances. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Vice-Chairman

Attest: _____
Jill Marlow, Benton County Auditor

August 18, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 15, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set September 8, 2006, at 9:15 a.m. as the date and time for a public hearing on a land use change requested by Dave Wessling on a parcel located in the NW1/4 of the SW1/4 of 36-86-11. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, met with the Board to discuss a letter received from the Department of Natural Resources regarding temporary approval of the confinement feeding operation permit application submitted by Dennis Zieser. The DNR now provides the Board of Supervisors the opportunity to file any objections within fourteen days. Greenlee recommended that the Board respond whether they have objections or not. Moved by Vermedahl, seconded by Sanders, to state that the Board of Supervisors does not have any objections to the permit application for a confinement feeding operation submitted by Dennis Zieser. The land use administrator is directed to notify the Department of Natural Resources of the Board's position. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Beer Permit and Sunday Sales for the Blairstown Lions Club for Blairstown Sauerkraut Days. 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 Mitch and Nichole Schminke, 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. Greenlee advised that the application meets the requirements of the ordinance as the building site has a sixty CSR due to slope and the 10% rule on the driveway will need to be met. Hearing all comment, it was moved by Vermedahl, 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 NW 1/4 of 33-85-9 (Benton Township) for a single residential use. Vermedahl stated for the record that he does have a business relationship with the applicants; however that the request clearly qualifies for a land use change and his potential conflict-of-interest is not an issue in this matter. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-51. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-51

ENTERING INTO 28E AGREEMENT WITH THE CITY OF URBANA

WHEREAS, the City of Urbana and the Benton County Sheriff's Department desires to share equipment; and
WHEREAS, the Board of Supervisors believes the sharing of equipment would better serve the residents of Benton County,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County enter into a 28E Agreement for the sharing of equipment as set forth below.

Dated this 18th day of August 2006.

Jason Sanders, Vice-Chairman

David H. Vermedahl

ATTEST: _____
Jill Marlow, Benton County Auditor

AGREEMENT OF JOINT VEHICLE USE FOR LAW ENFORCEMENT

This agreement is made pursuant to Chapter 28E of the Code of Iowa (2005) between the Benton County Sheriff, Vinton Iowa and the City of Urbana, Iowa.

The effective date of this agreement shall be August 15th, 2006. This agreement shall remain in effect for one year and shall continue in effect from year to year unless one of the parties prior to January 1 of any year gives written notices to the other party of termination of participation by that party in which case said notifying party shall be deleted from further operation of this agreement.

The purpose of this agreement is to establish a procedure whereby either of the parties to this agreement may use the vehicle for law enforcement. Pursuant to this purpose, the parties agree to the following:

1. In spontaneous situations (e.g. fires, accidents, altercations, natural disasters, criminal investigations, etc.) response to the request may be made by the senior departmental law enforcement officer on duty

- or, in the absence of more senior departmental officer, by the shift commander.
2. In situations which may be prolonged or have budgetary or scheduling implications, authority for requesting assistance shall reside in the Benton County Sheriff and the Mayor of Urbana or his or her designee for their respective jurisdiction
 3. The personnel authorized to drive this vehicle under terms of this agreement shall have the same powers and authority as the members of the law enforcement department to which they are providing service.
 4. It shall be the responsibility of each party to this agreement to provide compensation and appropriate insurance for its own personnel who may suffer injury, disability or death in performance of official duties while providing law enforcement under terms of this agreement.
 5. It shall be the responsibility of each party to this agreement to pay for repairs and maintenance on the vehicle other equipment used by their own personnel while assisting another law enforcement agency under terms of this agreement. However, it shall be the responsibility of the requesting party to pay for damages to the vehicle and equipment loaned to it by another party to the agreement when such cars and equipment are not under the direct control of personnel of the party owning them.
 6. Upon execution by all parties hereto, this agreement shall be filed with the Secretary of State and recorded with the Benton County Recorder.

CITY OF URBANA, IOWA

BENTON COUNTY, IOWA

By: _____
Mayor
Attest: _____
City Clerk
Date: _____, 2006

By: (s) Jason Sanders, Vice-Chairman
Chairman, Board of Supervisors
Attest: (s) Jill Marlow
Jill Marlow, Benton County Auditor
Date: August 18, 2006

Moved by Vermedahl, seconded by Sanders, to enter into a contract with Thomson*West for printed legal publications and electronic access to Westlaw. The contract is for a three-year period at \$6,655 annually with a 4% increase each year. Both members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date for the second consideration on an ordinance regulating sexually themed businesses, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers on August 9, 2006. There were no members of the public present. The auditor reported that she had not received any comment either for or against the proposed ordinance prior to today. The land use administrator/sanitarian reviewed the ordinance with the Board. Greenlee questioned how certain portions of the proposed ordinance would work, i.e. where information would come from when determining the increase in floor space. The county attorney advised the permit holder would be required to notify the county if they enlarge the business and failure to notify the county may result in revocation of the permit. Greenlee also questioned how the county would be assured that all partners involved in the business are listed on the application. The county attorney advised that the applicants are required to list all partners, and if information is left off the application, then the county may revoke the permit. The county attorney also stated that the burden is placed on the private sector and is done through the county's police authority. The law enforcement areas of the ordinance would primarily be the sheriff's department's responsibility. The land use administrator/sanitarian would be responsible for enforcing the permit application with the designation of the sheriff's department as the law enforcement. Hearing no other comment, and having fully discussed the proposed ordinance, it was moved by Vermedahl, seconded by Sanders, to approve the second consideration of Ordinance #53, Sexually Themed Businesses with the following change and/or additions:

- #1. The land use administrator/sanitarian will be the official designated to receive permit applications.
 - #2. The permit process shall be in the same order as a permit for a land use change.
 - #3. The fee for the permit and renewal of the permit shall be set by resolution of the Board.
 - #4. A section shall be added stating that sexually themed businesses must also comply with other county ordinances.
 - #5. All temporary permit language is deleted, as well as any reference to timelines relative to the issuance of a temporary permit.
 - #6. Designee is also defined as sheriff's department or other appropriate personnel.
- Both members voting aye thereon. Motion carried.

Rick Primmer met with the Board to request the placement of memorial benches on the courthouse lawn in honor of his late mother. Primmer advised that the benches would be constructed of Stone City stone and asked that they be placed near entrances. Primmer stated that the placement request was due to many elderly people needing to rest after walking up to the courthouse. Supervisor Sanders stated the concern was with personalized donations due to problems with moving the items, etc. Primmer stated that his family would provide a release to the county allowing them to move them from location to location. Supervisor Vermedahl advised that it had been the position of Benton County that personalized memorials, although appreciated, are not accepted due to the number of requests. Benton County would accept monetary donations to be used for memorial purchases as determined by the Board of Supervisors. The supervisors indicated that they were receptive to the placement of benches near the entrances, but had concerns over the personalization. The auditor suggested that a plaque be placed in the courthouse, listing individuals who make contributions/memorials to the county. The Board asked that the matter be placed on the August 25, 2006 agenda for action, as a full board will be present on that date.

Moved by Vermedahl, seconded by Sanders, to approve a request for a utility permit submitted by Qwest to place utility lines in the county's right-of-way along 23rd Avenue in Section 19 and 20 of Eden Township. Both members voting aye thereon. Motion carried.

The county engineer presented quotes for the purchase of a 2006 motor grader. The quotes were as follows:

Altorfer Inc. – Caterpillar 143 H - \$190,440.00 (no buy back)

Caterpillar 140 H - \$172,145.00 (no buy back)

Martin Equipment of IA-IL, Inc. – John Deere 770D - \$149,125.00 (no buy back); John Deere 772D - \$182,125.00 (no buy back); John Deere 870D - \$164,125.00

Road Machinery & Supplies, Co. – Komatsu GD655-3EO - \$169,104.00 (no buy back)

Spreitzer, Inc. – Volvo G940 - \$139,682 (no buy back) or \$155,000.00 with buy back; Volvo G946 \$160,515.00 (no buy back) or \$175,000.00 with buy back

The engineer will return with a recommendation after researching fuel consumption by the various makes and models of equipment.

The engineer requested that the Board sign an administrative consent order from the Iowa Department of Natural Resources regarding fines being imposed against Benton County for landfill violations. The engineer advised that the DNR had imposed a \$6,000.00 fine in the Spring of the year for landfill violations. The engineer had contacted the DNR in an effort to minimize the fines, however the DNR will not consider a reduction in the fine. The engineer has also spoken with the county's landfill consultant who stated that the county should pay the fine. The engineer was to have responded by the middle of June but missed the deadline due to the letter being inadvertently "buried" on his desk. Moved by Vermedahl, seconded by Sanders, to authorize the vice-chair to sign the letter and direct the engineer to pay the \$6,000.00 fine from the landfill budget. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Vice-Chairman

Attest: _____

Jill Marlow, Benton County Auditor

August 22, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of August 18, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 85541 through 85911, for payment. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date for the third consideration on an ordinance regulating sexually themed businesses, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers on August 9, 2006. There were no members of the public present. Moved by Vermedahl, seconded by Sanders to table the 3rd Consideration and Adoption of Ordinance #53-Sexually Themed Business to Friday, August 25th, at 11:00 A.M. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-52. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

**RESOLUTION #06-52
Emergency Preparedness Information**

WHEREAS, House File 2590 (HF2590) was enacted into law and gave counties the right to treat certain records as confidential, if the records relate to emergency preparedness information or security procedures; and

WHEREAS, HF2590 provides that particular records to be exempted from the Public Records Law; and

WHEREAS, HF2590 allows the exemption only if the board of supervisors adopts a rule or policy identifying the specific records or class of records to which this exemption applies,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following Security Information Policy be adopted.

Dated this 22nd day of August, 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Deputy County Auditor

Security Information Policy

1. For the protection of the county employees, visitors to county facilities, persons in county care, custody or control, and for the protection of county property, the board of supervisors hereby adopts this Security Information Policy, pursuant to Iowa Code section 22.7(52)(2006). This policy is effective as of August 22, 2006.

2. The board of supervisors has determined that certain confidential information developed and maintained by the county concerning security procedures and emergency preparedness, if disclosed, could reasonably be expected to jeopardize such employees, visitors, persons, or property.

3. The following information shall be kept confidential unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

- a) Information directly related to vulnerability assessments;
- b) Information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures;
- c) Emergency response protocols;
- d) Architectural, engineering or construction diagrams; and
- e) Information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of the county to attack.

The time of 9:30 A.M. having arrived and this being the time set for NIMS (National Incident Management System) Training at the Law Enforcement Center conducted by Scott Hansen, Benton County Emergency Management. All three members completed the training session along with various other department heads.

Moved by Sanders, seconded by Vermedahl, to adjourn at 12:25 P.M. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

Attest:
Hayley Rippel, Benton County Deputy Auditor

August 25, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 22, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the application for a fireworks permit submitted by Thomas Pingenot for a display to be held on September 9, 2006, at 5898 28th Avenue Dr., Vinton, Iowa. All members voting aye thereon. Motion carried.

The time of 9:05 a.m. having arrived, and this being the time and date for the first consideration of an ordinance re-adopting existing ordinances, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers. One member of the public was present. The auditor reported that she had not received any comment either for or against the proposed ordinance prior to today. Hearing no comment, and having fully discussed the proposed ordinance, it was moved by Vermedahl, seconded by Sanders, to approve the first consideration of Ordinance #54, with the understanding that Ordinance #53, if adopted on this date, will be included in Ordinance #54. 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 Ken Gatewood, 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 commercial use for the purpose of computer sales and services on approximately two acres in Kane Township. The change is on an existing residential parcel for an in-home business. Supervisor Sanders questioned how a residential and commercial use could be in the same building. Greenlee responded that this is a new non-agricultural use and should not be confused with a commercial zoning designation. Supervisor Vermedahl stated that it is a fine line when determining whether a use is considered in-home business. 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 a parcel described as being a Part of the SE1/4 of the SE1/4 of 25-83-12 (Kane Township) for a non-agricultural use as it is low-impact and restricted to the in-home sales and services of computers. Further, the approval is specific to this applicant. All members voting aye thereon. Motion carried.

Vince Blank, Vinton American Legion Commander, and Roger Uthoff met with the Board to request abatement of the 2005 taxes payable in 2006/2007. The American Legion purchased a building on January 3, 2006 and filed for tax-exempt status on that date. Supervisor Buch advised that the 2005 tax is due as the Legion did not own the building until 2006. The Board directed Blank to contact the seller to see if he would be willing to pay the taxes due.

Rick Primmer returned to the Board regarding his request to place memorial benches on the courthouse lawn. Supervisor Vermedahl summarized the discussion held on August 18, 2006. Vermedahl stated that the Board had determined in the past that memorial funds would be accepted, but the supervisors would determine what the funds would be spent on. Also, that there would be no personalized memorials. Primmer stated that he has spoken with other family members and they would like to have the bench personalized, although the memorial plaque would not have to be very large. Primmer stated that the family would also consider donating a picnic table with benches. Supervisor Vermedahl advised that, although the Board is extremely grateful for the offer of stone city benches, the county needed to be consistent with past decisions. Primmer stated that his family would be willing to donate funds if there was a guarantee that the funds would be used for the purchase of benches. Primmer requested that the Board make a verbal statement as to whether or not they would purchase benches. Primmer reiterated that the family would donate funds with the

understanding that the funds will be used to purchase benches. Supervisor Buch asked that the Board and Primmer view the courthouse lawn on August 29, 2006, to determine if additional benches are needed and if so where possible placement would be.

Moved by Vermedahl, seconded by Sanders, to approve vacation carry-over for Melinda Schoettmer in the amount of 25 hours, and Joy McGowan in the amount of 10.5 hours. Said carry-over is to be used no later than November 1, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-53. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-53

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$8271.00 is hereby abated on parcels numbered 270-15651, 380-10300, 390-10300, and 370-01550 pursuant to the agreement entered into between Iowa Northern Railroad and Benton County. The treasurer is directed to determine the amount of abatement to be applied to each respective parcel.

Dated this 25th day of August 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow
Benton County Auditor

Dell Hansen stopped at the boardroom to express his concerns over the condition of the county's right-of-way in Taylor 33. Hansen advised that Qwest recently placed line in the right-of-way and left the ditches in very poor condition. Hansen also spoke to the Board about the growth of brush near Minne Estema Park. Hansen stated that the county had spent a lot of time clearing the brush in that area and it appears to be growing over again.

Scott Hansen, EMA, met with the Board regarding compliance with the National Incident Management System (NIMS). Hansen stated that the compliance required that all county officials, including department heads, be certified as having taking the required courses. Currently, the auditor and the county attorney have not provided evidence of taking the necessary courses. Training was held on August 22, 2006, for county officials, but the auditor was unable to attend due to attendance at another training session. Hansen advised that County Recorder had not taken the training either, but a deputy in her office had and he believed that met the requirement. The auditor advised that a deputy from her office had also taken the training and questioned if that same allowance would apply to her office as well. Hansen advised that he does not have any issue with the auditor and recorder certifying deputies. The auditor advised that she had gone on-line and taken the required training the evening of August 22, 2006. Hansen stated that Benton County was required to meet certain requirements to designate NIMS as the basis for incidents in Benton County, and all of those requirements had been met. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-54. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-54

**DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS
THE BASIS FOR ALL INCIDENT MANAGEMENT IN BENTON COUNTY, IOWA**

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal government, emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes;

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 216

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa, that the National Incident Management System (NIMS) is adopted.

PASSED AND APPROVED THIS _____ DAY OF _____, 2006

Benton County Board of Supervisors

ATTEST:

Ronald Buch, Chair

Jill Marlow, County Auditor

Jason Sanders

DATE

David Vermedahl

Moved by Sanders, seconded by Vermedahl, to direct the chair to sign the National Incident Management System Statement of Compliance. All members voting aye thereon. Motion carried.

National Incident Management System (NIMS)

Statement of Compliance

I certify that Benton County has successfully completed the following minimum FY 2006 NIMS compliance requirements and is NIMS compliant.

BENTON COUNTY, IOWA

- 1) Has adopted NIMS at the community level for all government departments and agencies; as well as promote and encourage NIMS adoption by associations, utilities, non-governmental organizations (NGOs), and private sector incident management and response organizations.
- 2) Will manage all emergency incidents and preplanned events in accordance with ICS organizational structures, as defined in NIMS. ICS implementation must include the consistent application of Incident Action Planning and Common Communication Plans.
- 3) Will coordinate and support emergency incident and event management through the use of integrated multi-agency coordination systems, i.e. Emergency Operations Centers (EOC's).
- 4) Will implement processes, procedures, and /or plans to communicate timely, accurate information to the public during an incident through a Joint Information System and Joint Information Center.
- 5) Will revise and update plans and SOGs to incorporate NIMS components, principles and policies, to include planning, training, response, exercises, equipment, evaluation, and corrective actions.
- 6) Will participate in and promote intrastate and interagency mutual aid agreements, to include agreements with the private sector and non-governmental organizations.
- 7) Appropriate personnel have completed IS-700; An Introduction to NIMS.
- 8) Appropriate personnel have completed IS-800 NRP; An Introduction to National Response Plan (NRP).
- 9) Appropriate personnel have completed ICS 100 and ICS 200 Training; Awareness and Basic Incident Command Training or equivalent.
- 10) Will incorporate NIMS/ICS into all local and regional training and exercises.
- 11) Will participate in a NIMS all-hazard exercise program that involves responders from multiple disciplines and multiple jurisdictions.

- 12) Will incorporate corrective actions into preparedness and response plans and procedures.
- 13) Has inventoried community response assets to conform to homeland security resource typing standards.
- 14) Will ensure that all relevant national standards and guidance to achieve equipment, communication, and data interoperability are incorporated into State and Local acquisition programs.
- 15) Will apply standardized and consistent terminology, including the establishment of plain English communications standards across the public safety sector.

Ron Buch, Chair
Benton County Board of Supervisors

Date

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Poweshiek Water to place utility lines in the county's right-of-way along 74th Street west of 33rd Avenue in Fremont and Florence Townships. All members voting aye thereon. Motion carried.

The engineer reviewed the quotes received for a motor grader and presented to the Board on August 18, 2006. The engineer stated that he considered the buyback option on some of the quotes, fuel efficiency, as well as operator concerns when considering his recommendation. Komatsu advised that their equipment is very fuel-efficient; however the engineer could not confirm that statement. The Caterpillar unit is fuel-efficient based on county experience and that although the equipment is more expensive it would be cheaper over the long term. The engineer advised that John Deere has made great strides in their equipment, but had concerns with the Volvo and Komatsu machines. Ultimately, it was the engineer's recommendation that the county purchase the Caterpillar due to fuel efficiency. Supervisor Sanders questioned if the fuel efficiency was enough to offset the increased price over the John Deere unit. The engineer stated that fuel savings would be significant. The engineer also advised that Caterpillar had a better delivery date. The John Deere representative questioned if the delivery date would actually be better. Supervisor Vermedahl asked for clarification on the fuel savings. The engineer advised savings could be anywhere from \$5000 to \$15000. Supervisor Buch stated that if the county were to purchase the John Deere, then we could determine the fuel efficiency ourselves in comparison to a Caterpillar. Supervisor Sanders asked if the buyback on the Caterpillar was an issue. The engineer advised that the county has never taken advantage of the buyback provision. Moved by Sanders to purchase a Caterpillar 140H from Altorfer Machinery at a cost of \$172,145.00. The chair called for the second three times. Motion died for lack of a second. Moved by Vermedahl to purchase a John Deere 770D motor grader at a cost of \$149,125.00, seconded by Sanders. Supervisor Vermedahl stated that his motion was made on the basis of cost and that there was no concrete evidence on the potential fuel savings with a Caterpillar unit. Supervisor Sanders questioned if the maintenance would be an issue with the John Deere. The engineer replied that maintenance was not an issue as it had been in the past. Supervisor Buch stated that the county would be able to make its own determination on the fuel consumption by purchasing the John Deere. All members voting aye thereon. Motion carried.

The engineer spoke with the Board regarding compensation for crop damage when the sewer line is constructed to the Cedar Valley Ranch. The engineer asked if Adam Happel, who is leasing the farm ground, had been approached regarding the matter. The auditor advised that the matter had not been addressed when the lease was signed as the project was to have been completed prior to now. The Board asked that the engineer speak with Happel regarding the matter. Supervisor Vermedahl also requested that the engineer speak with the City of Vinton regarding compensation to Derald Merchant. Vermedahl had been approached by Councilman Ron Elwick asking that the county contribute towards the compensation for crop damage to Derald Merchant. The engineer stated that he was not aware of any agreement that the County provides additional funding for the matter.

The time of 11:00 a.m. having arrived, and this being the time and date for the third consideration and adoption of an ordinance regulating sexually themed businesses, the Board took up the matter for discussion. This hearing had been tabled from August 22, 2006. There were no members of the public present. One member of the media was present. The county attorney presented various statistics setting forth the negative impacts that sexually themed businesses may have on communities based on prior studies. The attorney stated that increased crime, littering, etc. can be associated with sexually themed businesses. The county attorney did state that he was unable to locate a study relative to small rural areas. The county attorney reminded the Board that although these hearings have not been well attended; the Board has heard comments in earlier proceedings. Hearing no other comment, and having fully discussed the proposed ordinance, it was moved by Vermedahl, seconded by Sanders, to approve the third consideration of Ordinance #53, Sexually Themed Businesses. The ordinance was modified with the following changes and/or additions:

- #1. The land use administrator/sanitarian will be the official designated to receive permit applications.
- #2. The permit process shall be in the same order as a permit for a land use change.
- #3. The fee for the permit and renewal of the permit shall be set by resolution of the Board.
- #4. A section shall be added stating that sexually themed businesses must also comply with other county ordinances.
- #5. All temporary permit language is deleted, as well as any reference to timelines relative to the issuance of a temporary permit.
- #6. Designee is also defined as sheriff's department or other appropriate personnel.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-55. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-55

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ADOPTING ORDINANCE NUMBER 53 SEXUALLY THEMED BUSINESSES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF BENTON COUNTY, IOWA, BY DISPERSING SEXUALLY THEMED BUSINESSES AND REGULATING THEIR PROXIMITY TO RESIDENCES AND OTHER PUBLIC AND PRIVATE FACILITIES; PROVIDING FOR LICENSING AND REGULATION OF SEXUALLY THEMED BUSINESSES AND EMPLOYEES; AND PROVIDING ADDITIONAL HEALTH AND SAFETY REGULATIONS FOR SEXUALLY THEMED BUSINESSES, TO BE CODIFIED AS CHAPTER 53 IN THE CODE OF ORDINANCES AND ENTITLED "SEXUALLY THEMED BUSINESSES"

BE IT ORDAINED BY THE BOARD OF SUPERVISORS, OF BENTON COUNTY, IOWA:

WHEREAS, sexually themed businesses in the unincorporated areas of Benton County require special supervision from public safety and health agencies of the County in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as citizens of the County; and

WHEREAS, the Board of Supervisors and other county officials have conducted an extensive review of land use studies concerning the secondary effects of sexually themed businesses in other cities including, but not limited to, Garden Grove, California (1991); Phoenix, Arizona (1986); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); City of Los Angeles, California (1977); Cleveland, Ohio (1977); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Beaumont, Texas (1982); and Whittier, California (1978); and

WHEREAS, the Board of Supervisors and other county officials have received comments and information from concerned citizens in public meetings, in writing, and as letters to the editor in the local papers, and have also received comments and reviews of the Chapter by other county boards and officials, including the Benton County Board of Health in Benton County; and

WHEREAS, from review of other cities' studies and the information and comments from its citizens there is convincing documented evidence that sexually themed businesses, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading of property values; and

WHEREAS, in the unincorporated areas of Benton County, the majority of the businesses are agricultural, and are comprised of family farms and family farm corporations owned or rented and operated by families who live in Benton County on or near those farms. Some families also operate home based businesses, including but not limited to serving meals, or selling fruits and vegetables, woodcrafts, flowers, trees and clothing or quilts; and

WHEREAS, there are areas of the County which attract tourism, that the image and character of Benton County is primarily rural and agricultural with a quiet, pleasant and wholesome environment to live; that this type of rural, peaceful environment has caused new housing and subdivision development and population growth of people who want this type of environment; and

WHEREAS, Benton County is home to a number of churches which are in the unincorporated areas of the county; and

WHEREAS, there are a number of families in Benton County who have enrolled this children in competent private instruction, commonly known as "home schooling." The schooling of such children commonly takes place in the homes of the children, with one or both parents or another instructor providing the instruction to the children; and

WHEREAS, it is recognized that sexually themed businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, or near residences, schools, churches, parks and recreation areas and other public areas, thereby contributing to crime, lower property values, urban blight

and downgrading of the quality of life in the adjacent area and also threaten and compromise the health safety and welfare of the citizens of the unincorporated areas of Benton County; and

WHEREAS, the Board of Supervisors finds that sexually themed businesses are frequently used for unlawful sexual activities including prostitution and sexual liaison of casual nature; and further finds that increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually themed businesses including but not limited to prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials and child pornography, possession and sale of controlled substances and violent crimes against persons and property; and

WHEREAS, concern over sexually transmitted diseases, including AIDS, is a legitimate health concern of the County which demands reasonable regulations of sexually themed business in order to protect the health and well being of the citizens; and

WHEREAS, the Board of Supervisors has considered in part, each of the following matters:

(a) areas within close walking or driving distance of single and multiple family dwellings should be free of sexually themed businesses;

(b) areas where children could be expected to live, go to school or church, walk, patronize, or frequent, should be free of sexually themed businesses;

(c) sexually themed businesses should be located in areas of the County, which are not in close proximity to residences, home based businesses, churches, parks, or other public facilities and public or private schools;

(d) the image of Benton County as a pleasant and attractive place to reside will be adversely affected by the presence of sexually themed businesses in close proximity to residences, churches, parks and other public facilities, and public and private schools;

(e) sexually themed businesses should be regulated to separate them from residences, home based businesses, churches, parks and other public facilities, and public and private schools in order to protect children and families from the adverse effects of such businesses;

(f) residents of Benton County and persons who are nonresidents but use the County for shopping and other commercial needs will move from the community or shop elsewhere if sexually themed businesses are allowed to locate in close proximity to residences, churches, parks, and other public facilities, and schools;

(g) merchants and owners of family businesses in the County are concerned about the adverse impact and the character and quality of the County in the event that sexually themed businesses are located within close proximity to residences, home based businesses, churches, parks and other public facilities and public and private schools, and that such locations will reduce retail trade to commercial businesses in the vicinity, thus reducing property values and tax revenues to the County; and that such adverse affect on property values and business would cause the loss to some commercial districts within the County leading to further deterioration of the commercial quality of the County; and

(h) no evidence has been presented to show that location of sexually themed businesses within the County will improve the commercial viability or quality of life of the community; and

WHEREAS, permitting, licensing, and other police power regulations are legitimate reasonable means of accountability to insure the operators, permittees or licensees of sexually themed businesses comply with reasonable regulations and are located in places which minimize the adverse secondary effects which naturally accompany the operation; and

WHEREAS, the County recognizes the possible harmful effects on children and minors exposed to the effects of such businesses and the deterioration of respect for family values, and the avoidance of such businesses which necessitate children living near, passing through or visiting in the immediate neighborhood of such businesses. The Supervisors have carefully considered the appropriate buffer distance which is rationally related to these legitimate ends; and

WHEREAS, the Board of Supervisors finds that there would be a deterioration in the quality of businesses which choose to operate in and around such sexually themed businesses; and a decrease in property values of the properties surrounding such businesses; and

WHEREAS, the Board of Supervisors desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life;

preserve the property values and the character of surrounding residences and businesses, and protect against the threat to health from the spread of communicable and social diseases; and

WHEREAS, the Board of Supervisors recognizes that the exceptions, where sexually themed businesses are permitted to be established without regard to distance regulations; are either inward looking configurations, or those isolated from direct view from public streets, parks, schools, boys' clubs, girls' clubs, or similar youth organizations, public buildings, religious institutions or single or multiple family residences. This configuration reduces the adverse secondary effects associated with sexually themed businesses by segregating such businesses away from the aforementioned sensitive areas, and placing them in locations where they do not affect the public health, safety, and moral climate of the community as a whole. It decreases the problems of harassment of nearby adults and children, littering of sexually explicit reading material and paraphernalia, loitering, and visual blight. In addition, this promotes the County's interests by shifting part of the regulatory burden to the private sector. A center or resort complex has its own signage, paint and landscaping restrictions, as well as hours of operation, parking, and security. The County is relieved from some of the regulatory burden while protecting the County's commercial tax base; and

WHEREAS, the Board of Supervisors has considered the decisions of the United States Supreme Court regarding local regulations of sexually themed businesses, including but not limited to, Young v. American Mini-Theaters, Inc., 427 U.S. 50 (1976) reh. denied 429 U.S. 873; Renton v. Playtime Theaters, 475 U.S. 41 (1986) reh. denied 475 U.S. 1132; FW/PBS, Inc. v. Dallas, 493 U.S. 215 (1990); and Barnes v. Glen Theater, 501 U.S. 560 (1991); and City of National City v. Wiener, et al, 3 Cal. 4th 832 (1993). Topanga Press, Inc., et al v. City of Los Angeles, 939 F.2d 1524 (1993), and the Iowa case law regarding such businesses; and

WHEREAS, the Board of Supervisors has determined that locational criteria alone do not adequately protect health, safety and general welfare of the people of Benton County and thus certain requirements with respect to the ownership and operation of sexually themed businesses is in the public interest; and

WHEREAS, the Board of Supervisors, consistent with sale and consumption of alcohol and outside advertising limitations further finds that restricted hours of operation will further prevent the adverse secondary effects of sexually themed businesses; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually themed businesses; and

WHEREAS, it is not the intent of the Board of Supervisors to condone or legitimize the distribution of obscene material, and the Board recognizes the prohibitions concerning obscene materials contained in Chapter 728, Iowa Code (2005) and expects and encourages local and state enforcement officials to enforce state obscenity statutes against such illegal activities in the unincorporated areas of Benton County; and

WHEREAS, the Board of Supervisors and county officials find that the live entertainment presented by some sexually themed business establishments involves a considerable amount of bodily contact between patrons and performers, including physical contact while giving and receiving gratuities, including but not limited to hugging, kissing, and sexual fondling of or contact between performers and patrons, simulated or actual sex acts, "lap dances" where performers and patrons have sexually arousing contact with various areas of the body, including but not limited to the genital, anal, or breast areas of the body, which also increases the sanitation and disease transmission concerns.

Some of this conduct would violate the Iowa Criminal Code. Although no actual sexual intercourse may be involved, contact titillation provided in exchange for a gratuity is tantamount to prostitution, which is defined in Iowa Criminal Code Section 725.1 and 702.17, as "[a] person who sells or offers for sale the person's services as a partner in a sex act, or who purchases or offers to purchase such services, commits an aggravated misdemeanor"; and

WHEREAS, the Board of Supervisors and county officials find that a number of courts have upheld distance limitations between performers and patrons, prohibitions against physical contact between performers and patrons, and prohibitions against direct payment and receipt of gratuities between performers and patrons at sexually themed business establishments that provide live entertainment: BSA, Inc. v. King County, 804 F.2d 1104, 1110-11 (9th Cir. 1986) (six feet);

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 221

Kev, Inc. v. Kitsap County, 793 F.2d 1091 (9th Cir. 1986) (ten feet); Zanganeh v. Hymes, 844 F. Supp. 1987, 1091 (D.Md. 1994) (six feet); T-Marc, Inc. v. Pinellas County, 804 F. Supp. 1500, 1506 (M.D. Fla. 1992) (three feet); DLS, Inc. v. City of Chattanooga, 894 F. Supp. 1140 (E.D. Tenn. 1995) (six feet and prohibiting direct payment and receipt of gratuities); Parker v. Whitfield County, 463 S.E.2d 116 (Ga. 1995) (prohibiting tipping and contact between dancers and patrons); and Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995) (aff'd prohibition on touching or any contact between dancers and patrons). The Board of Supervisors and county officials have also reviewed a letter by the city of Newport Beach, California regarding "The Mermaid Application", dated April 12th, 1996, containing a notice of revocation and refusal to renew a sexually themed business permit based on repeated violations of the Newport Beach Municipal Code. The violations include distance limitations and direct payment and receipt of gratuities between performers and patrons during physical contact, including sexual contact; and

WHEREAS, the Board of Supervisors and county officials recognize that preventing prostitution and the spread of sexually transmitted disease are clearly within its police powers. Southeastern Promotions, Inc. v. Conrad, 361 F. Supp. 465, 477 (E.D. Tenn. 1972), rev'd on other grounds, 420 U.S. 546 (1975). The Board of Supervisors and staff believe that prohibiting physical contact between performers and patrons at a sexually themed business establishment, prohibiting performers from soliciting payment of gratuities from patrons, and the direct payment of gratuities to performers by patrons are a reasonable and effective means of addressing these legitimate governmental interests. It is not the intent of the County to place any impermissible burden on any constitutionally protected expression or expressive conduct by the enactment or enforcement of such regulations.

NOW THEREFORE, the Board of Supervisors of Benton County does enact Chapter 53, "Sexually Themed Businesses", in the Code of Ordinances.

Dated this 25th day of August 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow

Benton County Auditor

Supervisor Vermedahl left the meeting at 11:45 a.m.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

August 28, 2006

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

The time of 9:05 a.m. having arrived, and this being the time and date for the second consideration on an ordinance re-adopting existing ordinances, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers. There were no members of the public present. The auditor reported that she had not received any comment either for or against the proposed ordinance prior to today. Hearing no comment, and having fully discussed the proposed ordinance, it was moved by Sanders, seconded by Vermedahl, to approve the second consideration of Ordinance #54, Re-adopting Existing Ordinances. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the request by the Veterans Service Organizations to use the courthouse lawn on September 11, 2006. All members voting aye thereon. Motion carried.

Kevin Paulson of RSM McGladrey met with the Board to review his firm's proposal for human resource services. Supervisor Vermedahl questioned if any component of the proposal was required before another component could be completed. Paulson stated that job descriptions would be required before a compensation analysis could be completed. Vermedahl stated that at this time he did not believe the employee handbook needed reviewed; however development of job descriptions was a priority. Vermedahl stated that he was interested in levels of positions, i.e. Clerk I, Clerk II, and Clerk III. The employee in the position could then be elevated to a higher level within their overall positions, if appropriate. Paulson advised that the development of the job descriptions could address the creation of levels.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 222

Vermedahl also questioned standardization of positions between departments and authorizing the number of positions within those departments based on that standardization. The Board requested references from RSM McGladrey.

The Board toured the courthouse lawn to determine if additional benches were needed. After the tour, it was determined that there was a place for two benches near the west door with concrete pads. The Board requested that Primmer research the costs for two benches with cement pads. Moved by Sanders, seconded by Vermedahl, to accept a memorial donation from the Carl and Betty Primmer Estate in an amount to be determined. All members voting aye thereon. Motion carried.

The engineer reported that he spoke with Adam Happel. Happel currently rents the county home farm ground. Happel advised that he will not be harvesting the corn crop until November, and will not have objections to the placement of the sewer line provided he is compensated for the loss. Moved by Sanders, seconded by Vermedahl, to compensate Adam Happel for crop loss due to the placement of a sewer line to the county care facility. The loss is to be determined by the average yield harvested from test plots and the remaining field. All members voting aye thereon. Motion carried.

Gary Fordice, Benton County Conservation Executive Director, met with the Board to provide an update on conservation activities. Fordice advised that he has submitted a REAP grant and is also working on a grant for the Mt. Auburn boat ramp. A nature center development workshop was held last week with various ideas submitted. There will be a 50-year celebration of Benton County Conservation on October 15, 2006, at Hannen Park, from 2:00 p.m. to 7:00 p.m.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 1, 2006

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

Moved by Sanders, seconded by Vermedahl, to set September 22, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Mark Gross on a parcel located in the NW1/4 of 1-86-12 (Bruce Township). All members voting aye thereon. Motion carried.

The time of 9:05 a.m. having arrived, and this being the time and date for the third consideration on an ordinance re-adopting existing ordinances, the Board took up the matter for discussion. Notice of this hearing had been published in the official newspapers. There was one member of the media present. The auditor reported that she had not received any comment either for or against the proposed ordinance prior to today. Hearing no comment, and having fully discussed the proposed ordinance, it was moved by Vermedahl, seconded by Sanders, to approve the third consideration of Ordinance #54, Re-adopting Existing Ordinances. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-56. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-56 ADOPTING ORDINANCE #54

READOPTING EXISTING ORDINANCES

WHEREAS, the Benton County Board of Supervisors desires to re-adopt existing ordinances; and
WHEREAS, three considerations of Ordinance #54 were held on August 25, 2006, August 28, 2006, and
September 1, 2006; and

WHEREAS, publication of the time and dates for considerations was made according to Iowa Code; and
WHEREAS, a copy of said Ordinance #54 has been available to the public in the Benton County Auditor's
office,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ORDINANCE #54 is hereby fully adopted. The Benton County Auditor is directed to publish Ordinance #54, or a summary thereof, in the official newspapers of Benton County.

Dated this 1st day of September 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to set September 8, 2006, at 9:30 a.m., as the time and date for continuation of the hearing on a land use change requested by Dale Robinson on a parcel located in the NW1/4 of the SW1/4 of 26-86-9 (Polk Township). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set September 22, 2006, at 9:30 a.m., as the time and date for a hearing and action on vacating a secondary road in Section 1 of Bruce Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 25, 2006, and August 29, 2006. 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 amending the FY07 budget, the Board took up the matter for consideration. The auditor advised that publication had been made in accordance with Iowa

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law. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-57. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-57

BE IT REMEMBERED on this, the 1st day of September, 2006, 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 14, 2006. There was present quorum as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published on the 16th day of August, 2006. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for and against the amendment as follows: There was one member of the public and one member of the media present. No objections were heard. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Physical Health & Social Services	+4,850
County Environment & Education	+200,000
Administration	+150,000

<u>REVENUES</u>	<u>Amendment</u>
Intergovernmental	+\$170,000

Appropriations are amended to reflect the above increases/decreases in expenditures.

There will be no tax increase for FY07.

This resolution adopted on the 1st day of September 2006.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Roy Becker from the Benton County Conservation Board. Becker cites scheduling conflicts as his reason for resigning. The auditor is directed to advertise for the position to represent the southern area of Benton County. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

September 5, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 1, 2006. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen met with the Board to request that Benton County consider serving as a fiscal agent for the Decat Board relative to the Community Partnership Grant and the Criminal and Juvenile Justice Planning Grant. Serving as the fiscal agent would require additional reporting, budgeting, and monitoring duties by county personnel, and the cost of passing the funds through the county's budget would require a budget amendment. Moved by Sanders, seconded by Vermedahl, to deny the request for Benton County to serve as fiscal agent for the DECAT Board for the Community Partnership Grant and the Criminal and Juvenile Justice Planning Grant, due to the county's inability to absorb the increased work required by the grants and the need to amend the budget. Supervisor Vermedahl questioned if denial to serve as fiscal agent would affect the services to Benton County that would be provided through the grants. Wetjen-Kestersen advised that services would not be affected by the Board's action.

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 Sue Travis, 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 Canton Township. Hearing all comment, it was moved by Vermedahl, 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 SW1/4 of the SW1/4 of 2-84-9 (Canton Township) for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)(c). Motion carried at 9:40 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 9:50 a.m.

Moved by Vermedahl, seconded by Sanders, to authorize the county attorney to hire Cheryl Weber as a special prosecutor in the case of State vs. Yvonne Youker, at a rate of \$125.00 per hour. All members voting aye thereon. Motion carried.

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The Board discussed the appointment and removal of members to appointed county boards. The county attorney suggested going into closed session. Moved by Vermedahl, seconded by Sanders, to enter into closed session. All members voting aye thereon. Motion carried at 9:56 a.m. Moved by Vermedahl, seconded by Sanders, to return to open session as the matter does not meet the exception for a closed session. All members voting aye thereon. Motion carried at 10:05 a.m. The county attorney advised that members of an appointed board may be removed for malfeasance, nonfeasance, or misfeasance. Moved by Sanders, seconded by Vermedahl, to authorize the county attorney to contact an appointed board member regarding these matters. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 8, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 5, 2006. 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 Dave Wessling, 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 Cedar Township. Jack Aschenbrenner was present to comment that he owned the east side of the quarry and would like the reserve the ability to actively take rock from it in the future. Aschenbrenner stated that he has spoken with the applicant and he has no objections to the possible excavation of rock. Hearing all comment, it was moved by Vermedahl, 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 36-86-11 (Cedar Township) for a single residential use. It is noted that Jack Aschenbrenner has entered comments for the record that he wishes to reserve his right to excavate rock on a commercial basis from his portion of the quarry. 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 decision on a land use change requested by Dale Robinson, the board took up the matter for consideration. The request is for a single residential purpose in conjunction with an existing commercial property. Supervisor Vermedahl stated that he would like to allow the residential use for the current owner only, adding that Hutton's RV is both a commercial and residential use. Allowing the dual use would be consistent with Hutton's. Supervisor Sanders stated that by allowing the residential use, it may affect future commercial growth in that immediate area. Supervisor Buch questioned if the residential use is allowed would an apartment complex be allowed. Greenlee reported that various issues would have to be considered with an apartment proposal. Vermedahl questioned if the approval could not be limited to the current owner that since the use has been in place for approximately eight years can the use be approved solely because it has been in place. Vermedahl reiterated that Urbana provides the same type of use and approval would be consistent. Sanders questioned if the change is being requested for both units or just a single residence as Harold Robinson has left the area. Dale Robinson responded that he hoped the property would be sold, but until then it would just be a personal residence for him. Greenlee stated that the Board needs to consider if the use is compatible with surrounding uses. Supervisor Vermedahl stated that the compatibility issue should also consider what the city has done and they allow residential/commercial uses. Supervisor Buch stated that he agreed with the comments that the use is allowable inside the Urbana city limits and that the use has been in place for several years. 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 the parcel located in a Part of the NW1/4 of the SW1/4 of 26-86-9 (Polk Township) to include a single residential use restricted to the property owner, which is in addition to the current commercial use. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 12, 2006

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

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

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 85717 through 86334. For payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to sign a letter of support for the Center Point-Urbana Community School District's application for an Iowa Safe Routes to School grant. All members voting aye thereon. Motion carried.

Benton County is pleased to offer our support to the Center Point-Urbana Community School District (CPU) in obtaining an Iowa Safe Routes to School Infrastructure Grant. We understand that CPU is partnering with the City of Urbana on a "Safe Routes to Urbana Middle School" grant.

There are many reasons why fewer students walk or bike to school: safety concerns, a more sedentary lifestyle and lack of awareness of the benefits of regular exercise and physical activity. Your project addresses all of these areas

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 225

through a well thought-out program of infrastructure improvements and educational/public information strategies. We believe that the proposed project can be successful and are committed to supporting your efforts.

Benton County, through its Board of Supervisors, is prepared to offer support of this project by offering to serve on the project advisory/oversight committee and requesting that the Benton County Sheriff's Department coordinate efforts with the City of Urbana Police Department to promote safe driving.

We are excited about this project and are eager to support its implementation.

Best wishes for a successful grant application,

The county engineer reported that the balance in the Blairstown landfill bank account on August 30, 2006, was \$29,481.05.

The engineer reported that the bridge project north of Dysart appears to be running a little behind. October 18th is the scheduled finish date without penalty; however it will be difficult for the contractor to meet it. The engineer advised that Linn County is beginning work on 64th Street Drive and 33rd Avenue Drive upgrade project. Supervisor Vermedahl asked if the engineer had developed a plan for upgrading gravel roads to sealcoated roads based on traffic counts. The engineer advised that he has given thought to a policy, but has not put anything in writing. Supervisor Vermedahl also asked if work had begun on upgrading the Oak Grove Road as it was the Board's intent to upgrade the road. The engineer advised that he has not developed physical plans, but is communicating with some of the adjacent landowners. Supervisor Buch asked about the status of new street signs. The engineer advised that the signs are ordered but have not yet been received. Supervisor Buch also commented on the condition of the intersections in the Norway area. Buch advised that the intersections were the same as earlier in the year when the Board viewed them. The engineer advised that he was not aware of the problem. Supervisor Vermedahl questioned if any action has been taken regarding the size of rock being placed on gravel roads. The engineer did not indicate that any action had been taken.

Tammy Wetjen-Kestersen, DECAT Coordinator, met with the supervisors to provide an overview of the organization's FY07 budget and funding streams. Wetjen-Kestersen explained the various services being provided through DECAT for juveniles.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 15, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of Tuesday, September 12, 2006. 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 School Election held on September 12, 2006. Moved by Vermedahl, seconded by Sanders to approve said canvass and that the canvass be filed in the records of the auditor's office. Both members voting aye thereon. Motion carried.

Renae Tharp was scheduled for 10:00 a.m. but did not attend.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in Iowa Township along 79th St Trail. Both members voting aye thereon. Motion Carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Farmers Mutual Telephone Co to place utility lines in the county's right-of-way in Benton Township along 31st Ave. Both members voting aye thereon.

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

Jason Sanders, Vice- Chairman

Attest: _____
Brenda Sutton, Deputy Benton County Auditor

September 19, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of Friday, September 15, 2006. All members voting aye thereon. Motion carried.

Alberta Reifenhahl with Volunteer Cooperative updated the board on changes to the Experience Works program. The program will now be provided the American Association of Retired Persons instead of the Volunteer Cooperative.

Moved by Vermedahl, seconded by Sanders to enter into a contract with RSM McGladrey for Human Resource Administration and Compensation Consulting for Benton County. The services are to include job description development, a market pricing study, and a performance management process. The cost of the services is not to exceed \$27,900.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to adopt Resolution #06-58. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-58

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$5418.05.00 is hereby abated on parcels numbered 270-15651, 380-10300, 390-10300, and 370-01550 pursuant to the agreement entered into between Iowa Northern Railroad and Benton County. The treasurer is directed to determine the amount of abatement to be applied to each respective parcel.
Dated this 19th day of September 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Delane Kalina

Deputy Auditor

Several Benton County Librarians met with the Board to discuss funding for the 2008 fiscal year. The librarians advised that the cities currently provide more funding to the libraries than the County. The librarians discuss a possible charge for rural residents using library services was discussed in an effort to help meet operational costs. The librarians requested that a committee be formed to study funding; however, the Board of Supervisors advised that a committee was not necessary. The librarians stated that they would meet again with the Board to further discuss the problem.

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

Ron Buch, Chairman

Attest: _____

Delane Kalina, Deputy Benton County Auditor

September 22, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of September 19, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set October 13, 2006, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Timothy Hainey on a parcel located in the SE1/4 of the NE1/4 of 29-85-10. 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 by Mark Gross, 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 acre in Bruce Township. The parcel was an island of land used by the Department of Transportation when constructing Highway 218. Greenlee advised that the topsoil had been removed from the property probably during highway construction. Greenlee reported that areas of the parcel are subject to wetness and that the building would not be sited in those areas, and that an elevated sand filter septic system would be required. Greenlee stated that no standing water was viewed on the property during his inspection but that there could be seasonal high water tables. It was noted that a letter was received prior to the meeting from Attorney Kevin McCrindle representing Mr. and Mrs. James Johnson, neighboring property owners. The letter stated that the Johnsons were opposed to the land use change and requesting that the Board deny the request for a change as well as the deny vacating the public road. The letter stated that the site is unsuitable for housing due to wetness and its close proximity to current residences and the density of housing in the area. James Johnson stated that he and his wife were strongly opposed to the change citing the proposed location of the residence would be an invasion of privacy of their privacy. Johnson reiterated that the site was wet and that he had a drain tile that emptied onto the property. It was questioned what type of drain tile was emptying onto the property and Johnson answered that it was gray water from his basement area, but not sewer. Johnson stated that the tile had been there for over thirty years and would be allowed to remain under the “grandfather clause”. Gross advised that his understanding was that someone cannot discharge water onto another’s property and that no easement had been given for the tile line. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to defer a decision on the request for a land use change on a parcel located in the SW1/4 of the NW1/4 of 1-86-12 until the Board has an opportunity to view the property. Further, that the Board schedule the property review on October 3, 2006, at 10:30 a.m. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for a public hearing on vacating a part of a public road located in Section 1 of Bruce Township, the Board took up the matter for consideration. There were approximately five members of the public present. The engineer had provided notice of the hearing in accordance with law. The engineer advised that the road under consideration had been abandoned as a public roadway for a number of years. It was a rock road with a 90-degree turn prior to Highway 218 being built with an “S” curve. It recently was brought to the engineer’s attention that the road had never been properly vacated. It was his recommendation to the Board that the road be vacated and returned to the tax rolls of Benton County. If vacated one-half of the road would be deeded back to Kirk McQuilkin and one-half to Joseph Becker through the issuance of Quit Claim deeds. The engineer also advised that it was originally thought that the road lied on quarter/quarter section line but a survey of the area discovered that it was not. No public comment was heard. It is noted that a letter had been received regarding the Mark

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Gross land use change above, wherein it stated that the Board should deny vacating the road. Supervisor Sanders stated that vacating the road had no bearing on the Board's decision regarding the land use change pending before the Board, and subsequently moved to vacate the road. Supervisor Vermedahl seconded said motion. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-59 VACATING ROAD RIGHT-OF-WAY

WHEREAS, the Benton County Board of Supervisors held a public hearing on the vacation of a part of a road located in Bruce Township Section 1; and

WHEREAS, notice had been provided to all parties pursuant to Iowa law; and

WHEREAS, one written objection was received as a part of the land use hearing held on this same date, no oral objections were heard.

NOW BE IT RESOLVED by the Benton County Board of Supervisors to vacate the public road described as follows:

Commencing at the W1/4 Corner of Section 1, T86N, R12W, thence east 1202.15 feet along the south line of SW1/4 NW1/4, thence north 66 feet to point of beginning. From this point of beginning, north approximately 435 feet to the east right-of-way line of US Highway 218 represents the centerline of the 66-foot wide secondary road right-of-way which all lies in Section 1, T86N, R12W (Bruce Township).

Quit claim deeds are to be prepared by the Benton County Engineer.

Dated this 22nd day of September 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Residents in the area of Section 4 of Cedar Township met with the Board regarding the manure management plan (MMP) filed by Lawrinenko Finisher. The MMP is required for the construction of a confinement feeding operation being constructed by Lawrinenko Finisher. Those persons present were opposed to the plan and the construction of the confinement facility. A petition was also presented to the Board and reported (not verified by the Board) as containing over 400 signatures of individuals opposed to the plan. The Board advised that Iowa law required that Lawrinenko Finisher file a copy of the MMP with the County; however the county had no ability to approve or deny the MMP. The group requested that the Board hear their concerns and provide written comment to the Department of Natural Resources regarding the same. The Board heard the following comments and concerns:

1. Applicants should be required to have experience prior to approval, which this applicant lacks
2. High productivity ground is being taken out of crop production
3. High levels of nitrogen in the air, especially during summer months, and it's close proximity to the La Porte Elementary School
4. Contamination of shallow wells in the area of the facility and manure application
5. Past excavation has proven that only 2 to 3 feet of soil exists over alluvial soil (sandy soil) and studies show that manure application should not be done on that type of soil
6. Surface water contamination and emission concerns
7. Depletion of water supply due to the amount of water usage for the confinement facility
8. The probability that if shallow well water are contaminated, then wells will have to be dug over 200 feet deep
9. Questions regarding the difference between septic system regulations and the lack of regulations concerning agricultural manure
10. Soil type not conducive for confinement building
11. Applicant has not considered soil types in the past with manure application
12. Applicant's current cattle operation in Black Hawk County has manure seepage and spill-over; DNR cannot act until it reaches the stream
13. Requested that all shallow wells be tested for contamination both prior to manure application and after
14. Studies done on the affect of confinement facilities on respiratory illness and water quality
15. Location of proposed confinement facility and/or application fields is only 3 miles from La Porte City
16. Location of proposed confinement facility and/or application fields is less than 1 miles from McFarland Park and the bike trail
17. Manure application field in flood plain resulting in potential creek and river water contamination
18. Current manure application is too close to existing building sites
19. Location of proposed confinement facility and/or application fields to the La Porte City Country Club
20. The need to protect others

Moved by Vermedahl, seconded by Sanders, to acknowledge receipt of the manure management plan filed by Lawrinenko Finisher for a confinement facility located in Section 4 of Cedar Township. Further that the Board agrees to file a letter with the Department of Natural Resources stating concerns heard by area residents. All members voting aye thereon. Motion carried.

The Board continued the meeting by viewing rural roads in the county.

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

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Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 26, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 86335 through 86730, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-60. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #06-60

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$5418.05.00 is hereby abated on parcels numbered 240-15601 and 370-01551 pursuant to the agreement entered into between Iowa Northern Railroad and Benton County. The treasurer is directed to determine the amount of abatement to be applied to each respective parcel.

Dated this 19th day of September 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Delane Kalina

Deputy Auditor

Mary Williams cancelled her appointment with the Board. Williams will be obtaining additional information regarding the elimination of the adult rehabilitation funding.

Joel Schmidt met with the Board regarding the size of rock being placed on the gravel roads in his area. Schmidt stated that the size of rock being put down is 1-1/2 inches in diameter and when a vehicle drives over the road, it just throws the rock. The amount of rock appears to be a little excessive also. The Board advised that they would speak with the county engineer.

Dave Coulter and Renae Tharp with Benton Development Group met with the Board to provide an update. Tharp advised that she attended the International Manufacturers Technology Show in Chicago; however she has not received any leads as of this time. Tharp advised that the regional marketing group has named themselves Iowa Connections. This is a group that Benton County joined during its initial creation approximately one year ago. The Institute for Decision Making is conducting a target analysis for Iowa Connections to provide additional direction for marketing. The Lean Program is also being considered for an educational program in the region. The Lean Program teaches businesses how to reduce expenses. A study on the Highway 30 project was also discussed. The study would provide economic development projections along Highway 30 if it were made a four-lane highway across the state. Tharp advised that the Benton County Foundation is preparing for the 2007 grant application process. Changes have been made to the guidelines and the application; therefore, a public meeting has been scheduled for October 18, 2005 in Blainstown to explain the process.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 29, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 22, 2006, and September 26, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-61. Voting aye thereon.

RESOLUTION #06-61

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2007 budget on March 10, 2006; 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 FY2007 county budget is hereby amended within service areas as follows:

SERVICE AREA 9

Amended To
Function 92000

Amended From
Function 91000

Amount
\$15,404.00

Signed this 29th day of September 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____

Jill Marlow

Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve the hire of Charles Dennison and Bonnie Roster as part-time temporary employees in the auditor's office. Said employment is temporary and is estimated to be from October 1, 2006 through November 17, 2006. The wage is set at \$10.00 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Farm Service Agency (USDA) form CCC-517 relative to crop base reporting in Eden Township on 4.82 acres owned by the county. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Auditor

October 3, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of September 29, 2006. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption requested by George and Carol Geater on a parcel located in the SW1/4 of Section 23 of Harrison Township, for the purpose of constructing a personal residence. The applicant currently owns over 300 acres, which is currently in a corn/soybean rotation. Moved by Sanders, seconded by Vermedahl, to approve a farm exemption requested by George and Carol Geater on a parcel located in the SW1/4 of Section 23 of Harrison Township.

The Board received two applications to fill a position vacated by the resignation of Roy Becker, Jr. on the Benton County Conservation Board. Applications were received from Tony Geary and Anton Svoboda. The Board reviewed and discussed the applications. The chairman is to contact the applicants and schedule a time to interview them.

Ann Harrison, Chairperson of the Benton County Conservation Board, provided an update on the upcoming 50th Anniversary of Benton County Conservation. The event is scheduled for October 15, 2006, from 2:00 p.m. to 7:00 p.m. at Hannen Park. Harrison also spoke about the status of the nature center, adding that the architect will provide an update on the project on the next conservation board meeting.

Kevin Paulsen of RSM McGladrey met with the Board to discuss expectations from McGladrey with respect to the human resource consulting services being provided by McGladrey. Paulsen provided a brief review of steps that would be taken to meet the goals set forth in the contract with Benton County. Paulsen requested that an initial meeting be held with all of the department heads.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #06-. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-

AUTHORIZING QUIT CLAIM DEED

WHEREAS, the Benton County Board of Supervisors held a public hearing on September 22, 2006, to vacate a public road located in Section 1 of Bruce Township; and

WHEREAS, action was taken on September 22, 2006, vacating said public road; and

WHEREAS, it is now necessary to return the road right-of-way to the adjacent property owners,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Quit Claim Deeds be issued to Kirk McQuilkin and Joseph S. & Elaine A. Becker as set forth below.

Dated this 3rd day of October 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

QUIT CLAIM DEED

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 230

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **Kirk McQuilkin**, whose address is 1487 50th Street Drive, La Porte City, Iowa 50651,
all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

Commencing at the W¼ corner of Section 1, T86N, R12W; thence S 87°50'42"E a distance of 1202.15 feet, on the south line of the SW¼ NW Frl ¼ of said Section 1; thence N 0°19'38"W a distance of 66 feet, to the point of beginning; thence continuing N 0°19'38"W a distance of 434.65 feet along the centerline of county road to a point on the southeasterly Right-of-Way line of Primary Road US 218 and a 1035.00 foot radius curve concave northwesterly. The west 33 feet parallel to this line along the centerline of county road in said Section 1, containing 0.30 acres more or less,
And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6)
(Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.
Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

Dated: October 3, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors
By _____
Jason Sanders
By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 3rd day of October, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** to me personally known, who being by me duly sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders** and **David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **BENTON COUNTY, IOWA**, a corporate body organized and existing under the laws of the State of Iowa,

IN CONSIDERATION OF THE SUM OF One Dollar (\$1.00) and other valuable consideration,

IN HAND DO HEREBY QUIT CLAIM UNTO **Joseph S. & Elaine A. Becker**, whose address is 1863 Arenida Martina, Roseville, California 95747,
all our right, title, interest, estate, claim and demand in the following described real estate situated in Benton County, Iowa, to-wit:

Commencing at the W¼ corner of Section 1, T86N, R12W; thence S 87°50'42"E a distance of 1202.15 feet, on the south line of the SW¼ NW Frl ¼ of said Section 1; thence N 0°19'38"W a distance of 66 feet, to the point of beginning; thence continuing N 0°19'38"W a distance of 434.65 feet along the centerline of county road to a point on the southeasterly Right-of-Way line of Primary Road US 218 and a 1035.00 foot radius curve concave northwesterly. The east 33 feet parallel to this line along the centerline of county road in said Section 1, containing 0.36 acres more or less,
And subject to the present utilities continuing to exist on the previous road Right of Way.

This deed is exempt from the payment of transfer tax pursuant to Iowa Code Section 428A.2(6)
(Grantor is a governmental agency)

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 231

liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number; according to the context.

BENTON COUNTY, IOWA

Dated: October 3, 2006

By _____
Ronald R. Buch, Chair, Board of Supervisors

By _____
Jason Sanders

By _____
David H. Vermedahl

STATE OF IOWA, BENTON COUNTY, ss:

On this 3rd day of October, 2006 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ronald R. Buch, Jason Sanders and David H. Vermedahl** to me personally known, who being by me duly sworn, did say that they are the **Board of Supervisors** of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation; and that the said **Ronald R. Buch, Jason Sanders and David H. Vermedahl** as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Brenda Sutton, Notary Public in and for said State

Moved by Sanders, seconded by Vermedahl, approve French Reneker Consultants, Inc. to perform survey work along 33rd Ave. Drive and 59th St. Trl. at a cost of \$12,000.00. All members voting aye thereon. Motion carried.

No action was taken on the hire of Dennis Cook as a part-time driver as no information was provided to the Board.

The Board moved the meeting to the location of property being considered for a land use change in the SW1/4 of the NW1/4 of 1-86-12. The change in land use is being requested by Mark Gross and the initial public hearing was held on September 22, 2006. There were present the applicants as well as the neighboring property owner – Johnson. The board viewed the area where Gross plans to construct the residence. Attention was also given to the proximity of the neighboring home, as well as the tile discharging onto the subject property. Marc Greenlee, upon viewing the discharged water, questioned Johnson as to whether the water was simply drain water of if other wastewater discharged through the tile. Johnson commented that the tile had been in place for decades and would be grandfathered in under current regulations. Greenlee advised that regulations do not provide a grandfather clause for wastewater discharge. That "gray water" should be discharging into the Johnson's septic system and not through an open outlet. Supervisor Buch stated that it was his desire for the two parties to reach a compromise on the discharging tile. Johnson stated that he still wanted to file an objection to the proposal due to a loss of privacy and that the area is a wildlife area. The applicant requested that a decision be made, as he would like to begin work yet this fall. The Board stated that the matter was on the Friday, October 6, 2006, agenda for a decision.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

October 6, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 3, 2006. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:05 a.m.

The Board took up the matter of a decision on a land use change requested by Mark Gross on a parcel located in the SW1/4 of the NW1/4 of 1-86-12 (Bruce Township). The Board had previously held a public hearing and visited the property subject to the request. Supervisor Sanders commented that opposition to the change was filed due to the following concerns: the area is a wetland and loss of privacy for adjacent property owners. Sanders stated that upon viewing the property, he did not believe the area to be a wetland. Sanders further stated that in respect to the loss of privacy, the county's land use ordinance did not provide a framework for uses such as this being too close. Supervisor Vermedahl questioned how long the property had been for sale. The owners replied that it had been on the market for approximately six months. Supervisor Vermedahl commented that no land was being taken out of production, adding that he believed that the adjoining property owner had a right to privacy but the parcel owner also had a right to sell his property and that should the Board deny the change they would in essence be devaluing the property. Moved by Vermedahl, seconded by Sanders, to approve a land use change for a single residential purpose in the SW1/4 of the NW1/4 of 1-86-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the auditor's, veterans', and sheriff's quarterly reports for the period ending September 30, 2006. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss the elimination of adult rehabilitation funding from the State. The funding change is a result of the Department of Human Service's interpretation of changes in Medicare and Medicaid Services. Williams reported that if the State continues with plans to eliminate the funding, Benton County could have an additional \$175,000 funding liability in the current budget year if funding for the services remains at 100%. Supervisor Vermedahl stated that it appears that Benton County will be required to fund services at 100% with

absolutely no control. Williams advised that it appears that the State would have total control over the services being provided, but funding would be the responsibility of the county. Williams was asked what the state legislators' positions were in this matter. Williams stated that she had not heard much from legislators, but they generally receive their information from the Department of Human Services when asking about legislation.

Williams also spoke to the Board about an initiative from the State to take control of mental health services being currently provided by the county. The counties would still be required to fund the services. Williams advised that the Community Health Affiliate is asking counties to pass resolutions stating that control should remain at the local level. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-63. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

Resolution #06-63

RESOLUTION SUPPORTING THE COUNTY MANAGEMENT OF THE ADULT MH/DD SYSTEM

Whereas, county property taxes have been and continue to be a major funding source for services to adults with MH/MR/DD/BI,

Whereas, beginning in 1994, the state began a process to fund a larger amount of the adult service system from state funds,

Whereas, beginning in 1994, the state embarked on a partnership with the counties to fund 50% of the "base" and all of the growth in the system,

Whereas, the counties agreed to manage the system with the combination of local, state and federal funds,

Whereas, the MH/DD/MR/BI Commission undertook a project to improved the system and in that evaluation confirmed that the adult disability service system should be managed by the counties,

Whereas, the county system has worked well for the past ten years,

Whereas, there is no evidence that a centralized system of services will provide better services for less money than the current system,

Now, therefore, be it resolved by the Board of Supervisors of Benton County that the undersigned do hereby, request the Iowa Legislature to maintain its commitment to the local management of the adult MH/DD/MR/BI system in Iowa.

Approved this 6th day of October 2006.

Chairperson, Board of Supervisors

County

ATTEST:

County Auditor

DATE:

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-64. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-64

STATEMENT OF OPPOSITION TO FUNDING OF STATE MANAGED MH/DD/MR/BI SERVICES

WHEREAS, the Department of Human Services has discussed Medicaid and Medicare services in Iowa; and

WHEREAS, Medicaid has determined that changes need to be implemented in the area of rehabilitative services; and

WHEREAS, funding of rehabilitative services without federal match funding will cost Benton County approximately \$175,000 in fiscal year 2007 if the Adult Rehabilitation Option (ARO) is not replaced with a comparable funding stream; and

WHEREAS, the Iowa House of Representatives passed House Resolution 127 requesting that a task force be created to develop a plan for the state to assume responsibility for administering adult MH/MR/DD/BI services; and

WHEREAS, Benton County opposes the elimination of local control in the administration of said services as evidenced by Resolution #06-63; and

WHEREAS, Benton County further opposes any requirement for county funding of state administered services,

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 233

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County is OPPOSED to any requirement that the county provide financing for any program for which Benton County has no local control or input, including but not limited to adult rehabilitative services as well as any other MH/MR/DD/BI services.

Dated this 6th day of October 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve the FY2006 Federal Annual Certification Report for Asset Forfeiture, as well as the attachments thereto. Further, the chair is authorized to sign said certification. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Dennis Cook as a part-time driver for Benton County Transportation, effective October 9, 2006, at a wage of \$10.16 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the wage increase to \$11.93 per hour for Mark Christy and Josh West, employees of the sheriff's department, retroactive to September 16, 2006. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

October 10, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 6, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 86731 through 87110, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set November 3, 2006, at 9:15 a.m., as the time and date for a land use change requested by David Eicher on a parcel located in the W1/2 of the E1/2 of the SE1/4 of Section 28-86-10. All members voting aye thereon. Motion carried.

Frank Van Steenhuyse of Vinton Unlimited requested permission to use the courthouse lawn on October 28, 2006, for events planned by VU. Moved by Vermedahl, seconded by Sanders, to approve use of the courthouse lawn by Vinton Unlimited on October 28, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to recess until 6:00 p.m. at the Luzerne Fire Station/City Hall. All members voting aye thereon. Motion carried.

The chair reconvened the meeting at 6:20 p.m. with Supervisors Buch and Sanders present.

The Board proceeded with interviewing applicants for the Benton County Conservation Board. The Board interviewed Tony Geary of Blairstown and Anton Svoboda of Luzerne.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

October 13, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of Tuesday, October 10, 2006. All members voting aye thereon. Motion carried.

John Lindaman, representing the sheriff's department union (Teamsters) and Chief Deputy Mike Ferguson, representing Benton County, exchanged initial bargaining proposals for contract negotiations.

Moved by Sanders, seconded by Vermedahl, to set Friday, November 3, 2006 at 9:30 a.m. as the time and date a hearing on a land use change requested by Cathy Yoder on a parcel located in the W ½ NE ¼ NW ¼ 34-86-10. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 234

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 Timothy Hainey on a parcel located in the SE ¼ NE ¼ 29-85-10. The board took up the matter for consideration. The request is for a single-family residential use. Dale and Myrna Spiedel were present, as well as the applicant, and one member of the media. The Spiedel expressed concerns about the possible affect the noise caused by their well drilling business would have on the residential use. Mr. Hainey did not believe that the noise would ever be a problem. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. This parcel is an existing parcel on approximately one-half acre. The property has an existing well and septic. The septic system will need to be upgraded to be code conforming. The applicant agreed that they would not take residency until Marc Greenlee approves septic matters. Hearing all comment, it was moved by Vermedahl, seconded by Sanders to close the public hearing and grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately ½ acre generally described as being a part of the SE ¼ of the NE ¼ of 29-85-10 (Taylor Township) for a single residential use. The applicant is advised thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #06-65. Voting aye were Vermedahl and Buch. Sanders abstained due to conflict of interest. Nays none. Motion carried.

RESOLUTION 06-65

WHEREAS, Benton County has an existing road along the east side of the West 10 acres of the NE1/4 of the NE1/4 of Section 34, T85N, R9W of the 5th P.M., and

WHEREAS, the road right-of-way was widened from 66 feet to 100 feet in 1959, and

WHEREAS, Benton County no longer needs this additional 17 feet adjacent to and westerly from the established 66 foot right-of-way, and

WHEREAS, Benton County proposes to vacate and close this part of the road right-of-way held by easement, and

WHEREAS, the proposed vacation will not change the existing traveled portion of the road or deny access to the road by adjoining landowners.

NOW THEREFORE BE IT RESOLVED BY THE Benton County Board of Supervisors that the subject section of road be ordered vacated and closed.

Signed this 13th of October 2006.

BENTON COUNTY BOARD OF SUPERVISOR'S

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST _____

Hayley Rippel, Deputy Auditor

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by Alliant Energy to place utility lines in the county's right-of-way in Union Township along 20th Ave. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill account on September 30, 2006 was \$38,171.41.

Rick Bramow presented the Board with numerous photos of the condition of the Courthouse bell tower.

Janssen Waterproofing, Inc. gave a proposal/contract to repair the wash joints in the amount of \$4,600.00. Moved by Sanders, seconded by Vermedahl, to contract with Janssen Waterproofing for the necessary repairs as stated in the contract. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to appoint Tony Geary to the County Conservation Board to fill an unexpired term ending December 31, 2008. Two applicants were interviewed and both applicants were equally qualified. In accordance with Iowa Code Chapter 35C, preference is given to Geary. All members voting aye thereon. Motion carried. Supervisor Buch will notify the applicants.

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

Ronald R. Buch, Chairman

Attest: _____

Haley Rippel, Benton County Deputy Auditor

October 17, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 13, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set November 14, 2006, at 10:30 a.m., as the time and date for a public hearing on a request for a land use change requested by Robert and Johnnette Ulch on a parcel in the NE1/4 of the SE1/4 of 28-82-12. All members voting aye thereon. Motion carried.

County Attorney David Thompson met with the Board regarding his old copy machine being loaned to the veterans' affairs department. Thompson began his remarks by stating that did not believe anyone was listening to what he had been saying. Thompson referred to having his equipment budget for FY07 reduced and stated that he was forced to buy a new copier a year earlier than needed, due to no longer having funds available after June 30, 2006. Thompson stated that the Board's action in reducing his equipment budget was fiscally irresponsible as it forced him to buy when he otherwise could have waited. Thompson stated that after purchasing the new copier in June, he was not in a hurry to setup/hook up the equipment as he was still able to use his existing equipment. Thompson stated that the new copy machine is now fully operational and if veterans' affairs would like to use his old equipment it is available. However, Thompson cautioned that the copier is a back up for the county attorney's office and if his new equipment breaks down, then he will need to retrieve the copy machine. Thompson also stated that his office staff will not be available to assist the veterans' affairs director with operating issues and clearing paper jams. Thompson also stated that the copy machine is quite large and should not be left in the hall. Roger Witt had obtained quotes on a copy machine for the veterans' affairs department. Witt provided a quote for a tabletop, duplex, black and white copy machine. The cost is \$1200.00 with an additional \$115.00 for a stand, if needed. The price does not include a maintenance agreement. Moved by Vermedahl, seconded by Sanders, to approve the purchase of a Toshiba Model 162D from Danko at a cost of \$1200.00 with the addition of a stand at \$115.00. No maintenance contract is approved at this time. Buch and Vermedahl voting aye thereon. Sanders voting nay as he believes the copy machine from the county attorney's office should be used until proven that option will not work. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the recorder's quarterly report for the period ending September 30, 2006. All members voting aye thereon. Motion carried.

The Board met with the managers/directors of the various county departments and Kevin Paulsen of RSM McGladrey to discuss human resource services being purchased from McGladrey. Paulsen explained that initially his firm would need to develop job descriptions for all county positions. Paulsen reviewed the process and requested that a questionnaire on each position within the departments be returned to him no later than November 13, 2006. McGladrey would then draft job descriptions and review them with the appropriate personnel.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

October 24, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 17, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 87111 through 87477, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the request for Disabled Veteran's Homestead Tax Credit on parcel #240-79500 for the 2006 Tax year (taxes collected in 2007/2008). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-66. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-66

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$5464.12 is hereby abated on parcels numbered 380-10301, 390-10301, and 370-01551 pursuant to the agreement entered into between Iowa Northern Railroad and Benton County. The treasurer is directed to determine the amount of abatement to be applied to each respective parcel.

Dated this 24th day of October 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST: _____
Jill Marlow, Benton County Auditor

Mike Beumer, Weed Commissioner, and Myron Parizek, County Engineer, met with the Board regarding brush control in county right-of-ways. Supervisor Buch commented that a large tree is growing near the bridge just north of Highway 150 on 24th Avenue that needs to be removed. Buch also commented about large Iron Weed growing in the ditch just south of Minne Estema Park on the east side of the road. Beumer advised that he was aware of the area Buch spoke about but that the weeds were located in front of buildings and he does not spray in front of buildings or feedlots. Buch asked if Beumer had contacted the property owner regarding control of the weeds and Beumer stated he had not as he was not aware that it was a problem, adding that no one had commented to him regarding the same. Supervisor Buch stated that secondary roads and the weed department should work together in eliminating brush in right-of-ways and on county property. Buch commented about the weed problem on property owned by Benton County near the bridge in Luzerne. Supervisor Vermedahl questioned what the county's authority or lack thereof over problems with weeds and

brush growing, and further stated that the maintainer operators should be reporting to the weed department when they see brush or weed problems. Beumer stated that having maintainer operators notify him is a good idea, but that he didn't want to be running across the county whenever a report was made. Vermedahl stated the Beumer would still be responsible for organizing his work. Vermedahl stated that the secondary roads department should be making notations of brush problems. The engineer stated that it should be possible, however he has some operators that don't believe they should be required to write it down and would rather call it in for someone else to make the notation. The engineer stated that operators could write it down as they had paper and pencil in their units. Supervisor Buch reported that he viewed an area where a property owner cut down a tree and piled the wood in the county's right-of-way, adding that it will create an issue with snow this winter. Supervisor Buch questioned if the county had any regulations about piling things in the ditch. Supervisor Vermedahl repeated his question regarding the secondary road department working with the weed commissioner. The engineer responded that his department currently works with the weed department, and he didn't anticipate any future problems. The weed commissioner concurred. Supervisor Buch questioned if the weed commissioner notified anyone when he was going to be absent from work. Beumer advised that he usually notified the road superintendent. Buch requested that Beumer contact the auditor's office when he was going to be absent so that the supervisors would be aware of it in case an issue arises.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-67. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-67

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 Eric Hummel will be IIIC. IIIC base wage for Eric Hummel will be \$16.11 per hour. Eric Hummel rate change will be effective October 17th, 2006.

Signed this 24th day of October 2006.

Chairman, Board of Supervisors

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Vermedahl questioned if the engineer had gotten any reflective tape yet. The engineer advised that it would be in this week. Supervisor Vermedahl also requested that the engineer speak with David Galbraith regarding the placement of barricades on the road recently vacated. Supervisor Buch requested that the engineer stop and speak with Jim Stewart of the Xethanol Biofuels regarding the road near the ethanol plant. Supervisor Buch commented that the engineer should consider smaller size road rock. The engineer stated that he could argue that larger rock is better for roads that are traveled by heavy farm equipment.

The sheriff met with the Board regarding a donation of \$15,000 from a private individual for the specific purpose of buying a drug dog. The sheriff advised that he has been considering the purchase of a dog from the forfeiture funds. He has had an individual offer to purchase a second dog. The sheriff requested that a separate fund be established for him to receive donations. The auditor advised that she would have to research the options for creating a separate fund for this type of purpose. Supervisor Sanders questioned if the dog would be solely for drugs or if protection also. Supervisor Vermedahl asked how the donations were be handled for the Pioneer Cemetery. The auditor responded that the donations were put into the general fund and disbursed through the county budget. Supervisor Vermedahl stated that he believed the purchase of drug dogs was a good idea, but it just needs to be determined as to how to handle the donations. The Board asked that auditor to determine the best avenue for handling this type of donation.

Mary McLaughlin, IT Director, met with the Board to present her initial draft of a job description for her position. The Board advised that they would review the document for comment.

Tammy Wetjen-Kesterson requested the Board's approval of two claims for submittal to the State for reimbursement. Moved by Sanders, seconded by Vermedahl, to approve claims for submittal to the Community Partnership for Protecting Children grant for reimbursement. All members voting aye thereon. Motion carried.

The auditor spoke to the Board about seasonal decorations in December. The auditor advised that the tree used in the rotunda for decorating during December was in need of replacement. The Board directed that the price of a new tree be brought before them for consideration. The auditor also reported that she had advised an office in the courthouse about seasonal decorations and the need to avoid any decorations that could be construed to be religious.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

October 27, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 24, 2006. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 237

The county treasurer met with the Board requesting that Benton County enter into a 28E Agreement creating an intergovernmental agency for the purpose of providing a framework for the collection and disbursement of funds collected through the treasurer's web portal. The treasurer advised that the county attorney had reviewed the documents and did not request any changes. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #06-68. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-68

BE IT RESOLVED, and it is hereby resolved, that the INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUNTY TREASURERS EGOVERNMENT ALLIANCE, attached hereto and marked as Exhibit "A" is approved and adopted by Benton County.

BE IT FURTHER RESOLVED, that the Benton County Treasurer is authorized to participate as a Sponsor in the attached agreement in his/her capacity and consistent with his/her authority as County Treasurer of this County.

BE IT FURTHER RESOLVED, that the Benton County Treasurer is authorized to take any additional actions and execute any documents that are, in his/her discretion, necessary to facilitate this Resolution.

Dated this 27th day of October 2006.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUNTY TREASURERS EGOVERNMENT ALLIANCE

Pursuant to the provisions of Chapter 28E, Code of Iowa, and amendments thereto, this agreement is made and entered into by, between and among the County Treasurers for the counties of Carroll, Dubuque and Washington in the state of Iowa (all parties being hereinafter collectively referred to as "Members")

SECTION I. NAME AND OFFICE

Pursuant to the provisions of Chapter 28E, Code of Iowa, and amendments thereto, the Members hereby form and create, as a public body corporate and a separate legal entity, the Iowa County Treasurers Egoovernment Alliance (hereinafter called the "Alliance"). The principal office shall be located at 501 S.W. 7th Street, Suite Q, Des Moines, IA 50309 and the initial contact person shall be Peggy Weitz, Carroll County Treasurer, in her capacity as the current President of the Iowa State County Treasurers Association (the "ISCTA"). The contact person for the Alliance shall be the President of the ISCTA.

SECTION II. DURATION

The Alliance shall have perpetual duration.

SECTION III. PURPOSES

The purpose of this agreement is to promote efficient public service to the citizens and businesses of Iowa by providing them with the option of paying county fees and taxes via credit card or E-check electronic fund debit through an on-line web service. In order to maximize the efficiency of this system and minimize the cost, it is preferable for the Members to jointly contract with a single web-based portal developer and manager that will process web-based transactions and facilitate transfer of funds into a single bank account.

The primary purpose of the Alliance is therefore to provide a framework within which the Members can jointly and cooperatively own and manage a bank account (the "Account") that will serve as the repository of payments made, via a web based portal, for the purpose of collecting statutory fees and to distribute to each participating county treasurer on a regular basis its statutory fees and taxes held in the Account according to the terms of the contract for portal development and management services in effect at the time. In order to facilitate this transfer, the Alliance may establish one account per participating county treasurer and such other accounts as may be necessary for administration of the program. Other purposes will be served as well, including the following:

- (A) To investigate and pursue all opportunities for enhancing services to the citizens and businesses of Iowa in their regular dealings with county treasurers.

- (B) To investigate and pursue all opportunities for the reduction of costs of services provided to the citizens and businesses of Iowa in their regular dealings with county treasurers.
- (C) To cooperate with and pursue the support of any interested and/or affected public agencies that would benefit from taking part in the Alliance's program.
- (D) To share all expenses incurred as a result of decisions made and action taken by the Alliance in the pursuance of the purposes set forth above.

**SECTION IV.
ORGANIZATION**

The affairs of the Alliance shall be under the direction and control of the Board of Directors in accordance with this Agreement and the Bylaws adopted pursuant to this Agreement and as further set forth below:

- (A) The Board of Directors of the Alliance shall consist of those members of the Executive Board of the ISCTA who have adopted this Agreement. Name and title shall correspond to their respective office in the ISCTA. The members of the Board of Directors shall serve for a term consistent with their term as a member of the ISCTA Executive Board. There shall be no limit on the successive terms which an incumbent may serve.
- (B) The Alliance shall hold at least one meeting each year on dates and at places which shall be determined by the Alliance. Special meetings may be held at the call of the Board of Directors or majority of the membership of the Alliance.
- (C) The Alliance shall cause this Agreement to be filed with the Iowa Secretary of State and shall notify the Secretary of State of the name of any Member withdrawing from or joining the Alliance.
- (D) The Alliance shall establish a bond or other form of insurance coverage determined to be necessary for the protection of its Members against negligence, malfeasance, misfeasance, or nonfeasance of the Board of Directors. In no event shall a Member be liable to the Alliance for an amount greater than its share of funds held in the Account.

**SECTION V.
MEMBERSHIP**

(A) The Members listed in Section I of this agreement shall be the initial members of the Alliance, subject to adoption of this agreement. Any Iowa County Treasurer may become a Member of the Alliance by adopting this agreement, subsequent amendments thereto and the Bylaws in effect at that time. In addition, the Alliance may, upon an affirmative vote of the Board of Directors, permit any other "Public Agency" as that term is defined in Iowa Code Chapter 28E to join and participate in this agreement consistent with the provisions of Chapter 28E and this agreement.

(B) **Withdrawal.** A Member may withdraw from membership in Alliance when its governing body requests such withdrawal by resolution which shall be forwarded in writing to Alliance. In the event of withdrawal, such Member shall not be relieved of its obligation to pay any portion or all of its share of expenses then due, if not otherwise paid for the year in which such withdrawal occurs. If such withdrawal occurs prior to the adoption of the annual budget for the following year, the withdrawing Member shall not be subject to any assessment arising there from; conversely, in the event of withdrawal after the adoption of the budget for the following year, such Member shall pay any expenses for the following year. If the Alliance, prior to receiving such request to withdraw, has incurred other indebtedness which matures after the effective date of such request, the withdrawal shall not be effective until such indebtedness shall have been paid by the Alliance, or in the alternative, until the withdrawing Member shall have collected and paid to Alliance the amount of its expenses. In no event shall a Member be liable to the Alliance for an amount greater than its share of funds held in the Account.

**SECTION VI.
POWERS**

- (A) The Alliance shall be a public body corporate and a separate legal entity exercising public and essential governmental functions to provide for the public health, safety and welfare and shall have all of the powers granted by Iowa Code Chapter 28E and all amendments adopted subsequent thereto, and shall exercise any and all powers inherent in any member.
- (B) Without limitation, but by way of illustration, the governmental Members shall individually and collectively delegate to the Alliance the following enumerated powers which shall be exercisable upon the concurrence of the Board of Directors:
 - (1) To sue and be sued;
 - (2) To provide for a depository and to establish the Account;
 - (3) To acquire, hold, and distribute the funds derived from the payment of county fees and taxes via credit card or E-check fund debit through an on-line web service.
 - (4) To oversee and administer the funds held in the Account consistent with this Agreement.
 - (6) To serve as the signatory on the Account and to authorize and facilitate transfers of funds into and out of the Account.
 - (7) To establish and administer a system of budgeting, accounting, auditing, reporting and distribution of all Alliance funds in the Account consistent with this Agreement.
 - (8) To cooperate with any portal manager contracted by the ISCTA consistent with the terms of any contract entered into between the ISCTA and a portal manager for the purpose of facilitating the objectives of this Agreement.

- (9) To make and enforce by-laws or rules and regulation for the management and operation of its business and affairs.
- (10) To do and perform any acts and things authorized by Chapter 28E, Code of Iowa, and by this Agreement, under, through or by means of its officers, agents and employees, or by contracts with any person;
- (11) To enter into any and all contracts, execute any and all instruments, and do and perform any and, all acts or things necessary, convenient or desirable for the purposes of the Alliance or to carry out any powers expressly given by this Agreement;
- (12) To consult with representatives of Federal, State and local agencies and departments, and their officers and employees, and to contract with such agencies and departments;
- (13) To receive funds from each Member in the pursuance of the purposes of the Alliance and in accordance with the powers set forth herein.
- (14) To accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions with Municipal, County, State or the Federal Government.
- (15) To hire legal counsel or contract with any public or private entity to provide necessary services.

**SECTION VII.
COOPERATION FROM MEMBERS**

The Members agree to respond to reasonable requests from the Alliance to make records available to the Alliance and to provide assistance to aid in the efficient and effective accomplishment of the purpose of this Agreement, and the Alliance agrees to respond to like request from members

**SECTION VIII.
FINANCING**

- (A) The Alliance Board of Directors shall prepare an annual budget for the operation of the Alliance. The budget shall be submitted to the members not less than thirty (30) days prior to the meeting at which the budget will be voted upon.
- (B) The Members agree that any interest earned from deposits held in the Account may be used to maintain, enhance and expand web based services provided by the members to the citizens and businesses of Iowa. Expenditures of interest shall be made consistent with any proposal and budget submitted and approved as outlined above.

**SECTION IX.
NOT FOR PROFIT**

It is expressly understood that the Alliance is to be operated not for profit and no profit or dividend will inure to the benefit of any private person or corporation.

**SECTION X.
SUSPENSION OF VOTING RIGHTS AND SERVICES**

During any period of delinquency by a Member in the payment to the Alliance of its share of the budget, such Sponsor shall not be entitled to the services of the Alliance, nor shall the Sponsor be entitled to vote on matters coming before the Alliance, unless such delinquency shall be waived for voting purposes by a three-quarters vote of the remaining members of the Alliance.

**SECTION XI.
WITHDRAWAL AND DISSOLUTION**

- (A) The Alliance shall be completely dissolved and this Agreement terminated only upon the affirmative two-thirds majority vote of the Members, which vote shall specify the date and time such dissolution shall be effective, which date and time may be amended at or before such time but not thereafter, by an affirmative two-thirds majority vote of the Members.
- (B) In the event of a vote to completely dissolve the Alliance, any funds held in the Account in excess of accrued expenses shall be distributed on the date and time set for dissolution to each Member in an amount equal to that Member's annual average percentage share of the funds deposited in the Account at the time of distribution.

**SECTION XII.
AMENDMENT OF AGREEMENT**

This Agreement may be amended by a two-thirds roll call vote of the members in any regular or special meeting of the Alliance called upon notice to all Member's not less than thirty (30) days prior thereto setting forth the substance of the proposed amendment. Notwithstanding the foregoing, however, the Board of Directors for the Alliance shall have the power from time to time, as needed, to change the place of the registered office of the Alliance.

**SECTION XIII.
SEVERABILITY**

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 240

If any one or more of the provisions of this Agreement is declared unconstitutional or contrary to law, the validity of the remainder thereof shall not be thereby affected.

Approved and made effective on the ____ day of _____, 2006 by the following Members.

CARROLL COUNTY TREASURER

By: _____

Peggy Weitzl, Carroll County Treasurer

Date: _____

DUBUQUE COUNTY TREASURER

By: _____

Eric Stierman, Dubuque County Treasurer

Date: _____

WASHINGTON COUNTY TREASURER

By: _____

Jeffrey A. Garrett, Washington County Treasurer

Date: _____

The county treasurer spoke to the Board regarding taxes assessed and paid on parcel 470-02400 (Junge) and 470-02300 (Bidwell). The owner of parcel 470-02400 (Junge) reported to the treasurer in September regarding her tax assessment. After researching the issue, it was discovered that ownership for taxation purposes had been switched between Junge and Bidwell. Junge had been paying taxes on the wrong parcel for several years, which resulted in a \$2,386.00 overpayment by Junge and underpayment by Bidwell. The treasurer reported that she had told Junge that she did not have to pay her current year property taxes until the matter was resolved. The treasurer also stated that she would personally take care of any interest or penalty assessed against the property as a result of her advice to Junge not to pay the tax. The auditor told the Board that an attorney's general opinion issued in 1990 states in part, "assessing property to the wrong person does not cause the tax to be "erroneously or illegally exacted or paid" so as to authorize a refund under § 445.60". Legal advice has not yet been sought from the county attorney on this matter. The auditor stated that she did not know how the matter could be resolved. Supervisor Buch advised he would speak with Bidwell.

The county engineer spoke with the Board regarding a request from the City of Luzerne for permission to place "Welcome to Luzerne" signs in the county's right-of-way. Supervisor Vermedahl stated that his only concern would be to put a hazard in the county's right-of-way in the event a vehicle would leave the roadway. Vermedahl said that approval would have to be site specific with restrictions to setback distance, construction, etc. Supervisor Buch advised that he would speak with the city council regarding their request.

Rick Bramow, Maintenance Director, presented his draft of a job description to the Board. The Board advised that they would review the document and discuss it with Bramow at a later date.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

October 31, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of October 27, 2006. All members voting aye thereon. Motion carried.

The Board reviewed the job description submitted by Mary McLaughlin, Information Technology Director. The Board questioned several areas as to the extent of the duties of the director.

Gary Fordice, Conservation Executive Director, met with the Board to provide an update on conservation activities. Fordice reported that Black Hawk County Conservation met with the conservation board requesting that they take action regarding factory farms and hog confinements in Benton County. However, the matter was tabled. The conservation by-laws were reviewed. Fordice reported that he is applying for a grant for improvements to the Mt. Auburn boat ramp. Discussion was also held about agendas and meeting minutes. Electronic transmission of minutes has not been good due to them not being received. Also, agendas will be mailed one week prior to the meeting. Expenditures from the Kerkman Estate have been put on hold temporarily until the money is transferred from the foundation.

Moved by Sanders, seconded by Vermedahl, to enter into closed session to discuss a client matter. All members voting aye thereon. Motion carried at 9:50 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 10:15 a.m.

Moved by Sanders, seconded by Vermedahl, to return to closed session to receive additional information regarding the client matter. All members voting aye thereon. Motion carried at 10:16 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 10:22 a.m.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 241

Moved by Vermedahl, seconded by Sanders, that the Board recommended that Benton County Social Services continue with the services being provided at the current level regarding the client discussed, as the matter has been given to the county attorney for resolution. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the request to carry-over five days of vacation submitted by Mary Ann Blumer. Said carry-over is to be used by June 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into closed session regarding a property tax refund as a letter has been received from an attorney and litigation maybe pending. All members voting aye thereon. Motion carried at 10:45 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 11:10 a.m.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

November 3, 2006

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 31, 2006. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:02 a.m.

Roger Witt met with the Board regarding the quotes received for a pre-lit twelve foot tree from Nature's Corner is \$1600, \$1400, and \$850. The cost depends on the number of branches and lights. The Board requested that Witt obtain quotes on a tree that is not pre-lit due to issues with storage and reliability of a pre-lit tree. The auditor commented that if the Board decided to purchase a plain tree, then it would be necessary for them to find someone to decorate it, as her office no longer has the time. Marlow advised that her office would not decorate the tree this year, as there is no staff time available.

Moved by Sanders, seconded by Vermedahl, to set November 28, 2006, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Mary Hanson located on a parcel in the W1/2 of the NW1/4 of the SE1/4 of 32-86-10. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board to request that Gary Butz be hired as a civilian transport officer. Forsyth advised that he does not have adequate staff available for prisoner transport. Moved by Vermedahl, seconded by Sanders, to approve the hire of Gary Butz as a civilian transport officer in the sheriff's department, effective this date, at a wage of \$15.00 per hour. 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 David Eicher, 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 Harrison Township. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately three acres generally described as being a Part of the W1/2 of the E1/2 of the SE1/4 of 28-86-10 (Harrison 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 Cathy Yoder, 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. 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 W1/4 of the NE1/4 of the NW1/4 of 34-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented his job description for the Board's review. The matter will be placed on a future agenda after that Board has had the opportunity to read the document.

Nick Miller was scheduled to appear before the Board regarding hog confinements; however Miller telephoned and advised that he would not be able to attend this morning's meeting. Joyce Pollock was present but stated that she did not believe that she should be the spokesperson regarding the matter. Pollock advised that she did have concerns about what confinements are doing the environment. Pollock stated it was her understanding that the Board would be asked to adopt a resolution regarding the placement of hog confinements.

The county attorney met with the Board regarding staffing of his office. Thompson stated that the caseload has increased to the point that he believes additional staffing is necessary. Thompson stated that the juvenile court schedule has been increased to four days per week, effective January 2007, and there may be additional district court dates scheduled in Benton County. Thompson stated that it has been increasingly difficult to meet the demands of his office with the number of attorneys on staff. Thompson advised that his office is at the mercy of the courts when it comes to the scheduling of emergency hearings on various matters. Thompson advised that he has been fortunate in that the Linn County Attorney's office has been willing to assist with emergency hearings in Linn County; however they have politely advised that they are no longer available for assistance due to their own workload. Thompson stated that his workload is to the point where an additional full-time attorney is necessary. Additional staff will require additional office space. Thompson requested that a supervisor assist him with researching options for additional office space. Thompson advised that the county continues to grow and with additional law enforcement officers being hired he doesn't see this as

a short-term need but a permanent need. An additional attorney will increase the bottom line of his budget, and he is not requesting a budget amendment at this time, but it will be an issue that will need to be addressed for the next budget cycle. Thompson advised that with the additional sheriff's department staff, it requires additional preparation and depositions for cases and that alone takes additional attorney time. Thompson stated that Benton County has grown enough that it is imperative that an additional attorney be hired. Thompson stated that planning needs to start now so this can be implemented on July 1, 2007. Supervisor Vermedahl questioned the estimated cost of an additional attorney. Thompson stated that he had not checked with the law school, but his estimate would be in the range of \$45,000 on the low end. Vermedahl asked if a part-time attorney would meet the need. Thompson advised that it is difficult to hire a part-time attorney as the Supreme Court has ruled that a prosecuting attorney cannot have any private criminal case pending in the county, nor can any attorney in that firm. The county attorney stated that he may be required to end representation of township trustees if no action is taken for additional staff.

Supervisor Vermedahl questioned if an additional attorney was hired, if adequate secretarial was in place. Thompson advised that he believed that his current secretarial staff was excellent and that it was sufficient, especially if he could have a current part-time employee work an additional day per week.

The county attorney also spoke about the security of his office in regards to public access. Thompson suggested that a different type of entry door may be required similar to the sanitation's office, in an effort to prevent unfettered entry into the actual office area.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

November 7, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 87478 through 87853, for payment. All members voting aye thereon. Motion carried.

Frank Van Steenhuyse with Vinton Unlimited met with the Board to request use of the courthouse lawn on November 16, 2006 and November 19, 2006. Moved by Sanders, seconded by Vermedahl, to approve a request from Vinton Unlimited to use the courthouse lawn on the requested dates. All members voting aye thereon. Motion carried.

Mary McLaughlin updated the Board on the employee wellness program day. A presentation regarding the employee assistance program is being planned as well as other training.

Supervisor Buch discussed the Highway 30 Impact Study. Buch advised that November 16th is the deadline for a commitment for funding of the study. Tama, Marshall, and Cedar counties are not participating; however Linn and Benton counties are still pending. Buch stated that he has spoken with various legislators and none have told him that a study is required. Buch asked the Board to make a decision as to whether to participate or not. Buch stated that it was his opinion that Benton County would benefit from the expansion of a four-lane all the way through Benton County. The study is to provide information on the impact to Benton County if the four-lane is completed. Supervisor Vermedahl stated that increased safety of the traveling public would be a major factor in the development of the four-lane highway.

Rick Bramow met with the Board to review his proposed job description. The Board advised Bramow that the description was well thought out. Supervisor Vermedahl is to complete the management section and return it to Bramow next week.

The county attorney met with the Board regarding his request for additional staff and space. Thompson had met with the Board on November 3, 2006, regarding the matter. Supervisor Vermedahl questioned how counties with part-time assistants were able to operate due to the Supreme Court ruling cited by Thompson at a previous meeting. Vermedahl questioned if the county could work towards the full-time position through the initial employment of a part-time position. Vermedahl suggested perhaps that a part-time attorney could take care of the county's civil work. County Attorney Thompson stated that he would not give up that area due to the amount of liability. Thompson stated that he needed a full-time attorney due to the amount of coverage needed for criminal cases and that simply by providing an attorney for civil work would hardly make a dent in his workload. The new attorney, if approved, would be dedicated to juvenile work. Vermedahl clarified that the current assistant as well as the county attorney would then handle the adult cases. Vermedahl asked if Thompson had an idea of the number of cases worked by the assistant. Thompson advised that he did not have a number as both attorneys often handle the same cases due to scheduling conflicts. Vermedahl questioned what the average caseload per week is in Thompson's office. Thompson advised that cases vary per week. Contempt cases also add to his caseload. Vermedahl questioned if there were more adult or juvenile cases. Thompson advised that there were still many more adult cases than juvenile; however juvenile cases tend to go on for years, sometimes until the child is eighteen years old, which results in cases continuing to build. Supervisor Vermedahl stated the cost would be approximately \$85,000 per year. Thompson stated that it would be closer to \$100,000, as additional hours for current secretarial staff will probably be necessary. Supervisor Buch questioned if current employees would be willing to work extra hours. The attorney stated that he has had initial conversations with a part-time employee but nothing definitive at this time. Thompson stated a new assistant Linn County Attorney starts in the area of \$46,000 per year. Thompson stated he would like some flexibility to try and attract someone with experience if possible. Thompson again stated that the additional attorney would be in the FY08 budget. Thompson added that he would like the office space issue resolved prior to July 1st. Supervisor Vermedahl stated that he would like the entire issue of additional staff and space studied prior to making a commitment. Supervisor Buch stated that it sounded as though it was necessary to hire additional staff, as he would hate to see the current assistant leave due to an overburdened caseload. Supervisor Vermedahl suggested that the county attorney continue to research the space issue. Vermedahl also stated that he spoke with an attorney with experience in the criminal prosecution system and was told that Benton County is much busier than Iowa.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 243

The county engineer reported that the balance in the landfill account on October 31, 2006, was \$51,693.96. Supervisor Vermedahl suggested that the posted hours of landfill be the hours that material is accepted. Vermedahl advised that if it is posted that the landfill is open to 4:00 p.m. then waste should be accepted until 4:00 p.m. The engineer advised that some material takes longer to unload, i.e. shingles. The engineer stated that shingles can take up to forty-five minutes to unload and then must be covered. If the material is accepted at a time that would prohibit the employees from leaving at 4:30 p.m. they are not allowed to dump. Supervisor Buch questioned what the hours were for the office. The county engineer stated that the employee is paid for eight hours. Supervisor Vermedahl requested that the county engineer return the Board with a solution to the issue of the landfill closing prior to posted hours.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

November 14, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 3, 2006 and November 7, 2006. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived and this being the time and date for canvassing the November 7, 2006, General Election, the Board proceeded with the matter. Having reviewed the results from the precincts and having drawn names from a hat where tie votes were cast, it was moved by Sanders, seconded by Vermedahl, that the canvass of the November 7, 2006, General Election be approved. Write-ins cast on the touch screen units that were not reflected on certain tally lists are hereby authorized to be added. The official results are to be recorded in the office of the county auditor. All members voting aye thereon. Motion carried.

Winners of the 2006 General Election for local races are as follows:

Benton County offices:

Supervisor: Jason Sanders

Treasurer: Kelly Geater

Recorder: Lexa S. Speidel

Attorney: David Thompson

Soil and Water Commissioners: Robert Moen and Randy Schirm

Agriculture Extension Council: Marc Merchant, Kathy Janss, Susan Henkle, Brad Olson, and Jordan Pflughaupt,

Township: Trustee: Clerk:

Big Grove: Wayne Paulsen: John I. Reiss

Benton: Don Neve: Walter Bruce

Bruce: Ben Hach: Austin Brandt

Cedar: John Lee: Larry Moody

Canton: Jon E. Sheldon: Charles H. Ries

Eden: Dean Schimke: Garth Gardemann

Eldorado: Tracy Seeman: Joan Anders

Florence: Stuart Towe: Wayne Riley

Florence Trustee to fill vacancy: Jay Montague

Fremont: Eldon Stueck: Andrew E. Jones

Harrison: Garth Beatty: Sharon A. Bauer

Homer: Linsey Staton: Randy Schirm

Iowa: Dean W. Jensen: Melody Lohf

Jackson: Paul Herger: John Lindahl

Kane: Harold Ritscher: Carl Ritscher

Leroy: John Roth: Barry Werning

Monroe: Gary Reed: Doug Mealhaus

Polk: Steve Smith: Lyle D. Koutny

St. Clair: James Oberreuter: Daniel L. Schulte

Taylor: Derold Happel: Edwon G. Yedlik

Union: no trustee elected: Dean Werner

The time of 10:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Robert and Johnnette Ulch, 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 dog grooming and boarding business in Iowa Township. Hearing all comment, it was moved by Vermedahl, 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 NE1/4 of the SE1/4 of 28-82-12 (Iowa Township) for a dog boarding and grooming business. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by Farmer's Mutual Telephone to place utility lines in the county's right-of-way in Section 33 of Benton Township, along 30th Avenue Drive. All members voting aye thereon. Motion carried.

The Board discussed that job descriptions had not been received from the transportation director, weed commissioner and the county engineer. The engineer requested that he be given until November 28, 2006, to complete the job descriptions for his department as well as himself.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 244

Moved by Sanders, seconded by Vermedahl, to approve five days of vacation carry-over for Roger Witt. Said carry-over is to be used no later than June 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve sixteen and one-half hours of vacation carry-over for Delane Kalina. Said carry-over is to be used no later than June 1, 2007. All members voting aye thereon. Motion carried.

The Board discussed the adoption of a resolution approving an Statewide Interagency Mutual Aid Compact for emergency management services. Supervisor Vermedahl is to take the proposal to the county's insurance carrier for an opinion on November 16th, 2006.

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

Moved by Vermedahl, seconded by Buch, to reconvene the meeting for purposes of reconsideration of the Statewide Interagency Mutual Aid Compact. Supervisor Sanders had left.

Due to the urgency of the matter to secure additional funding, it was moved by Vermedahl, seconded by Buch, to adopt Resolution #06-69. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-69

IOWA MUTUAL AID COMPACT

WHEREAS, emergencies and disasters transcend jurisdictional boundaries, making intergovernmental coordination essential in successful emergency response efforts; and

WHEREAS, there will inevitably be emergencies which require immediate access to outside resources due to the fact that few individual governments have all of the resources they may need in every type of emergency; and

WHEREAS, Senate File 2124, approved by the Second Session of the 79th General Assembly in 2002, creates Iowa Code Section 29C.22, the Iowa Mutual Aid Compact; and

WHEREAS, the Iowa Mutual Aid Compact allows participating Counties, Cities and other political subdivisions to provide in advance for mutual aid assistance in managing any emergency or disaster;

NOW, THEREFORE BE IT RESOLVED that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, the Benton County Board of Supervisors hereby adopts the Iowa Mutual Aid Compact, which is attached hereto and incorporated by reference.

PASSED AND APPROVED THIS 14TH DAY OF NOVEMBER 2006

BENTON COUNTY BOARD OF SUPERVISORS

Ronald Buch, Chairman

David H. Vermedahl

IOWA MUTUAL AID COMPACT (IMAC) AUTHORIZED AND DESIGNATED INDIVIDUALS FORM

AUTHORIZED REPRESENTATIVES:

Those personnel authorized in the political subdivision to obligate funds and personnel on behalf of the political subdivision. Note: These personnel will be signing the authorization lines on the REQ-A contracts.

Primary: Benton County Board of Supervisors

Secondary: None

Tertiary: None

DESIGNATED CONTACTS:

Those personnel authorized in the political subdivision to coordinate resources and personnel in response to an IMAC request. Note: These personnel are not authorized to obligate personnel or funds on behalf of the political subdivision and will not be authorized to sign a REQ-A.

Primary: Benton County Sheriff

Secondary: Benton County Engineer

Tertiary: Emergency Management Coordinator

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

November 17, 2006

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

Moved by Sanders, seconded by Buch, to set Friday December 8, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Joseph Neighbors located on a parcel in the NW1/4 of the SW1/4 of the of 28-86-11. Both members voting aye thereon. Motion carried.

Andy Lent, Vinton City Coordinator, met with the Board to request that Benton County pay one-third of a bill submitted by Derald Merchant for crop loss due to the sewer lines being installed east of Vinton. Merchant has submitted a bill to the City of Vinton in the amount of \$4,095.00 for damage to seven acres of corn crop. The bill is calculated at 195 bushels of corn per acre at \$3.00 per bushel. The damage was incurred on the City's easement for the utility line. Lent advised that he was still waiting to hear if the developer would pay one-third also. The Board made no decision.

Moved by Sanders, seconded by Buch, to adopt Resolution #06-70. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #06-70 ABATEMENT OF INTEREST AND PENALTY

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 245

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$10,175.78 is hereby abated on parcels numbered 390-10301, 870-17001, 190-01401, 240-15601 and 270-15652 pursuant to the agreement entered into between Iowa Northern Railroad and Benton County. The treasurer is directed to determine the amount of abatement to be applied to each respective parcel.
Dated this 17th day of November 2006.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Auditor

Steve Mason met with the Board and the county engineer to discuss the current level of maintenance on gravel road near his residence at 6547 Benton-Linn Road. It was explained that the county currently has an agreement with Linn County for maintenance of the road and the part in question is the responsibility of Linn County. Mason stated that he originally moved to Benton County because of its good maintenance of the gravel roads. Mason's main concern is snow removal and asked that the county review the agreement with Linn County and see if that part of the roadway can be put back under Benton County's control. Mason stated that it would be better and more efficient if Benton County had the maintenance, adding that Benton County would get to him quicker than Linn County. Parizek stated that he would review the agreement with Linn County and he would get back to him on this matter.

John and Jean Mitchell, 3131 74th Street, Norway, came to the meeting to express their concern about conditions of their road. Specifically, they wanted to know what was going to be done to correct the road situation. Neither the Board nor the engineer offered any corrective action.

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

Ronald R. Buch, Chairman

Attest:

Hayley Rippel, Deputy Benton County Auditor

November 21, 2006

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

Moved by Sanders, seconded by Buch, to approve the minutes of November 14, 2006 and November 17, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 87854 through 88344, for payment. All members voting aye thereon. Motion carried.

The auditor requested approval to create two funds. The funds would be for donations received by the sheriff's department and the conservation board. Marlow explained that the sheriff had received a substantial donation for a drug dog and indicated that additional donations may be forthcoming for his department. The conservation board would be receiving money from the Benton County Conservation Foundation Board. The Foundation had received funds from an estate. There was discussion as to whether the funds should have gone to the Foundation or to the Conservation Board, and the Foundation had agreed to relinquish the funds to the Conservation Board. The Board of Supervisors would have budgetary control over the funds but what it was expended on would be the decision of the conservation board or the sheriff. Supervisor Sanders questioned if the funds would be reflected in the county's unreserved undesignated balances. The auditor explained that the conservation board planned to budget the entire amount of the fund annually to avoid any requirement for a budget amendment. Supervisor Buch confirmed that understanding with Ann Harrison, Conservation Board chairperson. Moved by Vermedahl, seconded by Sanders, to authorize the auditor to create two new funds for the purposes of receiving donations for the sheriff's department and the conservation board. All members voting aye thereon. Motion carried.

Supervisor Sanders left the meeting at 9:15 a.m.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Waiver of Notice of Time and Place of Hearing on Petition and Report of Sale; Consent to Sale of Property relative to Probate No. TRPR005273. Both members voting aye thereon. Motion carried.

Supervisor Sanders returned to the meeting at 9:20 a.m.

The county engineer presented quotes for a 2007 4 wheel-drive ½ ton extended cab pickup truck as follows:

Schallau Motor Co. – Ford F150 XLT - \$20,750 (red)

Craig Griffith Ford Co. – Ford F150 XLT - \$15,993

Ervin Motor Co. – GMC Sierra 1500 - \$17,759

Grovert Chevrolet – no quote

Schallau Motor Co. – Ford F150 XLT - \$18,250 (blue)

Moved by Sanders, seconded by Buch, to award the bid to Craig Griffith Ford for one Ford F150 XLT 4WD Extended Cab pickup at a cost of \$15,993.00. Voting aye were Buch and Sanders. Vermedahl abstained due to current business relationship. Motion carried.

The auditor presented a quote from DB Acoustics for a recording system for the Boardroom. The auditor explained that originally quotes were to be obtained for both the courtroom and the board room; however, the clerk of court requested that the courtroom have more equipment than what was believed required and therefore no quote was presented for the courtroom. The quote for the Boardroom included a microphone, mixer and recording system at \$1,214.00. If a compact flash recorder is installed instead of a cassette recorder an additional \$225.00 is added to the quote. The Board did not take any action on the proposal pending Supervisor Sanders research into the issue.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 246

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

November 28, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 21, 2006. All members voting aye thereon. Motion carried.

The auditor presented a CEBA contract for the Board's consideration. The auditor advised that the county attorney had reviewed the contractual language and given approval. The contract provides for grant money in the amount of \$109,000.00 from the Iowa Department of Economic Development to Frontier Natural Products Coop. Moved by Vermedahl, seconded by Sanders, to enter into and authorize the chair to sign the CEBA Master Contract by and between Frontier Natural Products Coop and the Iowa Department of Economic Development, Contract Number: P0604M00927 with attached Promissory Notes. 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 Mary Hansen, 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. 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 SE1/4 of 32-86-10 (Taylor Township) for a single residential use. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, met with the Board to present an application for a farm exemption to the Benton County Agricultural Land Use Preservation Ordinance. Jason and Angela Sanders submitted the application on a parcel consisting of 27.5 acres located in the NE1/4 of the NW1/4 of 33-85-9 (Benton Township). The application is for a single residential use with the remaining acres being used in a crop rotation. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve the application for a farm exemption submitted by Jason and Angela Sanders on a parcel located in the NE1/4 NW1/4 of 33-85-9 for a single residential purpose. Buch and Vermedahl voting aye thereon. Sanders abstained due to conflict of interest. Motion carried.

The Board met with the department heads to discuss the FY08 budgets. Supervisor Buch advised that it would soon be time to be working on the FY08 budget and that he was not aware of any additional money being available. County Attorney David Thompson asked if Benton County would try passing the local option sales tax in approximately two years when the current tax expires for the cities. Supervisor Vermedahl commented that the county would have to be very specific in what the intended use of local option sales tax would be before the voters would pass it. Supervisor Buch stated that he has spoken with Farm Bureau regarding the tax and stated to them that it would be necessary to pass it in the unincorporated area of the county. County Assessor Larry Andreesen stated that legislators needed to address property rollbacks and also about the valuation forecast in Benton County. Supervisor Vermedahl stated that the supervisors are not the opposition in the budget process and asked that all offices cooperate when compiling budgets. Mary Williams, Social Services Director, stated that costs for mental health are sky rocketing and that her affiliate is meeting with legislators to try and address some of the issues.

The county engineer met with the Board to discuss maintenance of county roads by unauthorized personnel and/or equipment. The engineer asked if a situation like this would occur, should the county take any action, i.e. the placement of a driveway that meets the sight distance and the driveway is then modified. The engineer stated that he has had driveways that have been modified by the property owner resulting in the driveway not meeting sight distances. The property owner may add dirt to the ditch and now there is no longer a defining line between the roadway and the property line. Supervisor Buch stated that if the county will not improve the driveway then the property owner should not be allowed to improve it either, i.e. a field drive that is now being used as a drive to a residence. Supervisor Vermedahl stated that he could see both sides of the issue. If a property owner landscapes around the driveway and does not affect the drainage that is different than if drainage is affected. Vermedahl further stated that Benton County is changing and becoming more residential and perhaps the county should consider a policy addressing what can and cannot be done in the county's right-of-way. Supervisor Vermedahl questioned if property owners have ever been told that they cannot improve the driveway, adding that he does not recall ever telling people that but only that the county will not participate in the improvement. County Auditor Jill Marlow questioned how often this is a problem, asking if this is an isolated incident or widespread. Marlow questioned if the county should adopt a policy affecting all rural property owners when there is only isolated problems. County Attorney Thompson asked also if this is a specific matter. The engineer asked that he be allowed to speak about a specific situation. Moved by Vermedahl, seconded by Sanders, to enter into closed session at 10:15 a.m. to discuss a law enforcement matter. All members voting aye thereon. Motion carried.

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

Gary Fordice, Conservation Executive Director, provided an update to the Board. Fordice stated the conservation board decided not to sign a resolution opposing the hog confinement near La Porte City. Fordice advised that camping fees for 2007 will remain the same, but there will be an increase in the shelter reservation at Rodger's Park due to improvements to the shelter. Fordice reported that the conservation board discussed the fourteen-day camping limit as it was asked that the restriction be lifted after Labor Day. The conservation board decided to leave the restriction in place. The conservation board discussed a change to the Benton County Conservation Foundation by-laws regarding personal belongings of the board members. The By-laws cannot be changed without approval of the conservation board. The conservation board is reviewing the executive director's job description for submission to RSM McGladrey. The conservation board also took action accepting the Kerkman Trust money from the Conservation Foundation. Fordice reported that the access to Milroy's Access has been blocked off due to the amount of vandalism and dumping problems. The access may be opened in the Spring.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 247

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

December 5, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 28, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set January 5, 2007, at 9:15 a.m., as the time and date for a public hearing on a request for a land use change submitted by Craig and Deborah L. Ollinger on parcel located in the NE1/4 of the NW1/4 of 31-85-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve seven days of vacation carry-over for Marc Greenlee. Said carry-over is to be used no later than June 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a fireworks application submitted by Marvin Bartosh for an event to be held sometime between December 9, 2006, and December 23, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the change in employment status from full-time to part-time as requested by Terri Higdon, an employee in the sheriff's department. All members voting aye thereon. Motion carried.

Andy Lent, Vinton City Coordinator, met with the Board to request that Benton County share in the cost of crop damage suffered by Derald Merchant due to the sewer lines being placed on his property. The property is located within the Vinton City limits. Merchant is requesting \$4095.00 for damage to seven acres of corn crop. Lent advised that John Yoder, the owner of the property paid fifty percent of the damages. The remaining balance due is \$2,047.50. The county has already paid the City of Vinton \$120,000 for a portion of the cost of the sewer line. Supervisor Buch stated that the project had been delayed causing it to be done during the crop season. Supervisor Buch questioned if the Merchant was paying rent on the seven acres to the property owner. Lent did not know the agreement between the property owner and Merchant. Supervisor Vermedahl stated that the Board would need to review the budget to determine if funds are available. Supervisor Vermedahl questioned if the City of Vinton was going to pay for the crop loss. Lent advised that the city was aware that crop loss would be incurred.

The auditor requested that the Board consider changing their Friday board meetings to Thursday mornings. Marlow advised that she was elected as President of the Iowa State Association of County Auditors and that those duties, along with limited office staff, may cause conflicts for her office with the Friday meetings. Supervisor Vermedahl stated that he would like to see the Board return to an evening meeting once a month to be held throughout the county. The Board discussed holding the evening meetings on a Tuesday. Moved by Vermedahl, seconded by Sanders, to establish a schedule for board meetings to be held on Tuesday and Thursday mornings beginning at 9:00 a.m. starting the week of January 22, 2007. Additionally, once a month the Tuesday morning meeting will not be held and in lieu thereof an evening meeting will be held at a location somewhere around the county. The Tuesday evening meetings will begin on February 6, 2007. All meeting dates are subject to change, including but not limited to the dates, times, cancellation, and holding of special sessions. All members voting aye thereon. Motion carried.

The auditor spoke to the Board about direct deposit of employee payroll. Marlow advised that she has been researching direct deposit and did not want to continue if the Board was not in support of the matter. Marlow explained that a cost is associated with each transmission and transaction; however there could be a cost savings realized by the county overall. The Board requested that Marlow continue researching the possibility of offering direct deposit to the employees.

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

Ronald R. Buch, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

December 8, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 5, 2006. 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 Joseph Neighbors, the board took up the matter for consideration. Luann Neighbors and one member of the media were present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for redevelopment of an abandoned farmstead in Cedar Township. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately four acres generally described as being the West half of Parcel A in the SW1/4 of 28-86-11 (Cedar Township) for residence and green house business. All members voting aye thereon. Motion carried.

John Mitchell met with the board and County Engineer Myron Parizek to discuss the road rock that the county secondary roads department applied to the gravel road located by John's home. Mr. Mitchell does not like the way the road by his home is being maintained. He told the board that if things didn't improve he was going to blow the whistle about something that the board should know about. No action was taken by the Board of Supervisors.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 248

Moved by Sanders, seconded by Vermedahl, to approve a utility permit for Poweshiek Water to bore underneath 78th Street between Sections 21 and 28 in Florence Township. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek reported that there is \$58,308.13 in the landfill account at the Benton County State Bank.

Supervisor Vermedahl will complete the management section of the job description for the Transportation Department.

Moved by Vermedahl, seconded by Sanders, to approve hiring Sharon Rouse as part-time food service/custodian in the Sheriff's Department effective December 8, 2006 at a wage of \$10.63. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to order a Marantz CDR300 portable CD-R/RW recorder with built-in microphone and speaker for recording in the boardroom. All members voting aye thereon. Motion carried.

The board tabled the overspending by \$803.59 of the Emergency Management Fund until next Tuesday.

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

Ronald R. Buch, Chairman

Attest: _____
Brenda Sutton, Deputy Auditor

December 11, 2006

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

Supervisor Vermedahl arrived at 6:15 p.m.

The purpose of the joint meeting was to update new Conservation Board members about the budgeting process.

Supervisor Buch addressed the Boards budgeting process with additional comments from Supervisors Sanders and Vermedahl. A time for questions followed.

Moved by Vermedahl, seconded by Sanders to adjourn the meeting at 7:10 p.m.

Ron Buch, Chairman

Attest: _____
Delane Kalina, Deputy Auditor

December 12, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 8, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve payment of checks numbered 88531 through 88960, for payment. All members voting aye thereon. Motion carried.

Mark Gross met with the Board to explain his view of a boundary dispute surrounding his property in Section 1 of Bruce Township. Gross explained that it his opinion that ownership an 87-foot strip of ground lying between the vacated road and the quarter section line is questionable. The engineer responded that it was his understanding that McQuilken has been taxed for the 87-foot strip in the past. Auditor Marlow stated that the assessor had told her that no one had been taxed for the strip and that she directed him to tax Becker. Gross further stated that McQuilken owned on both sides of the road, Gross has subsequently purchased the property adjacent to the vacated roadway from McQuilken, and therefore the vacated road should be deeded to Gross. The east half of the vacated road had previously been deeded to Joseph Becker, Sr. through a Quit Claim Deed issued by Benton County. The auditor advised that all parties currently had retained attorneys and that the supervisors should refrain from discussing the matter. Gross stated that he did not have an attorney retained in this matter. Marlow commented that she had contacted by an attorney representing Gross regarding this specific issue. Gross continued to state that he believed McQuilken owned to the quarter section line and consequently owned on both side of the roads, and therefore the County should deed the entire vacated road to Gross. The auditor reiterated that this matter is potential litigation and that no comment should be made without legal counsel. The engineer stated that he would need to issue a corrective deed. Supervisor Vermedahl questioned the engineer as to who the corrective deed should be issued. The engineer stated that a corrected Quit Claim Deed would be given to the actual owner of the seven rods (87 foot strip) lying adjacent to the vacated road. Vermedahl stated that this matter appears to be more than just a technicality with the deed and directed the engineer to speak with the county attorney. Gross stated he was not interested in the 87-foot strip, but reiterated that he wanted the east half of the vacated road deeded to him. Gross requested that the record reflect that he was not out to argue for ownership of the 87 foot strip or to retain an attorney, but that in case a question should arise, he has already developed the east 33-feet of the vacated road based upon a signed agreement from Joseph Becker, Sr. that he possessed. The engineer stated that it appears that the highway has been used as the boundary. Supervisor Vermedahl stated that the county attorney needs to be consulted regarding this matter, as it appears to involve much more than ownership of half of the vacated road. Gross stated that he has spent thousands of dollars improving the 33 feet based upon the agreement between him and Becker stating that he could obtain the property. Supervisor Sanders stated the Board cannot take any action without legal advice from the county attorney. Gross stated that the Board of Supervisors could quit claim deed the 33 feet to him as that is within their power. The engineer stated that the property is returned to the legal owners of the property lying adjacent to the vacated road. The Board directed Gross to the county attorney regarding the matter.

Moved by Sanders, seconded by Vermedahl, to approve 12.75 hours of vacation carry-over for Elaine Bolton. Said carry-over is to be used by June 1, 2007. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Scott Bahmann as a reserve deputy with the sheriff's department, effective December 12, 2006, at a wage of \$16.24 per hour. It is further noted that all parties are aware of the potential for overtime issues with Bahmann working in both the conservation and sheriff's department. Bahmann has stated that he will not work over forty hours per week when parts of the hours are for the sheriff's department. All members voting aye thereon. Motion carried. Auditor Marlow advised that both the conservation board and the sheriff's department are aware that over-time compensation could be an issue and when earned would be calculated in accordance with Fair Labor Standards and applied respectively to the different budgets.

Tammy Wetjen-Kesterson provided an update on the activities and funding for the Decat Program. Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Decat invoice. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

December 15, 2006

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

Moved by Vermedahl, seconded by Sanders, to approve 17 hours of vacation carry-over for Hayley Rippel. Said carry-over is to be used by June 1, 2007. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Kimberly McCullough from the sheriff's department effective October 27, 2006. Both members voting aye thereon. Motion carried.

Mary Lou Erlacher, Director of the Workplace Learning Connection, met with the Board to provide an update on activities during the past year. Erlacher reported that services, including practicum, internships, and job shadowing, have increased. They have held a career fair in the past for high school children. Renee Tharp stated that the career fair may not continue due to the expense the school districts incur to transport children to the fair. Funding for Workplace Learning Connection receives \$5.00 for every high school student and \$3.00 per middle school student, which pays for all services, from Vinton-Shellsburg and Benton Community Schools. Belle Plaine School pays \$25 for every job shadow. Funding also comes through Benton Development Group. There is no Benton County businesses currently providing funding to them.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 11, 2006, and December 12, 2006. All members voting aye thereon. Motion carried.

The Board recessed at 10:20 a.m. and reconvened at 11:05 a.m.

Dennis Dornhik of Employee & Family Resources, the county's employee assistance program, met with department managers regarding their services.

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

Jason Sanders, Vice-Chairman

Attest: _____
Jill Marlow, Benton County Auditor

December 19, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 15, 2006. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Director, met with the Board regarding overspending his fund in November of 2006. Supervisor Vermedahl advised that overspending a fund is legally prohibited and asked Hansen to refrain from doing it again. Hansen stated that if he is in the same situation in the future, which he anticipates happening several more times, he will come to the Board of Supervisors prior to overspending and ask for additional funds. Hansen stated that his budget is bare bones and that funding of the department has been reduced due to a reduction in grant funds as well as county funding. Supervisor Sanders stated that the Board understands that Hansen is aware that he cannot overspend his budget, but the Board had to discuss it with him for appearances. Hansen stated that the Emergency Management Commission Executive Board is meeting today to discuss future funding of the agency, stating that other funding avenues are available. Supervisor Sanders thanked Hansen for speaking with the Board and that if a lack of funds occurs in the future; to come to the Board and the Board will help. Supervisor Vermedahl stated that he did not know that the county's help was guaranteed, as additional funding for emergency management was not budgeted. Steve Meyer stated that he does not know what the county budget is, but that emergency management had warned the Supervisors that this was going to happen. Hansen asked the Board if taxes needed to be raised to fund his agency. Hansen advised that his workload has tripled and emergency management has brought many services to the county. Supervisor Buch stated that the much of the funding for his department was from the federal government and the grants are being distributed differently. Supervisor Buch said that there should be a funding mechanism that has everyone paying for the program and not just certain people. Meyers questioned what Buch meant by "certain people". Buch responded that increasing taxes is asking just the property owners to pay for the program. Buch added that if the county wants to continue to experience growth and development that a great deal of attention needs to be given to taxation. Meyer stated that the county's general supplemental fund does not affect taxes; however the Board clarified that general supplemental money is derived from property taxes. Supervisor Vermedahl added that taxes have increased since he has been supervisor but that the Board tries to keep increases minimal.

Moved by Vermedahl, seconded by Sanders, to approve five days of vacation carry-over for Barbara Greenlee, said carry-over to be used by July 1, 2007. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "J-J" 250

Moved by Vermedahl, seconded by Sanders, to authorize the chairman to sign the Farm Service Agency form CCC-509, Continuation of Owners or Producer's Crop Information for ground being farmed by Margaret Kreutner. All members voting aye thereon. Motion carried.

Moved by, seconded by, to adopt Resolution #06-71. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION

#06-71

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 Helms will be IVD (Maintainer Operator). IVD base wage for Steve Helms will be \$16.18 per hour. Steve Helms rate change will be effective December 20, 2006

Signed this 19th day of December, 2006

Chairman, Board of Supervisors

ATTEST: _____
BENTON COUNTY AUDITOR

Moved by, seconded by, to approve a utility permit requested by South Slope Telephone to place utility lines in the county's right-of-way in Section 16 of St. Clair Township, along 25th Avenue. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

December 26, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 19, 2006. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 88961 through 89316, for payment. All members voting aye thereon. Motion carried.

Renee Tharp, with Benton Development Group met with the Board to provide an update on the Benton County Economic Development Grant and current projects. Moved by Vermedahl, seconded by Sanders, to acknowledge the funding of the following: R C & D - \$500, Vinton Unlimited - \$930 and the Highway 30 Study - \$10,000. All members voting aye thereon. Motion carried. Tharp also provided an update on Iowa Connections, a regional marketing group made up of joint partnerships with Benton, Jasper, Marshall, Poweshiek and Tama counties.

John Putney updated the board on upcoming legislative plans.

Rick Primmer presented the board with a memorial donation of \$626.10 from Carl A. and Betty J. Primmer. The Board agreed that the memorial money will be used to purchase 2 benches and concrete pads to be placed at the west entrance of the Benton County Courthouse. In addition to that, it shall be used to purchase a donation plaque to be located within the courthouse. Such plaque will list names of those who have donated in the past or will in the future to help beautify our county's courthouse. If additional funds are needed for this project, Primmer himself will take care of such money.

Moved by Vermedahl, seconded by Sanders, to approve a Class C beer permit for Kimm's Sunoco Corporation. All members voting aye thereon. Motion carried

Moved by Sanders, seconded by Vermedahl, to authorize the chairman to sign the request for disbursement of CEBA funds for Frontier Natural Products. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge KDS Holdings LLC Manure Management Plan. All members voting aye thereon. Motion carried.

Karl Korff, a member of Friends of the Shelter, Inc. (FOTSI), a non-profit organization, is asking the county for a one-time donation of \$20,000 in addition to the county's normal annual funding to help FOTSI build a new animal shelter. The current animal shelter is shared by Benton County and the City of Vinton. They want to build the new shelter inside the city limits and hopefully sub-contract from the City of Vinton. Supervisor Vermedahl stated that the County will talk to the City, and he sees no reason this shouldn't continue to be a unified effort. He will put it on the request pile with all others asking for money. The budget is already tight and this wouldn't be an easy thing to do.

Sheriff Forsyth was unable to attend the meeting.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Section 22 of Benton Township along 59th Street Trail. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

Attest: _____
Hayley Rippel, Deputy Benton County Auditor

December 29, 2006

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 26, 2006. All members voting aye thereon. Motion carried.

Kelly Geater, County Treasurer, requested that the Board enter into a 28E Agreement titled Memorandum of Agreement Between Benton County, Iowa and The Iowa Department of Transportation allowing Benton County to issue driver's licenses. Geater advised that were a few changes in this agreement in comparison to the current agreement; however the changes were not substantive. Supervisor Vermedahl questioned if the treasurer had read the entire agreement, but prior to her response, he moved that the chairman be authorized to sign the 28E Agreement. Sanders seconded the motion. All members voting aye thereon. Motion carried.

Kelly Geater, County Treasurer, met with the Board regarding courthouse hours on December 24, 2007. The treasurer stated that Christmas Eve will be on a Monday next year and the public generally believes that the courthouse is closed anyway and she asked the Board to consider closing the courthouse. Supervisor Vermedahl questioned what happens if the holiday is on Wednesday. Geater stated that several years ago the courthouse was closed on a Monday when the 4th of July fell on a Tuesday. Vermedahl asked if that was just given as an additional holiday and Geater responded that it was. Geater said New Year's Eve was not an issue as the offices had to do end-of-the-year business on that day. Supervisor Vermedahl stated that now was the time to begin thinking about the matter. No action was taken.

Scott Hansen, Emergency Management Director, and Steve Meyer, Emergency Management Commission Chair, met with the Board to request that the Board reconsider the funding amount to emergency management for the current budget year. Meyer stated that the county has consistently under funded emergency management over the past five years. The current year was under funded by \$4,764.00. Jason Sanders stated that a lot of departments did not get what they originally asked for in their budgets this year and that a lot of departments are struggling, and questioned what the basis would be for not reconsidering other departmental budgets if the Board were to entertain the idea of increasing funding to the emergency management commission. Sanders added that things are tight right now. Meyer responded that the executive committee met and this was a request that he was charged with bringing to the board – adding that you get nothing if you don't ask. Meyer questioned what the budget amendment process would be. Sanders responded that a budget amendment would be required and that it can be done, but there is publication costs associated with it. Whenever an amendment is required other departments generally try to join in with their additional needs. Sanders added that there are procedures in place to amend the budget. Supervisor Vermedahl stated he did not know where the money would come from and his answer was “no” to an increase for the current year. Sanders added that the county does not have a lot of money.

Meyer clarified that the Board's position was not to increase current year funding and then asked the Board to attend the Emergency Management Commission meeting on January 29, 2007, at 7:00 p.m. The Board agreed to attend the meeting.

The auditor presented an Addendum to the original contract with Tyler Technologies, formerly known as Computer Management Systems, for PACH ACH software (payroll direct deposit). The software with support for one year will be \$990.00. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Addendum to the original contract executed on September 17, 1999, providing for PACH ACH software and related support. All members voting aye thereon. Motion carried.

The Board reviewed a list of appointees to various boards whose terms would be expiring at the end of 2007, and discussed possible appointees. Appointments will be made on January 2, 2007.

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

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Auditor