

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K" 1

January 2, 2007

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

Moved by Vermedahl, seconded by Buch, to appoint Jason Sanders as the Board Chairman for 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint David Vermedahl as the Vice-Chairman for 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of December 29, 2006. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to designate the official newspapers for Benton County for 2007 as The South Benton Star Press and The Belle Plaine Union, and The Cedar Valley Times. It is noted that the Cedar Valley Times agrees to publish in the Vinton Livewire free-of-charge. It is further noted that a legal opinion is being sought as to whether official proceedings and official publications are the same under Iowa Code. All members voting aye thereon. Motion carried. The Vinton Eagle withdrew their request to be appointed as an official newspaper under Chapter 349 of the Iowa Code as it does not meet the requirements as of this date.

Moved by Vermedahl, seconded by Buch, to appoint the following persons to the Benton County Eminent Domain for 2007. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Arlen Gerhold
Danny Kaestner
Gloria Feuerbach
Shannon Feuerbach
Carmie Behrens
Wayne Siela
Duane Johnson
Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum
Mike McNamara
Jeff Geiger
Dave Coulter
Eldon Zumbach
Harold Knaack Jr.
Melissa McBride

Owner-Operator Agricultural Property

Derold Happel
Wayne Newton
David Rhinehart
Richard Grieder
Ross Wiley
John Elwick
Wayne Riley
Bill Hennings

Owners of City or Town Property

Darold Sindt
Jeff Kelly
Earlene Clausen
Dave Coots
Larry Weeda
Kathy Tranel
Lloyd Benson

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-1. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-1

WHEREAS: Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of checks; and

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WHEREAS: Iowa Code §331.506 allows the auditor to issue checks under the authority of the Board of Supervisors without prior approval,

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

Signed this 2nd day of January 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Buch, seconded by Vermedahl, to approve the appointment of Rachelle Berry as a deputy in the recorder's office at 80% of the elected official's wage, effective this date. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint the following members to the respective boards for 2007.

All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl

Regional HACAP –Supervisor Sanders

Emergency Management Commission - Supervisor Sanders

Supervisor Vermedahl, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

North Benton Ambulance - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

Moved by Buch, seconded by Vermedahl, to appoint Myron Parizek as Benton County's ADA Coordinator. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Don Martin as the Civil Rights Coordinator for Benton County for 2007. All members voting aye thereon. Motion carried.

The Board reviewed applications received for the Benton County Public Health Board. Applications were received from Melinda Brittain and Kathy Janss. Having reviewed and discussed the applications, it was moved by Vermedahl, seconded by Buch, to appoint Melinda Brittain and Kathy Janss to the Benton County Public Health Board for three-year terms ending December 31, 2009. All members voting aye thereon. Motion carried.

The Board reviewed applications received for Benton County Conservation Board. Applications were received from Brad Johnson, Darran Sellers, and Dave Henkel. Having reviewed and discussed the applications, it was moved by Buch, seconded by Vermedahl, to appoint Brad Johnson to the Benton County Conservation Board for a five-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Dan Kaestner, Larry Beatty, and David Wessling to the Benton County Zoning Commission for 3-year terms, and to table appointment of the fourth position. All members voting aye thereon. Motion carried.

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

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

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

Moved by Vermedahl, seconded by Buch, to appoint Mary Williams to the MH/MR/DD Advisory Board. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Mary Williams to the FEMA Board. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Gary Marlow to the Vinton Airport Zoning Board to a six-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Harold Ritscher to a six-year term on the Belle Plaine Airport Zoning Commission. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to re-appoint Myron Parizek for a three-year term to the Eastern Iowa Airport Board of Adjustment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to re-appoint Mary Williams to the Federal Emergency Management Board. All members voting aye thereon. Motion carried.

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

EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Don Magdefrau
Jason Sanders, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

Ron Buch
Andy Lent

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Nick Rissman

Moved by Buch, seconded by Vermedahl, to appoint Gary Fordice, Dan Higdon, Mark Phippen, and Roger Witt as Safety Coordinators. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Buch, to appoint Ruth Schafbuch to the Benton Land Use Board of Adjustment for a five-year term. All members voting aye thereon. Motion carried.

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

Van Horne Benefited #1 – Ronald Bossler
Keystone Benefited #2 – Tom Harty
Newhall Benefited #4 – James Keiper
Ben-Linn Benefited #3-#5 – Timothy Rathje

Moved by Vermedahl, seconded by Buch, to defer appointment of the Benton County Weed Commissioner and Assistant Weed Commissioner for 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-02. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #07-02

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, 2007 and January 31, 2008 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 2nd day of January 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Vermedahl, to appoint Dr. Brian Meeker as the Benton County Medical Examiner, Dr. Mark Dearden as the Deputy Medical Examiner, and Martin Parbs, Mary Phillips, Shane Higgins, and Michelle Burnes as Medical Examiner-Investigators. All appointments are for a two-year term. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to appoint Ed Strellner, Ilene Krieder, and Doug Mehlhaus to the Pioneer Cemetery Commission for a three-year term. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2007. All members voting aye thereon. Motion carried.

Action on the appointments to the Historic Preservation Commission pending further research on the appointment process.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

January 5, 2007

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

Moved by Vermedahl, seconded Buch, to approve the minutes of Tuesday, January 2, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set January 25, 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 Kevin Higgins on parcel located in the NW1/4 of 6-86-11. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Craig E. and Deborah L. Ollinger, the board took up the matter for consideration. Sally Ollinger, Mark Ollinger, Stan Geiken 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 land use change from agricultural use to a single residential use in Benton Township. This parcel was granted a land use change on July 18, 2006 for Phillip Larabee. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being Parcel A in the NE1/4 NW¼ of 31-85-9 (Benton Township) for single residence. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the sheriff's, veteran's and auditor's quarterly reports. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the appointments of Kimberly Staab, Michele Sauer, and Melinda Schoettmer as Deputy Treasurer and Anthony Janney as Assistant County Attorney. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the application for the SAFETEA-LU funds for FY 2008-2011 in the amount of \$309,846 for the city of Blainstown's Locust and Fremont Streets project and \$500,000.00 for Benton County's resurfacing of W-24 in Norway project for a total of \$809,846. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the vacation carryover of 5.5 hours for Dan Higdon and 40 hours of Morris Higgins to be used by July 1st, 2007. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek presented the following bids for the Luzerne bridge project:

Taylor Construction \$1,311,137.34; Iowa Bridge & Culvert \$1,314,393.17; Minnowa Construction \$1,397,129.49; Gobersen-Smith Construction \$1,523,627.64; A M Cohron & Son \$1,780,341.68. It was his recommendation that the board accept the lowest bid from Taylor Construction.

Moved by Buch, to accept the bid of Taylor Construction in the amount of \$1,311,137.34 for the Luzerne bridge project #BRS-4600(601)-60-06 to start by April 23, 2007 and be competed in 100 working days, seconded by Vermedahl with an addition of Taylor Construction must provide proof of insurance and bond. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth, Deputy Sheriff Mike Ferguson, and Engineer Myron Parizek met with the board to discuss the rural addressing budget for FY2007 and FY2008. Sheriff Forsyth informed the board that the budget for 2007 of \$22,800 would only replace half of the E911 signs in the county and that there was nothing budgeted to pay for the labor of replacing all the E911 signs. He further explained that only 5-10 percent of the addresses in the county were correctly numbered for the GPS system. The board directed Sheriff Forsyth to purchase signs with the funds that were budgeted for FY2007.

Sheriff Randy Forsyth informed the board that money had been deposited with the County Treasurer to purchase a K-9 unit dog for the his department. The dog will cost around \$15,000 to \$20,000 and an additional cost of

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\$4,000 to equip the patrol car. Sheriff Forsyth was asking for a budget amendment to be able to spend this money in fiscal year 2007 of \$19,000.00. He recommended that the county purchase 2 dogs so they can work together.

Deputy Sheriff Mike Ferguson discussed the cost per hour that was set for law protection and the annual cost of dispatching contracted with cities in Benton County and the Sheriff's department. His recommendation was to increase the hourly rate of law protection by \$2.00 and the annual rate of dispatching by \$1,000.00. Moved by Vermedahl, seconded by Buch, to increase the law protection to cities in Benton County from \$18.00 per hour to \$20.00 per hour for fiscal year 2008. All members voting aye thereon. Motion carried. Moved by Buch, seconded by Vermedahl, to increase the dispatching services for the city of Belle Plaine to \$17,000.00 and \$19,000.00 for the city of Vinton for fiscal year 2008. All members voting aye thereon. Motion carried.

Deputy Sheriff Mike Ferguson asked the board about changing the county policy for the payment of claims to weekly. The board advised him that the matter would have to be discussed with the county auditor. He also discussed the possibility of adding a second deputy position to the sheriff's department. This would be a non-union supervisory position in the evening and weekends. The board directed him to budget for this position in fiscal year 2008.

Brad Johnson the newly appointed Conservation Board member came to the board meeting to introduce himself.

Moved by Vermedahl, seconded by Buch to adjourn the meeting at 11:25 a.m.

Jason Sanders, Chairman Board of Supervisors

Brenda Sutton, Deputy Auditor

January 9, 2007

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

Moved by Vermedahl, seconded Buch, to approve the minutes of Friday, January 5, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to approve checks numbered 89317 through 89675, for payment. All members voting aye thereon. Motion carried.

Representatives of the Cedar Valley Ranch met with the Board to discuss their current budget and the estimated increases for FY 08 budget. Jerry Petermeier, a representative passed out copies of the detailed budget. The rate the ranch currently charges is \$68.50 per day, and with the proposed increase it will be up to approximately \$77.83 a day. Bill Nelson, Cedar Valley Ranch administrator, commented that one of their federal funding sources, the ARO, will no longer exist and that it will be a loss of \$153,000 a year. There will be new funding to replace that but they don't qualify. They also discussed subsidizing, stating that only 4 of the residents are from Benton County. They have an average of about 38 residents a day. Barb Smith, another representative of the Ranch stated that the budget is up about \$20,000 from last year but that they were doing everything they could to hold the line. Nelson also stating that they were keeping expenses down as much as possible, but the funding keeps decreasing. And with the talk of the minimum wage increasing, we will have to account for everything.

Mary Williams, Director of Benton County Social Services was also present. Williams commented that she has not yet met with the Cedar Valley Ranch Representatives to do their annual negotiations. Smith stated that they were not trying to by-pass Mary by any means, they just wanted to update the board knowing it was going to be such a jump and they wanted the board to be aware of this increase. Williams asked that a member of the board sit in on their negotiating meeting. This meeting has not been set yet but she would notify them when it is. The board members agreed.

Moved by Vermedahl, seconded by Buch, to approve the \$4,166.00 Decat bill on contract Number: DCAT-06-063 for November and December services. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth met with the board to further discuss FY 08 Budget. He wanted the board to be aware there will probably be an amendment to this year's FY07 budget for the cut he took from Rural Basic and to the FY08 budget. He mentioned that its in the union contract to pay for training, and they've put off as much as possible and waiting for free classes offered instead, trying to save as much as possible. Also stating that only half of the computer updates have been done, there is still about half to come out from this years budget. Forsyth also advised the board he would like to budget for 3 new vehicles instead of the 2 he previously mentioned. The board questioned holding off on the extra vehicle until next year. Forsyth replied that if only 2 are purchased this year then he plans on needing 4 the following year as he already has 3 needing replaced.

Forsyth also discussed the Norway Tower. The current tower is located at the school. The school is putting in an elevator and the tower needs to come down by the end of the month. Another unexpected cost he commented. Supervisor Buch asked if there were any grants available or if we could pull any funds from the 911 fund. Forsyth recently met with the Norway City Council and discussed a place in the park that might be available to use at no cost. He estimates \$28,000 for a new tower building and an additional \$5-6,000 if they need a new foundation under it.

County Engineer Myron Parizek reported that there is \$61,246.91 in the landfill account at the Benton County State Bank.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Federal Aid agreement for Bridge Replacement on 59th Street over Pratt Creek in Monroe Township. Project #BROS-CO06 (70)—8J-06, IDOT Agreement #6-07-HBRR-01. FHWA Structure # 072890 and the estimated cost is \$210,000. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to authorize chair to sign the Federal Aid Agreement for Bridge Replacement on 52nd Street Drive over Blue Creek in Polk Township. Project # BROS-CO06 (71)—8J-06, IDOT Agreement # 6-07-HBRR-02. FHWA Structure #073020 and the estimated cost is \$225,000. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to authorize chair to sign the final IDOT progress voucher's for asphalt resurfacing on D62, V42 and V66. Project #STP-S-CO06 (66, 67, 68)—5E-06. All members voting aye thereon. Motion carried.

Parizek also presented the board copies of a letter he received from Brecke Contractors. It was regarding the boilers at the Cedar Valley Ranch. It has become too difficult to replace parts for the Glowcore boilers they are currently using. They advised that the county should start trying to budget for these units to be replaced in the near future as to prevent expensive decisions in a moments notice. Along with the letter were copies of estimates for the replacement costs.

Moved by Buch, seconded by Vermedahl, to adjourn the meeting.

Jason Sanders, Chairman Board of Supervisors

Hayley Rippel, Deputy Auditor

January 12, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 9, 2007, and to correct the minutes of January 5, 2007, to reflect whole dollar amounts in the action relative to ICETEA grants. All members voting aye thereon. Motion carried.

Benton County Auditor Jill Marlow spoke with the Board regarding the current contract between Benton County and the Virginia Gay Hospital for public health services. The contract was entered into in 1994, and Marlow wanted the Board to consider whether the contract should be renegotiated. Marlow advised that there was language in the contract that could be deleted if the contract is rewritten, but that if it is not it would have no effect on the services. Marlow did point out that the current contract has an automatic increase in funding, which the Board should be aware of. The increase is a percentage increase based on the annual consumer price index. Language that could be deleted referenced changing employees from county to hospital employees and the county's assets that accompanied the department. Nancy Farmer, Public Health Nurse, stated that the current contract contained all of the required language for services and it was her opinion that the contract did not require changing. Marlow added that the only paragraph that would cause a contractual change would be the funding paragraph. Marlow also stated that the current funding language could be an advantage or a disadvantage depending on the year, i.e. if a property tax freeze occurs the county is still required to provide an increase in funding to Virginia Gay Hospital. Farmer advised that changing the contract would require approval by the county attorney, the hospital's attorney, and the state. The Board questioned if there was a termination clause. Marlow advised a 90-day notice was required. Supervisor Buch stated that he did not see a need to change the contract at this time. Moved by Buch, seconded by Sanders, to stay with the current contract between Benton County and Virginia Gay Hospital. Voting aye were Sanders and Buch. Nays none. Vermedahl abstained, as he is a member of the Virginia Gay Hospital Board. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the treasurer's semi-annual report for the period ending December 31, 2006. All members voting aye thereon. Motion carried.

Mark Gross met with the Board regarding property in Bruce Township, Section 1. Gross stated that the supervisors had directed him to meet with the county attorney, but that the county attorney would not speak with him as he was represented. Gross presented a letter from Attorney Rick Lubben stating that he was not representing Gross. Gross stated that he tried to speak with Engineer Parizek, who also would not speak with him stating that he was being represented by an attorney. Gross questioned if a corrective deed has been filed yet. Supervisor Sanders stated that the matter has not been on the agenda to correct the quitclaim deed since Gross last appeared before the board. Gross stated that he had an agreement with Joseph Becker, Sr. to transfer ownership of the 33-foot strip of vacated road and now Becker is hesitating. Gross advised that Parizek has stated that McQuilkin has been paying the taxes on the property; however Auditor Marlow stated no one has. County Attorney Thompson stated that Attorney Rick Lubben has told him that he is representing Gross on this matter. Thompson added that he could not speak to an individual who has legal representation otherwise he, Thompson, would be subject to an ethical violation. Thompson stated that he has also received a letter from Kevin McCrindle an attorney representing the Beckers and Stanke, and that they are filing a lawsuit to quiet the title to the property. Thompson advised the Board that this matter is pending litigation and that his advice is that the Board not comment and let the attorneys handle the matter. Thompson further stated that if the county speaks with Gross, then additional action could be taken involving the county. Thompson stated that he has not received a letter from Attorney Lubbin stating that he is not representing Mr. Gross. The county attorney advised the Board that the letter dated January 10, 2007, from Attorney Lubbin, and presented to the board of supervisors on this date does not provide adequate time for the county to respond. Thompson reiterated that this matter is pending litigation and the county has been notified that a lawsuit will be filed. The county attorney stated that the auditor may provide a copy of Attorney McCrindle's letter to Gross, if requested. Gross stated that he did not want to spend another nickel trying to resolve this issue. Gross wanted the county to correct the deed for the vacated road to Joseph Becker, Sr. and that perhaps he should submit a bill to the county for his costs incurred in this matter. Gross requested that the centerline of the vacated road be moved over to the old fence line instead of its current location and that would take care of his issues. Adding he wouldn't have to file any claim against the county based on his costs. If the centerline of the road is moved he would not care about the strip of land lying between the fence and the section line. Supervisor Sanders stated that the county is represented by the county attorney and must abide by his advice. Gross questioned who would be notifying him regarding this situation. The county attorney stated that the county cannot offer legal advice to a private citizen, but would suggest that Gross contact an attorney. Gross stated that the 33 feet dictates where he can construct his house, and requested an extension to the time limit on his land use change. The Board advised the he has commenced the change

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in use within the year time line and did not believe that would be an issue, but to contact Marc Greenlee to determine if what he has done is considered commencing the use.

Moved by Buch, seconded by Vermedahl, to defer final review of the county's management, discussion, and analysis for 2006 until Tuesday, January 16, 2007. 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: _____

January 16, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 12, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Management, Discussion, and Analysis for 2006.

Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:08 a.m.

Moved by Vermedahl, seconded by Buch, to approve an amendment to the Master Contract

Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local NO. 238 An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America 2006-2007 to allow for payday to be changed to Thursdays to accommodate direct deposit. All members voting aye thereon. Motion carried.

Moved By Buch, Seconded By Vermedahl, To Adopt Resolution #07-03. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

**RESOLUTION #07-03
ABATEMENT OF INTEREST AND PENALTY**

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$2,855.82 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 16th day of January 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____

Jill Marlow, Auditor

The compensation board's recommendation was reported to the board. The board discussed the various amounts included in the preliminary budget proposal for wages.

The county librarians met with the Board to request an increase in funding. The group is requesting an additional \$20,000 over the current year funding. The librarians reported that they continue to experience increased utility costs, as well as increased costs to maintain electronic equipment. As expenses continue to rise for the libraries it becomes increasingly more difficult to place books on the shelves. It was reported that if additional funding is not secured from the county, it may become necessary to charge user fees by rural patrons. The library funding was cut several years ago from \$64,000 to \$60,800 and has not increased. Blairstown reported that if she billed the county for the actual services they would receive an additional \$3000. Supervisor Buch stated that if the county charged the cities for actual costs for police protection it would be charged at \$36.00 per hour instead of the current \$20.00. Supervisor Buch questioned what the city funding is going to be. Belle Plaine responded that her city is telling her that there is no more money. Other cities reported that their councils were waiting to see what the county was going to do for funding. The libraries stated that they would like to keep books on their shelves and keep up-to-date technology. It was reported \$6.73 versus 10.63 in Dallas County.

Supervisor Vermedahl discussed the count's policy on Family Medical Leave Act (FMLA). Vermedahl stated that after speaking with the sheriff and Attorney Brian Gruhn that he believed that the county had been administering the policy erroneously. Vermedahl stated that he had requested a letter from Gruhn explaining how the FMLA policy should be administered. Auditor Marlow stated that Gruhn had spoken with her and after she advised him that the policy had been amended in 1999, Gruhn agreed that the administration of the policy was probably correct. Gruhn advised Marlow that the county should consider repealing the amendment.

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

Jason Sanders, Chairman

Attest: _____

Jill Marlow, Benton County Auditor

January 22, 2007

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Buch present. Vice-Chairman Vermedahl called the meeting to order at 10:15 a.m.

The Board proceeded with FY08 budget work by reviewing miscellaneous requests.

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Supervisor Sanders arrived at 10:35 a.m.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 23, 2007

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

Moved by Buch, seconded by Sanders, to set February 15, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Richard and Dianne Pickart on a parcel located in the W1/2 of the SE1/4 of 9-83-11. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of January 16, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 89676 through 90060, for payment. Both members voting aye thereon. Motion carried.

Moved by Buch, 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 Buch, seconded by Sanders, to approve ten days of vacation carry-over requested by Myron Parizek. Said vacation must be used by July 1, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve and sign a corrected Quit Claim Deed issued to Joseph S. Becker on a parcel located in 1-86-12. The corrective deed sets out the correct address and also removes the deceased wife of Joseph S. Becker to the Quit Claim Deed recorded on October 3, 2006, in Book 6, Page 5075. Both members voting aye thereon. Motion carried.

The engineer spoke with the Board regarding the per capita fees at the landfill. It was the recommendation of the engineer that the per capita fees remain the same for FY08. Moved by Buch, seconded by Sanders, to leave the FY08 landfill per capita rates at \$17.00 for cities and \$21.00 for rural residents. Both members voting aye thereon. Motion carried.

The Board worked on the FY08 budget proposals.

Kevin Paulsen with RSM McGladrey met with the Board regarding the development of job descriptions. McGladrey has been contracted to develop job descriptions for county employees. The county attorney was present to voice his concerns that when this project gets to the point where a compensation analysis is done, that in addition to counties of similar size, that Linn County should also be included. Paulsen advised that he was looking at counties relative in size, population, and location to major metropolitan areas.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

January 24, 2007

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

The Board proceeded with FY08 budget work by reviewing miscellaneous requests.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 25, 2007

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

Scott Hansen, Emergency Management Coordinator, met with the Board to advise that his fund will be overdrawn this month due to the delay in reimbursement from the nuclear facility. Hansen stated that a bill was submitted timely; however, the management company had not processed the payment yet. Hansen stated that he anticipated that the money would be here before Feb. 1, 2007, but in the event it is not. Moved by Buch, seconded by Sanders, to authorize the county to make a temporary loan to the Emergency Management Fund in the event his reimbursement is not received prior to the end of the month. Repayment of the loan is to be made immediately upon receipt of funds by Emergency Management. 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 Kevin L. Higgins and Dawn M. Higgins, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a single residential purpose on approximately three acres in Cedar Township. Supervisor Buch stated that the proposed site is approximately one and three-eighths mile from a hog confinement facility being constructed and asked if that would be an issue. Higgins replied that he was not concerned with the confinement. Buch also reminded the applicant that this was a gravel road and dust would occur. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately three acres generally described as being a Part of the E3/4 of the S1/2 of

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K" 9

the NE1/4 and the E3/4 of the N1/2 of the SE1/4 of 10-85-10 (Cedar Township) for a single residential use. All members voting aye thereon. Motion carried.

Doug Elliott, Executive Director of East Central Iowa Council of Governments (COG), met with the Board to provide an update on the activities of the COG. Elliott spoke about other programs available and possible training workshops.

Moved by Buch, seconded by Sanders, to appoint Dave Vermedahl to the Region 10 Transportation Policy Committee in the place of Ron Buch. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of Monday, January 22, 2007, Tuesday, January 23, 2007, and Wednesday, January 24, 2007. Both members voting aye thereon. Motion carried.

Lexa Speidel, Benton County Recorder, asked the Board for approval to install an electrical box in the recorder's office. The Board directed Speidel to speak with the maintenance department regarding the installation. Moved by Buch, seconded by Sanders, to approve the installation of an electrical box in the recorder's office under the direction of the maintenance department. Both members voting aye thereon. Motion carried.

Mike Beumer, Weed Commissioner, presented chemical bids for 2007. The bids were received as follows: Linn Coop Oil Co. - \$64,461.00 and Fisher's Feed & Fertilizer -\$61,254.35. Moved by Buch, seconded by Sanders, to award the 2007 chemical quote to Fisher's Feed & Fertilizer of Norway in an amount not to exceed \$61,254.35. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the contract between Benton County and the Iowa Department of Transportation for the Luzerne bridge project, #BRS-4600(601)-60-06. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 1, 2007

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

Moved by Vermedahl, seconded by Sanders, to enter into the ODFI Origination Agreement for Consumer Payments between Benton County and Farmers Savings Bank, Vinton, Iowa, to provide for the direct deposit of employee payroll. The cost of the service is \$25.00 per transmission and .50 per transaction. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the utility permit requested by East Central Iowa Rural Electric Cooperative to place utility lines in the county's right-of-way in Section 5 of Kane Township. Both members voting aye thereon. Motion carried.

The engineer discussed changing the classification of a Class B road located between Sections 2 and 3 of Union Township to a Class C road. Doug Embray had contacted the county engineer to request that the classification be changed. The engineer advised that previously the law required that a petition signed by the landowners be submitted in order to change the classification. The law now allows that the Board of Supervisors to change the classification. Supervisor Vermedahl questioned if any of the landowners were resistant to the change. The engineer advised that one landowner refused to sign the petition prior to the law change. Vermedahl questioned if the road should be closed instead of changing the classification; however one landowner would be land locked if the road was closed. The Board directed the engineer to start the process for holding a public hearing on changing the classification of the road. Vermedahl suggested that the engineer find out who was objecting and speak with that person regarding the matter.

The Board spoke with the engineer regarding direct deposit of employee payroll. Auditor Marlow advised that employees were given the choice as to whether to have the paychecks direct deposited, mailed or picked up, at the direction of the Board of Supervisors. The auditor continued that an employee of secondary roads had contacted her as he had been told that he would no longer be able to pick up his check at the secondary road shop, but rather would be required to pick the check up at the auditor's office. The engineer advised that was the position he was taking at this time at he did not have staff available to pick up the checks at the auditor's office for delivery to the secondary road shop. Supervisor Vermedahl directed that the engineer have the employee who was picking up the mail at the post office stop by the courthouse and pick up the checks as well.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the original manure management plan submitted by Daren Rinderknecht in Section 8 of Eldorado Township and the annual update of the manure management plan submitted by Wayne Ritscher in Section 18 of Union Township. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to award the job for painting the recorder's office to Mark West at the cost of \$3,290.00, which includes wall repair, painting walls and cabinets. Both members voting aye thereon. Motion carried. One other bid was received from Eastwood Painting for \$3,200 but did not include cabinet painting or wall repair.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Grant Agreement between Iowa Homeland Security and Emergency Management Division and the Benton County Sheriff. Both members voting aye thereon. Motion carried.

The Board discussed the current rate being charged against the county departments for employee health insurance. The auditor advised the FY08 rates for the ISAC health insurance remained relatively the same as FY07 with just a small decrease, but that with changes to the self-insured portion of the health insurance that not enough time has elapsed to determine the exposure rate. It was the auditor's recommendation that insurance rates remain the same until a better determination could be made on the impact of the changes. Moved by Vermedahl, seconded by Buch, that the rate for health insurance for FY08 remain the same as in FY07. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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

Jason Sanders, Chairman

Attest: _____
Jill Marlow, Auditor

February 2, 2007

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

The Board proceeded with work on the FY08 budget by reviewing departmental requests in the General Basic fund.

The Board met with 2007 Grand Jury at approximately 9:15 a.m. to discuss various matters within the county. The discussion included the functions of the board of supervisors, facility maintenance, and financial issues.

The Board returned to FY08 budget work for the remainder of the meeting. The Board asked that the auditor notify the departments of the reductions made to the FY08 requests.

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

Jason Sanders, Chairman

Attest: _____
Jill Marlow, Auditor

February 6, 2007

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

Moved by Vermedahl, seconded Sanders, to approve the minutes of Monday, January 29, 2007, Tuesday, January 30, 2007, Thursday, February 1, 2007, and Friday, February 2, 2007. Both members voting aye thereon. Motion carried.

Nancy Farmer, Public Health Administrator, provided the supervisors with an update to the Benton County Public Health Response Plan. The updated plan includes procedures on Pandemic Influenza, Continuity of Operations, and Dispensing Site Security Plan. The updated plan also incorporates parts of the county's emergency management plan by reference. Farmer reviewed the county's involvement should an incident occur, which is primarily financial. Farmer reviewed the available grant funding and their requirements to maintain the plan. Farmer requested that the supervisors approve the updated plan. Moved by Vermedahl, seconded by Sanders, to approve the updated Benton County Public Health Response Plan. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #7-06. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

**RESOLUTION #7-06
ABATEMENT OF TAX AND PENALTY**

WHEREAS, Benton County purchased property for the construction of a new bridge in Luzerne; and

WHEREAS, a Quit Claim deed transferring the property's ownership to Benton County has not been recorded by the county engineer; and

WHEREAS, taxes were levied against said parcel as it tax status will not change until said deed is recorded,

NOW THEREFORE BE IT RESOLVED that the tax and penalty owing on parcel #110-06150 for collection in 2006/2007 be abated in full.

DATED this 6th day of February 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

ATTEST: _____
Jill Marlow, Auditor

The Benton County Library Association met with the Board regarding FY08 funding. The Association had met earlier with the Board to request an additional \$20,000 per year. Supervisor Sanders told the group that the county was including an increase of \$10,000 per year. The increase will be allocated at \$1000 per library. The librarians thanked the Board for listening and responding to their funding concerns.

Moved by Vermedahl, seconded by Sanders, to approve the Recorder's quarterly report for the period ending December 30, 2006. Both members voting aye thereon. Motion carried.

The Board continued working on FY08 budgets. General discussion took place on wages and salaries for FY08 took place.

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Moved by Vermedahl, seconded by Sanders, to adjourn. Both members voting aye thereon. Motion carried at 2:15 p.m.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 8, 2007

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

Moved by Vermedahl, seconded Sanders, to approve the minutes of Tuesday, February 6, 2007. Both members voting aye thereon. Motion carried.

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

Marc Greenlee presented an application for a farm exemption submitted by Steve Fry. Fry is requesting the exemption to the Benton County Agricultural Land Preservation Ordinance on a two to three acre parcel located in Section 24 of Union Township. The applicant is currently engaged in the production of food and fiber with his father. Moved by Vermedahl, seconded by Sanders, to approve a farm exemption from the Benton County Agricultural Land Preservation Ordinance on three acres or less located in the Northwest Corner of the NE1/4 of Section 24 of Union Township. Both members voting aye thereon. Motion carried.

Emergency Management Commission members met with the Board regarding FY08 funding for their agency. Emergency Management Agency Chairman Steve Meyer stated that his commission held their best budget hearing last week when the supervisors were in attendance. Discussion of the levy method was continued with Supervisor Vermedahl stating that the EMA is funded through the county's general supplemental levy. The Board advised that currently they have figured a \$3,000 increase to \$22,000 for the agency. Meyer advised that services would have to be reduced if the county funded at that level. Supervisor Vermedahl commented that EMA has already cut, as they no longer provide rural addressing services. It was questioned if the tax statements could have a line displaying the funding for EMA similar to what is currently be done for other entities. The auditor advised that Iowa law requires the information on the tax statements and it would not be possible to add another line for EMA. Supervisor Vermedahl stated that they would continue to consider the funding level for the agency, but that it would not be at the requested \$32,016 level.

The engineer reported that the balance in the landfill account on January 31, 2007 was \$63,550.04.

The county engineer discussed the need for a Cedar Valley Ranch lagoon closure plan. The engineer advised that the Department of Natural Resources would require such a plan. The engineer recommended that the lagoon be tested and Hart-Frederick Engineering has offered to do the necessary testing and filing the necessary reports with the DNR for under \$1000.00, and would also make a proposal to the county for drafting a closure plan. Moved by Vermedahl, seconded by Sanders, to contract with Hart-Frederick Engineering to conduct testing on the Cedar Valley Ranch lagoon and file all necessary reports related thereto with the Department of Natural Resources. The cost of said services is not to exceed \$1000.00. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set March 5, 2007, at 7:00 p.m., for a public hearing on changing the classification of the county road located on 20th Avenue between 68th Street and 69th Street in Union Township to a Level C. The meeting will be held at the Emergency Response Station in Van Horne. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #07-07. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #07-07 ABATEMENT OF TAX AND PENALTY

WHEREAS, the county assessor has advised that he was notified in 2006, that a building had been moved from on parcel to another, and

WHEREAS, the assessed value of the building was not removed from the assessment record; and

WHEREAS, taxes were subsequently assessed against said building,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that taxes, interest and penalty assessed against parcel 090-10450 for the 2004 assessment year.

Dated this 8th day of February 2007

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____
Jill Marlow, Auditor

The Board continued working on the FY08 contract between the Teamsters Union (sheriff's employees) and Benton County. This portion of the Board meeting is exempted from open meetings as provided by law.

The Board returned to regular session at 11:15 a.m. Moved by Vermedahl, seconded by Sanders, to approve the tentative agreement between Benton County and the Teamsters providing for a two-year contract beginning July 1, 2007 and ending June 30, 2009. Both members voting aye thereon. Motion carried. The tentative agreement provides for 3.0 percent wage increases each year, with no change in health insurance for the first year, and an increase of employee contribution in the second year. There are also changes in the schedule for longevity increases, which reduce the length of years before longevity increases are granted.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 13, 2007

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

Moved by Vermedahl, seconded by Buch, to approve checks numbered 90061 through 90489, for payment. All members voting aye thereon. Motion carried.

Sheriff Forsyth and First Deputy Ferguson met with the Board to state that his department could not operate within the reduced FY08 budget set by the supervisors. The sheriff's general basic requests had been reduced to \$1,815,000 when full-time wages were reduced from his initial request to what they would be actually. The Board then reduced the asking to 1,713,000. Supervisor Vermedahl requested that the budget be increased. The Board then increased the budgeted amount to \$1,788,000. The sheriff advised that it still was not enough money for him to operate his department, stating that he had funding for positions in his budget that although they weren't filled, they might be. Supervisor Vermedahl agreed that the sheriff's budget should be increased. Supervisor Sanders disagreed stating that the sheriff had made major capital improvement purchases last year and that the budget should be able to be reduced. Supervisor Buch agreed that the sheriff's budget should be increased and the amount was increased to \$1,816,000 in the general basic budget. Discussion then turned to the amount to be budgeted for the sheriff in the rural services budget and whether to amend his current year budget or wait and budget for a car replacement in FY08. It was decided that the car could wait until FY08; however Supervisor Buch stated that the sheriff should order the car in FY07 so that it would be ready on July 1, 2007 and taken from the FY08 budget. The Board discussed the Emergency Management Agency's budget request for \$32,016. It was discussed that the health insurance was not being raised, which would reduce the agency's budgeted expenses by approximately \$2,000. The Board discussed funding the agency at \$27,000.

The Board briefly discussed the wages for FY08. Auditor Marlow stated that a 4% increase would be appropriate due to the cost of living, with additional adjustments made where the Board deemed appropriate. The Board advised they needed additional time to consider wages.

Moved by Vermedahl, seconded Sanders, to approve the minutes of February 8, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to recess until 6:00 p.m. at the Farm Bureau Services Building in Vinton.

The Board reconvened at the Farm Bureau Services Building in Vinton at 6:00 p.m. with Supervisors Sanders and Vermedahl present.

Supervisor Buch arrived at 6:35 p.m.

The Board discussed the FY08 county budget as it was in its present state. The Board advised that work was continuing and that additional expenses were added to the sheriff's budget in general basic and rural services that were not reflected on the budget document distributed. The Board also stated that the mental health fund was still being worked on and would not have a negative balance when completed. Reductions may also be done with emergency management services. The Board also advised that no decisions have been made on wages.

The Board also discussed the status of the land use plan and their positions on various other issues including the master matrix.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 15, 2007

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

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan update for Swine Designs L.L. located in Section 18 of Union Township. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Richard and Dianne Pickart, 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 five acres in Union Township. The change is on a parcel that is an old farmstead; however the buildings have been removed. Hearing all comment, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Agricultural Land Use Preservation Ordinance and approve a land use change on approximately two acres generally described as being a Part of the W1/2 of the SE1/4 of 9-93-11 (Union Township) for a single residential use. Voting aye were Buch and Sanders. Vermedahl abstained stating that he has a business relationship with the applicants. Supervisor Buch advised that the applicants do farm his land, but that this request is the right thing to do. Motion carried.

Moved by Buch, seconded by Vermedahl, to set March 13, 2007, as the time and date for a public hearing and adoption of the county's FY08 budget. All members voting aye thereon. Motion carried.

The Board discussed the FY08 wages and salaries for county employees not covered by a bona fide labor agreement. County Attorney David Thompson spoke about his office staff's compensation. Thompson stated that he

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included increases of 6.9% for his part-time employees, adding that those employees do not receive county benefits. Thompson stated that the part-time employees in his office would be increasing their number of working hours due to the addition of another assistant attorney. Thompson also stated that Mary Ann Blumer's duties are equal to the responsibilities of a first-deputy in other offices. Thompson told the Board that Blumer is the office manager for his department and she is responsible for knowledge of county policies and advising him (Thompson) about those issues. Blumer also performs duties of a paralegal and victim coordinator, in addition to many other responsibilities. Thompson stated that Blumer performs a lot of sophisticated work and is not just a receptionist. Thompson stated that Benton County is lucky to have Blumer and reiterated that her responsibilities are the same, if not more, than some first deputies in other offices.

Supervisor Vermedahl stated that his position on increases was as follows: treasurer's office – he agreed with the recommendation of the treasurer; county attorney's office - Blumer's salary should not be increased to \$42,500 as requested as that was too large to be done in one year. County Attorney Thompson questioned why and Vermedahl responded that he was not going to debate the issue, but it was his opinion that it was too large of an increase in one year. Blumer commented that an employee in the recorder's office increased from \$22,000 to \$44,000 in one year and that the county recorder was not required to give that large of an increase. Vermedahl said his recommendation was that Blumer's salary be set at \$38,000 and part-time staff in the county attorney's office be granted a 4% increase. Blumer stated that the two part-time individuals would be asked to work almost full-time hours without any of the benefits and that the raise is the only benefit that they would receive. Thompson added that it was not his intention to anger anyone, but Blumer does a lot more work than a lot of department heads and this is a question of fairness and what is comparable for what they do for this county. Supervisor Vermedahl continued with his thoughts on increases as follows: 4% increase for part-time matrons in the sheriff's office; Sanitarian's office - Barb Greenlee – \$2000 to \$2500 increase. Supervisor Sanders stated that the positions that had been tied together in the past, the secretary for the sanitarian, county attorney, and engineer, should be separated due to different responsibilities. Vermedahl stated that he had never come to good conclusion on Barb adding that it was nothing against her. Supervisor Buch stated that Blumer has an office with people working under her. Vermedahl then stated that he was considering a \$2500 increase for Barb Greenlee; Transportation Director Mary Halstead a 5% increase; Social Services Director Mary Williams about \$2000 to \$2500 and office secretary an 8% increase as requested by Williams due to her duties and length of service.

Supervisor Sanders stated that he concurred with the numbers suggested by Vermedahl as the county headed towards salary corrections. Vermedahl stated that he would consider tweaking the part-time help in county attorney's office as the county is getting a good deal.

Auditor Marlow asked what the Board's thoughts were on the compensation board recommendations. Supervisor Buch stated that he was not in favor of the compensation board recommendations because they were "across-the-board increases". Marlow stated that the compensation board believed that positions should be compensated at certain levels. Buch stated that the compensation board members were pressured by outside sources and that his compensation board members voted differently than how they wanted too. Marlow questioned who Buch was referring to and Buch stated that compensation board member Dewayne Luze was against the increases. Marlow stated that the official record of the compensation board meeting reflected that Luze voted in favor of the recommendations. Buch stated that wasn't the way Luze wanted to vote and was pressured to vote in favor of the raises by "outside forces". Buch stated that Luze told Buch before the compensation board meeting occurred that he, Luze, was against the increases. Marlow stated that perhaps Luze changed his position after listening to other compensation board members and the discussion held during the public meeting, which Buch did not attend. County Attorney Thompson stated that he was at the meeting and did not know what the "outside forces" were that Buch was referring; however that good information and statistics was presented to the compensation board during a public meeting and the compensation board voted their positions. The Board did not discuss the compensation board recommendations further.

Moved by Vermedahl, seconded by Buch, to set wages for FY08 as follows: a 4% across the board increase for all employees not governed by a labor contract, except for the following employees who received large increases as follows:

Mary Ann Blumer - \$38,000
Betty Stone - \$17.40/hour
Deb Fleming - \$12.90/hour
Marc Greenlee - \$57,500
Barb Greenlee - \$36,500
Mary Halstead - \$36,960.87
Dana Burmeister - \$13.15 hour
Mary Williams - \$44,025.83
Carol Zander - \$13.40/hour
Rick Bramow - \$35,000
Rosemary Sackett - \$24,860
Joy McGowan - \$27,860
Nancy Jorgenson - \$22,200

The increase does not affect elected officials or deputies. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Roy Staab, effective February 28, 2007, from the secondary roads department. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-08. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-08

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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

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

<u>CE-3303</u>	15 ton 0.3 mile south and 0.3 mile east of the NW corner of section 3-86-11 (Cedar Township) on 50 th Street.
<u>BE-5250</u>	10 ton 0.2 mile east of the NW corner of section 36-85-9 (Benton Township) on 61 st Street Lane.
<u>PO-5625</u>	7 ton 0.5 mile south and 0.6 mile east of the NW corner of section 13-86-9 (Polk Township) on 52 nd Street Drive.
<u>MO-4530</u>	7 ton 0.5 mile east of the NW corner of section 23-85-12 (Monroe Township) on 59 th Street.
<u>BG-4830</u>	6 ton 0.8 mile east of the NW corner of section 23-84-11 (Big Grove Township) on 65 th Street.

Signed this 15th day of February 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____

Jill Marlow, Auditor

Auditor Marlow asked if the Board had done any work on the sewer ordinances for Poweshiek Water and the Watkins waste water treatment. The auditor had advised the Board last summer that ordinance(s) would need to be done in order for the project to continue. The Board advised that they had not.

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 13, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

February 20, 2007

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

The time of 9:05 a.m. having arrived, and this being the time for opening quotes for three sheriff's vehicles, the Board proceeded with the matter. Quotes were received as follows: All vehicles are with the police package.

Schaull and Ullerich – 2007 Chevrolet Impala - \$59,610 total

Ervin Motor – no bid due to unavailability of police package vehicles

Grieder Motor – 2007 Chevrolet Impala - \$19,263.60 each

Craig Griffith Ford – 2007 Crown Victoria - \$21,459 each

State Bid: 2007 Crown Victoria - \$20,515.75; 2007 Dodge Charger - \$19,281; 2007 Chevrolet Impala - \$17,799.

The sheriff is to compare the quotes as to options and return to the Board at a later date.

Moved by Vermedahl, seconded Buch, to approve the minutes of Thursday, February 15, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 16 hours of vacation carry-over requested by Michael Beumer. Said carry-over is to be used no later than July 1, 2007. All members voting aye thereon. Motion carried.

Marc Greenlee, Sanitarian, met with Board regarding a Notice of Intent to Issue a Construction Permit for Cedar Valley Egg sent by the Iowa Department of Transportation. Moved by Buch, seconded by Vermedahl, that pursuant to Iowa Code Section 459.304 and subrule 567 Iowa Administrative Code 65.10(7), that Benton County does not contest the draft construction permit submitted by Cedar Valley Egg Farm to the Iowa Department of Natural Resources for a secondary containment barrier and "as-built" design information for the existing unpermitted manure storage structures. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, met with the Board regarding the proposed Land Use Site Assessment, Comprehensive Plan, Subdivision Ordinance, and Setback rules. Chad Sands

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

of East Central Iowa Council of Governments prepared the documents under the direction of the zoning commission. Greenlee advised that he, the auditor, and the county attorney reviewed the documents, and discovered inconsistencies between the documents. Greenlee stated that the supervisors would need to determine the direction they wanted the county to go; however, the LESA system will prohibit any commercial growth in the unincorporated areas of the county unless next to a town. Greenlee stated that the consultant should determine the inconsistencies. Greenlee stated that subdivision ordinance incorporates cluster design. Greenlee commented that the documents need to be user friendly so that the public can clearly and easily understand it. The current ordinances are difficult for the public to understand and Greenlee did not believe that the proposed documents improved that matter. The proposed subdivision ordinance does not allow for private septic systems and appears that all growth will be houses all concentrated in one area with a central sewer system and public open areas. Greenlee stated that the subdivision ordinance will not solve the current difficulties with splitting land for purposes other than development. Greenlee suggested minor versus major subdivisions. The issue now is to allow splitting of a single residence but regulating large residential housing subdivisions. Greenlee reiterated that the decisions on how the county should be developed lies with the board of supervisors. Discussion included what the board's position is on commercial development, stating that the county speaks of wanting commercial development but the proposed ordinances are not necessarily supportive of that type of development, especially along Highway 30. Discussion also was held on the concept of major and minor subdivisions. The auditor stated that the supervisors need to determine the density they wanted in rural Benton County. The Board decided that more discussion needs to take place between the land use administrator, county attorney, auditor and board before going further. Supervisor Vermedahl stated that he understood that the zoning commission would be much more involved under the proposed documents by reviewing all requests for changes prior the supervisors. Marlow stated that it appears plans were used as boiler plates when developing the documents and that perhaps the inconsistencies were a result of that and that she did not believe that was the zoning commission's intention. Greenlee also stated that the he did not believe that the zoning commission intended to review all changes.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

February 22, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of Tuesday, February 20, 2007. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, updated the Board on transit services. Halstead advised that she would be advertising to hire a replacement driver for a driver who is quitting in the next week. Halstead advised the position is permanent part-time.

Moved By Vermedahl, Seconded By Buch, To Adopt Resolution #07-09. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-09
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$3903.21 is hereby abated on parcels numbered 370-01551, 380-10301, and 390-10301 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 22nd day of February, 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____
Hayley Rippel
Deputy Auditor

Moved by Vermedahl, seconded by Buch, to acknowledge the filing of the annual Cedar Valley Egg Farm LLP Manure Management Plan update. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Poweshiek Water to place utility lines in the county's right-of-way in Bruce, Monroe and a small part of Cedar Township. All members voting aye thereon. Motion carried.

The County Engineer presented quotes for a new 1-ton Cab Chassis/Dual Wheel service truck as follows:

Ervin Motor Co. – 2007 GMC Sierra 3500 - \$19,930
Craig Griffith Ford Co. – 2008 Ford F350 - \$16,844

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Buch, seconded by Sanders, to award the bid to Craig Griffith Ford for one Ford F350 pickup at a cost of \$16,844.00. Voting aye were Buch and Sanders. Vermedahl abstained due to a current business relationship. Motion carried.

Parizek discussed the county's current resurfacing program and wants to resurface D65 between V37 and HWY 218 west of Mt. Auburn. Vermedahl asked that the engineer to provide the board with a list of the upcoming projects for this summer by April 1st. The engineer agreed that this could be done.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

February 27, 2007

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

Moved by Buch, seconded Vermedahl, to approve the minutes of Thursday, February 22, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 90490 through 90838, for payment (includes a handwritten check #90692). Both members voting aye thereon. Motion carried.

Representatives of HACAP met with the Board regarding FY08 funding and changes taking place at HACAP. HACAP stated they will no longer receive funding from Heritage Agency on Aging for meals in Vinton after June 20th. The change in funding sources was the decision of HACAP and was due to the restrictions placed on the agency by Heritage Agency and that HACAP was subsidizing the service anyway.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Stanley and Nancy Geiken. Greenlee advised that the exemption on a parcel located in the northeast quarter of the northwest quarter of 31-85-9. The applicants own approximately one hundred acres, which is in a corn/soybean rotation. Moved by Buch, seconded by Vermedahl, to approve the application submitted by Stanley H. and Nancy Lee Geiken on a parcel located in the NE1/4 of the NW1/4 of 31-85-9, for a single residential purpose. Both members voting aye thereon. Motion carried.

Don Gephart met with the Board regarding dust control on his road. Gephart asked if he could get an exemption from having his dust control tore up for one year. Gephart stated that his dust control is currently in excellent shape and asked the county not to tear it up, but allow him to put additional dust control down one time. The county's current policy is that the dust strip can be exempted from being torn up, but additional material cannot be applied unless the area has been torn up. Supervisor Buch stated that it might be worth investigating the affect of allowing two years of application before tearing it up. The county engineer commented that the county will keep an open mind and may consider looking into the option.

The matter of purchasing three patrol vehicles was before the Board for action. Quotes had been received and opened on February 20, 2007, and the sheriff reviewed them for compliance with the specifications requested. All quotes met the specifications. Moved by Buch, seconded by Vermedahl, to purchase three front-wheel drive Chevrolets from Grieder Motors of Belle Plaine, Iowa, at a total cost of \$57,790.80. It is noted that this purchase is being awarded to Grieder Motors over the state bid due to Grieder Motors being a local business and the additional cost to pick up the vehicles if purchased in Des Moines. Both members voting aye thereon. Motion carried. Supervisor Vermedahl stated for the record that he does have a business relationship with one of the bidders, Craig Griffith Ford, and although they were not awarded the purchase that for transparency purposes that the relationship be noted in the record.

Scott Hansen, Emergency Management Coordinator, updated the Board on the disaster situation in Benton County due to the recent ice storm. Hansen told the Board the current status of electrical power to the cities. Hansen submitted an Iowa Mutual Aid Compact (IMAC) Intrastate Mutual Aid Request form for the vice-chair's signature. The document is a formality, which allows Benton County to borrow a 3-Phase generator (on a trailer) from the City of Farley. There is no cost associated with equipment loan between the city and the county.

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

David Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 1, 2007

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

Moved by Buch, seconded Vermedahl, to approve the minutes of Tuesday, February 27, 2007. Both members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Director, along with Sheriff Forsyth, Public Health Nurse Nancy Farmer, Sanitarian Marc Greenlee, and Department of Human Resources Director Nancy Beckman, met with the Board to again discuss the disaster situation occurring in Benton County due to the lack of electricity from the recent ice storm. Hansen reviewed that shelters had been set up in the communities and that all cities had generators for wells and other needs. Hansen stated that the focus turned to the human resource needs and getting the word out. Pre-planning was made for the availability of bottled water with area grocery stores. Hansen clarified that agency does not provide services to individuals such as the replacement of spoiled food. Marc Greenlee reported that the rural electric cooperative has 500

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plus people in the western half of the county and isolated areas throughout the county still without power. Hansen stated that human services and social services were contacting their specific clients to make sure those individuals were all right. Supervisor Vermedahl suggested that the post office be contacted as well and ask them to report where mail may be building up indicating someone may not be able to get out. Auditor Marlow stated that she and Hansen had spoken the day before, and Marlow indicated to Hansen that it was her belief that because the situation had evolved into an event that was lasting longer than two or three days, that additional action should be considered regarding rural residents. Marlow stated that rural residents should be provided with a place to obtain water for sanitation needs and livestock, if needed. Marlow also suggested that a list of generator suppliers be available when people call. Sheriff Forsyth advised that most stores had received additional shipments of generators and finding one should not be difficult. After much discussion, it was decided that the emergency response team would contact the cities and ask that they have water available to rural residents who were still without power.

John Mitchell met with the Board regarding the condition of the secondary road in his area. The county engineer was not present. Mitchell stated that rock was placed on the roads in December and the maintainer operator dropped his blade two-three inches and raked the rock over into the ditch. The maintainer also continues to dig up sod as evidenced by the road near Mossman. Mitchell maintained that the operator is trying to get the neighbors upset with Mitchell, and this is the maintainer's attempt at getting revenge against Mitchell. Mitchell stated this is harassment and revenge and this matter has got to stop. Mitchell stated that the engineer told him (Mitchell) that he had to use one-inch rock on the road, but then told the county attorney that he had made a mistake when he placed that size of rock on the roadway. Mitchell stated that excessive rock was placed on certain areas of road and none placed on areas that were muddy. Mitchell also stated that the maintainer went into the ditch and asked if the Board was aware of the matter. The maintainer went into the ditch near Pete's Hills Addition, and it took two graders to pull it out. This occurred approximately a week ago on a Sunday. Mitchell stated that the maintainer was wide open (speed) and threw chunks of ice and snow clear out into fields. Mitchell asked that another meeting be held in the future with all three board members present (Sanders was absent), the engineer, the maintainer operator, and the union steward. The Board stated that there would be no need for the union steward to be present. Supervisor Buch cautioned that the meeting would be strictly controlled and the chairman would restrict individual comments.

The Board discussed the adoption of a resolution supporting the repeal of Iowa Code 692A.2A relating to sex offender residency restrictions. Supervisor Vermedahl stated that he has attended several legislative sessions and informational meetings regarding this issue through his position on the board of the 6th Judicial District Department. Vermedahl stated that law enforcement community has much more awareness of the location of sex offenders prior to the passage of this law; however, with the residency restriction many offenders are not registering because they cannot comply. The 2000-foot restriction has resulted in some sex offenders having to move with nowhere to move to. Vermedahl stated that by repealing the law, that law enforcement's awareness of the whereabouts of sex offenders may increase providing for more public safety overall. The county attorney's association has endorsed this resolution as well as the sheriff's association. Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-10. Supervisor Vermedahl spoke with the county attorney, who stated he was in favor of repealing the law in its current state, but that he believed some type of restrictions needed to be in place. The county sheriff was not opposed to the Board adopting the resolution. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #07-10

A RESOLUTION URGING REPEAL OF THE RESIDENCY REQUIREMENT IN IOWA CODE SECTION 692A.2A

WHEREAS, the Board of Supervisors of Benton County, Iowa, has considered the issues of ineffectiveness and expenditure of law enforcement resources related to sex offender residency restrictions; and
WHEREAS, the Iowa County Attorneys Association, the Iowa Sheriff's and Deputies Association, the Iowa Coalition Against Sexual Abuse, the Prevent Child Abuse Iowa organization, the Iowa State Association of Counties, and not less than eleven other professional Iowa groups and associations support repeal; and
WHEREAS, the Board of Supervisors of Benton County desires to express its support for the repeal of Iowa Code Section 692A.2A.

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

Section 1: That the Legislature of Iowa and the Governor of Iowa should repeal Iowa Codes Section 692A.2A.

Passed and approved this 1st day of March 2007.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Vice-Chairman

Ron Buch

ATTEST: _____

Jill Marlow
Auditor

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan for Christensen Farms Midwest, LLC located in section 33 of Cedar Township. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 35 hours of vacation carry-over requested by Bruce Anderson. Said carry-over is to be used before July 1, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-11. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

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RESOLUTION #07-11
ABATEMENT OF INTEREST AND PENALTY

WHEREAS, the assessor notified the auditor that a building on leased land had been removed from a parcel; and

WHEREAS, the assessor states he was notified; and

WHEREAS, the value of the building was not removed from the assessment rolls in tax years 2001 and 2002 and subsequently taxes were assessed against said building; and

WHEREAS, the owner of the property has changed since those assessment years and the current owner has requested that the tax be abated,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the tax, interest and penalty in the total amount of \$319.00 is hereby abated on parcel #120-04450 assessed against said parcel for tax years 2001 and 2002.

Dated this 1st day of March 2007.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Vice- Chairman

Ron Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-12. Voting aye were Vermedahl and Buch.

Nays none. Motion carried.

RESOLUTION #07-12
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 1

Amended To

Function 11100

Amended From

Function 12200

Amount

\$5000.00

SERVICE AREA 3

Amended To

Function 35000

Amended From

Function 35100

Amount

\$2500.00

Signed this 1st day of March 2007.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Vice-Chairman

Ron Buch

ATTEST: _____

Jill Marlow, Auditor

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

March 5, 2007

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

Moved by Buch, seconded Sanders, to approve the minutes of March 1, 2007. Both members voting aye thereon. Motion carried.

The time of 7:10 p.m. having arrived, and this being the time and date set for a public hearing on changing the classification of the secondary road located between Sections 2 and 3 of Union Township, the chair declared the public hearing open.

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There were five persons present, as well as the county engineer. The county engineer explained that he was requested to change the classification of the road from "B" to "C" and that the law required a public hearing be held. The engineer stated that gates would be placed at each end of the road should it be changed and the gates may be locked. If locked, keys would be provided to utility companies, adjoining landowners, law enforcement, and secondary roads. The engineer advised that notice of the public hearing was given to all persons required by law by certified mail with all receipts returned. Additional notices of the hearing were provided by regular mail to persons not required by law to be notified. There was discussion as to the specific location of the gates should the classification be changed. The engineer advised that one gate would be placed at the east-west fence line and the other gate would be placed just north of the Doug Embray residence. It was questioned how wide the gates would be, adding that they would need to be wide enough for farm implements to pass through easily. The engineer stated that generally two twelve to fourteen foot gates would be installed at each end. Darwin Meyer stated that a minimum of a 30-foot opening would be required for his equipment. Randy Sherwood, maintainer operator for the area, suggested that two twenty-foot gates be placed at each end and the engineer agreed. It was asked if a cable would suffice; however Supervisor Buch stated that the county's insurance would not allow for cables as a snowmobile may try to pass through it. Doug Embray stated that it was he who asked that the road be changed to a class "C" road, but that he in no way wanted to inhibit any farming operations. Sherwood added that the area has become a "hot spot for garbage dumping". Discussion included how often the road would be graded. The engineer and maintenance operator advised that it would only be graded when needed. There was also discussion on the need to lock the gate. The engineer advised that locking the gate was optional, but if it was locked that all interested parties would be entitled to a key. Supervisor Sanders advised that the county would install the gates initially, but the county's ordinance required the adjoining landowners to maintain it, adding that if the gates were left unlocked they could be damaged or removed more easily. Embray stated that since it was at his request that the road be changed that he would agree to maintain or replace the gates, if necessary. The engineer added that although replacement of the gates would probably be considered maintenance under the ordinance and be the adjoining property owners' responsibility, he would be open to discussion.

The chair asked if there were any additional comments. Hearing none, the chair declared the public hearing closed.

Moved by Buch, seconded by Sanders, to adopt Resolution #07-13. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #07-13

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 roads 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 (20th Avenue) commencing 1200 feet north of the SW corner of Sec. 2,
T83N, R11W of the Public Roadway (69th Street); thence north to the South Right-of-Way
line of the Public Roadway (68th Street) near the NW corner of Sec. 2, T83N, R11W.
A total road length of approximately 0.8 mile.

WHEREAS: The maintenance on all Area Service "C" roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
 2. Snow and Ice Removal. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed.
 3. Bridges. Bridges on Area Service "C" roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
 4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained as on a regular road.
 5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for the traffic thereon.
 6. Road Surfacing. There will be no surfacing materials applied to Area Service "C" roads.
 7. Shoulders. Shoulders will not be maintained.
 8. Crown. A crown will not be maintained.
 9. Repairs. There will be no road repairs on a regular basis.
 10. Uniform Width. Uniform width for the traveled portion of the road will not be
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.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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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 5th day of March 2007.

Chairman, Board of Supervisors

Ron Buch

ATTEST: _____

Jill Marlow
Auditor

The chair asked for any other public comment. The Board was thanked for coming to Van Horne to consider the local issue. Mayor Ron Donald thanked the supervisors for the increase in FY08 funding to the city libraries.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

March 8, 2007

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

Moved by Buch, seconded by Sanders, to the minutes of March 5, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the Veterans Quarterly Report for the period ending March 2007. All members voting aye thereon. Motion carried.

Nancy Farmer, Public Health Nurse, and discussed the requirement for training of certain government officials on the county's and Iowa Department of Public Health's Isolation and Quarantine regulations. Farmer advised that a group training session was held with the sheriff, sanitarian, and emergency management officials, as well as other persons in attendance. Farmer provided a brief training and provided information to the supervisors on the isolation and quarantine regulations.

The balance in the landfill account as of February 28, 2007 was reported at \$64,335.37.

Terry Johnson with Genesis Development provided an update on services being provided by his organization. Johnson reported that Benton County remains stable in the number of clients being served. Office rental continues to be an issue for the organization, but otherwise client services are going well.

The auditor spoke briefly with the Board about changes to the FY08 budget, which would need to be considered at the budget hearing.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

March 13, 2007

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

The time of 9:00 a.m. having arrived, and this being the time and date set for a public hearing on the county's FY08 budget, as well as action on the compensation board's recommendation, the Board took up the matter for consideration. The chairman declared the public hearing open. There were five members of the public present, and one member of the news media. The county attorney was also present. The compensation board had recommended a \$4,000 increase in salary for the treasurer, auditor, recorder, sheriff, and county attorney. A \$1000 increase in salary for the supervisors.

The Board discussed the FY08 budget. Publication had been made in accordance with law. The auditor advised that some reductions and modifications had been made in the expenditures in various service areas, resulting in decreases in some areas; however no increases were made over published amounts. There was discussion on the county's fund balances and the state's funding of mental health services. Supervisor Sanders advised that the expenditures in rural services increased a little in the current year due to the funding of a sheriff's deputy from the fund, which resulted in continued costs for next year. Sanders also commented that there was an increase in the funding for the libraries taken from rural services.

The Board then turned its discussion to the recommendations made the compensation board. Harold Knaack, Compensation Board member, started the discussion by stating that he was speaking as a member of the compensation board and that his views may not be that of all members. He then stated that Iowa law requires that the compensation board make recommendations to the Board of Supervisors on the salaries of elected officials. The law also states that the compensation board is to make comparables to other like positions, i.e. sheriff's salary compared to that of a Iowa Highway Patrol officer. Knaack continued by tell the supervisors that the compensation board takes a lot of information into account when considering the recommendation. In 1993, the compensation board began discussions on the disparity between the salaries of elected officials versus non-elected officials within the county. Knaack stated that the compensation board asked the question why does the computer manager make more than the treasurer. Knaack stated

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that the compensation board, at one point, asked the supervisor representative in attendance at their meeting, how the compensation board was to address the disparity in salary. The response at that time was that if the compensation board wanted to address that type of thing that they needed to make it through their recommendations. Knaack went on to state that the compensation board started that process of remedying the disparity last year by granting dollar increases, and last year's minutes reflect that it was the first of a two step process. Knaack clarified that the compensation board is not stating that someone is being paid too much, but questions why the assessor is getting paid more than the auditor. Knaack added that the compensation board's recommendation this year would have put the auditor a few dollars more next year than what the assessor was making last year. Knaack added that the compensation board is not in a position to say who has more responsibility, but the recommendations given this year brought the treasurer, recorder, and auditor just barely above what the assessor and health department are making this year, and those individuals got increases granted for next year which will leave them making more. Knaack stated that those ideas were a part of the thought process. Knaack stated that six of seven compensation board members were in attendance at the last meeting and some members voted against the motion recommending the increases, but explained that is why the compensation board looked at dollar amounts instead of percentages, as well as considering what other public, as well as private, salaries are for like positions.

Warren Richart, Compensation Board member, spoke to the Board stating that the elected officials have to serve a four-year term and then get re-elected by spending their own money. Others positions are appointed and have no expense in keeping their jobs. Richart stated that when the public comes to the courthouse we expect first-class service and you have to pay good wages to keep people who give first-class service. If you are getting the short end of the stick, it may affect how well you perform your job.

Supervisor Sanders stated that the supervisors have considered the matter of catching up salaried, but then the conference board looks back at what the compensation board recommended and it is used as a guideline. It was reported that the assessor currently receives more than the auditor, treasurer, and recorder, and is going to receive a 4.5% increase in FY08. The whole thing becomes a cycle. Knaack stated that if becomes more public that these are things that are being considered by the compensation board, then maybe other parties will look at this also. Knaack added that unless the supervisors can tell him why one individual is getting paid \$2000 less than another individual with like responsibilities, then adjustments need to be considered. Supervisor Vermedahl commented that perhaps the compensation board could meet jointly with the conference board. Supervisor Buch advised that the conference board is made up of the city mayors, school boards, and the board of supervisors, with each group getting one vote on matters before the conference board.

Richart stated that the conference board is only dealing with one person where compensation board deals with more. Richart added if the amount of the wages for all of the elected officials and deputies was put on the tax statement, it would not amount too much in comparison to the overall taxes. Richart added that the county is on the bottom, when you work for the county you are working on the bottom when compared to schools, cities, etc. The eight elected officials run this county and they should be compensated well.

Supervisor Buch stated that he had a problem with the compensation board's recommendation setting the same dollar amount for the auditor, treasurer, recorder, county attorney, and sheriff. Buch stated that it was his belief that the recommendations for the sheriff and county attorney should have been more than the recommendation for the other three, adding that he was concerned about the county attorney and sheriff. Knaack responded that the compensation board was making comparables and maybe those two should have been more. Knaack stated that several years ago the detective took home more than the sheriff and that the county attorney should be compared to other legal officials.

County Attorney Dave Thompson advised that the Code of Iowa states that the sheriff is to be compared to other like law enforcement officials in the State of Iowa and the compensation board did that. Thompson stated that a Highway Patrol sergeant makes \$70,000 a year while a captain makes \$90,000; the juvenile court officer makes \$3000 more than the sheriff now. Thompson reiterated Knaack's statements that the compensation board realized that employees were making more than sheriff and with respect to sheriff with all of his responsibility questioned why the supervisors wouldn't give it to him. Supervisor Buch repeated that his problem was giving a \$4,000 raiser to the auditor, treasurer, and recorder and not the sheriff and county attorney.

Thompson responded that the county has other people making more than the auditor, and questioned where has it been determined that they have more responsibility or expertise. Thompson stated that elected officials are always just one employee away from having someone take money and then elected official is out of office and appointed officials don't have that worry.

Al Schafbuch commented that it looks like they (the elected officials) are getting pretty good raises all along and if people under them are making more then there are other problems and if we pay the elected officials more then more money is needed from the taxpayers. Supervisor Buch stated that the sheriff has addressed the over-time issues with his deputies and did not believe that to be an issue any longer.

Thompson stated that there are several qualified people living in Benton County who could run for sheriff and who work in Cedar Rapids. Thompson stated that a sergeant in the Cedar Rapids Police Department makes a lot more money for a lot less responsibility, adding you can't get qualified people to run for positions because of pay. Schafbuch responded that there were people on the ballot and questioned who was saying the county wasn't getting qualified people to run.

The auditor reminded the supervisors that all officials, except the elected officials, also get additional wages by cashing in unused sick leave. In some cases those amounts are close to \$1000 over and above the salary the board already is given those individuals.

Moved by Vermedahl to reduce the recommended increases by 25% across-the-board resulting in a \$3000 dollar salary increase for the auditor, treasurer, recorder, county attorney, and sheriff and a \$750 salary increase for the supervisors. The chair called for a second and hearing none declared the motion died for lack of a second.

Moved by Buch, seconded by Vermedahl, to reduce the compensation board's recommendation by 37.5% resulting in a \$2500 salary increase for the auditor, treasurer, recorder, attorney, and sheriff, and the supervisors receiving a \$625 salary increase. Discussion: The county attorney asked what the engineer's and data processing manager's

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FY08 salary was set at by the supervisors. The auditor advised that each received a 4% raise putting the engineer's FY08 salary at \$80,535 and data processing manager's salary at \$53,173.51. Thompson stated he didn't know why the supervisors wanted to keep his salary down unless it is the policy of the supervisors to increase the disparity in salary between the engineer and the county attorney. Thompson stated that the salaries would not have been disparate had the supervisors followed the compensation board's recommendation. Supervisor Buch stated that there would not have been a problem had the compensation board recommended \$6000 for the attorney and sheriff an \$4000 for the auditor, treasurer, and recorder. Thompson stated he didn't understand why Buch didn't believe that the treasurer, auditor, and recorder were worthy of the increase. Knaack stated that his understanding from the discussion today was that the supervisors did not disagree with the goal of the compensation board to equalize the elected officials' salaries with other positions, just not as quick as what was being attempted. Thompson stated that some of the salaries would put the elected officials in line with other officials, i.e. the county attorney and the engineer, adding that the supervisors set the wages of non-elected officials. Knaack told the supervisors that they need to communicate with the compensation board, adding that the compensation board is trying to make up the disparity, but accept guidance. Supervisor Vermedahl stated that 5% is still a hefty raise for the recorder, treasurer, and auditor. Richart commented that for many years the clerk of court was paid the same as the three position but once the position was made a state job it pays \$57,000. Richart added that if you apply the same criteria the recorder, treasurer, and auditor should be making in that area. Thompson interjected that if the supervisors granted the full recommendation those three positions would still be less than the clerk of court; adding that the clerk of court has a lot of responsibility but no more than the other three. Supervisor Buch stated that the supervisors do not set the salary of the clerk of court. Thompson commented that it was interesting that it was so difficult for the supervisors to give increases to the elected officials, when they have appointed officials for whom they set wages getting paid more and asked the supervisors why they weren't being paid at the same rate. Supervisor Vermedahl stated that they are paid fairly in comparison to people in town. Thompson stated that law requires that they look at comparable salaries for like positions. Richart added that the compensation board wants to maintain so we don't have to keep recommending bump-ups in salaries. Supervisor Sanders stated that the percentage increase is a lot more than others and the disparity decreases but just not at the rate of the compensation board. There being no further discussion, the chair called for the question: all members voting aye thereon. Motion carried.

Knaack thanked the supervisors for allowing Richart and he the opportunity to provide input, adding the compensation board is always looking for input as well. Knaack stated that the disparity in wages is a problem that is not going to go away and the compensation board would try to address it one fashion or another.

Supervisor Sanders thanked the members for their hard work as well.

The Board then took up the matter of adopting the FY08 budget. Moved by Vermedahl, seconded by Buch to adopt the FY08 budget as presented. Discussion: Supervisor Buch asked the auditor if she had been able to resolve the issue concerning budget authority for a drug dog. The auditor explained that when the budgets were prepared the supervisors had stated that they would amend the sheriff's FY07 budget to include the purchase of a squad car and a drug dog. At the end of the budget session, the Board decided that the squad car could be budgeted out of the FY08 budget and therefore not amend the current budget. The spending authority was then placed in the FY08 budget for the squad car and related equipment totaling \$28,200.00. The issue is the drug dog expense was not moved to the FY08 budget and therefore will create the possible need for a FY07 or FY08 budget amendment. The auditor advised that some funds were budgeted in FY08 from the forfeiture fund that could be used for the dog, but it may not be enough. Supervisor Buch then stated that the supervisors would need to decide whether to amend the current year budget or not. Buch stated that if the current budget is amended to allow the sheriff to purchase a dog and a squad car, then the money for the squad car should be removed from the FY08 budget.

Moved by Vermedahl, seconded by Buch, to withdraw the previous motion.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-14, Adoption of the FY08 Budget, with a reduction of \$28,200 in the sheriff's patrol budget in Service Area 1, Rural Services. The remainder of the budget to be adopted as presented. All members voting aye thereon. Motion carried.

RESOLUTION #07-14

BE IT REMEMBERED that on this, the 13th day of March 2007, 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 2007-08 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 FY08 salaries for elected officials will be as follows:

County Attorney – \$79,370.69
County Auditor – \$54,491.70
County Recorder – \$54,491.70
County Supervisors – \$34,116.91
County Treasurer – \$54,491.70
County Sheriff – \$66,979.79

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

General Basic - \$9,000 – Historic Preservation
General Basic - \$44,000 – Equipment/Vehicle Replacement
General Basic - \$620,000 – Special Projects (revenue from TIF/BCV- courthouse roof and window replacement)
General Supplemental - \$50,000.00 – Emergency Response

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General Supplemental - \$50,000.00 – Election equipment
Rural Services - \$10,000 – Vehicle Replacement
Other (Closure/Post Closure) - \$950,542

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 2007-08.

General Basic	\$3,280,456
General Supplemental	\$ 666,113
Mental Health Services	\$ 681,482
Rural Services Basic	\$2,023,501

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY08 budget is hereby adopted with a reduction of \$28,200 in Service Area 1, Rural Services Fund, Patrol Activity. Other reductions from the published notice are contained in the document presented for consideration on this date.

Dated this 13th day of March 2008.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve the checks numbered 90839 through 91132, and ACH checks numbered 1 through 91, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 8, 2007. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to request approval of a contract between Benton County and Genesis Services. There was no increase in the hourly rate for supported community living services. The rate for supported employment increased to \$41.44 per hour. Moved by Buch, seconded by Vermedahl, to enter into a contract for client services between Benton County and Genesis Services for the FY2008. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, also spoke to the Board about her general assistance budget. Williams stated that she estimates that the budget will end up in the negative. Williams also spoke about her mental commitment budget is falling short about \$2000 due to the services.

Moved by Buch, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1) c to discuss pending litigation. All members voting aye thereon. Motion carried at 10:25 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 10:50 a.m.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Gerald Bawek on a parcel located in section 36 of Polk Township. The applicant currently owns thirty-five acres that is being used in a crop rotation. The applicant requests approval to construct a single residence and machine shed for farm use. Moved by Vermedahl, seconded by Buch, to approve a farm exemption requested by Gerald Bawek on a parcel described as being Parcel B located in the SW1/4 of the NW1/4 of 36-86-9, as provided in the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

The Board considered the 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 November 2007. 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 stated that Kilkenny's references had been checked last year and it was found that she has the ability to control the animals and is well qualified. Moved by Vermedahl, seconded by Buch, 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 November 2007, for approximately two hours each. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Agreement between Benton County and the City of Belle Plaine for city dispatching services at the cost of \$17,000 per year. All members voting aye thereon. Motion carried.

RESOLUTION No. 07-15 AGREEMENT AND CONTRACT FOR SERVICE CITY DISPATCHING

THIS CONTRACT made and entered into this 5th day of March 2007, by and between the County of Benton through its Board of Supervisors (hereafter "County Board") and the Benton Sheriff, through the Sheriff's Office (hereafter "Sheriff's Office") and the City of Belle Plaine, Iowa (hereafter "City").

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WHEREAS, the City is desirous of contracting for police, fire and other dispatching services with the County,
and

WHEREAS, the Sheriff's Office is agreeable to rendering such service on the terms and conditions hereinafter
set forth, and

WHEREAS, the County board authorizes the Sheriff's Office to enter a 28E agreement as authorized and
provided for by the provisions of the 2006 Code of Iowa, Chapter 28E.

NOW, THEREFORE, pursuant to the authority of the aforesaid statute, it is agreed as follows:

1. TERMS OF THE AGREEMENT: This Agreement shall be in effect from the
 - a. 1st day of July 2007, through and including the 30th day of June 2008.
2. SERVICES TO BE PROVIDED:
 - A. The County Board agrees through the Sheriff's Office to provide dispatching services for the City, which services shall include, but not be limited to, the receiving of all calls, including telephone and radio communications and access to data and computer information.
 - B. The Sheriff's Office agrees that they shall provide these dispatching services to the City on a continuous basis as expressly needed by the City (for the Police, Fire, and EMS) 24 hours a day, 365 days a year).
 - C. The Sheriff's Office shall make available all records and reports in connection with dispatch calls for assistance within the City at no additional cost.
 - D. The discipline of all persons acting as dispatchers in matters incident to the performances of their services and control of said personnel shall remain with the Sheriff's Office. The Sheriff's Office shall also be responsible for all training, hiring, firing, assignment and other discipline of these employees. The County Board and Sheriff's Office shall specifically hold the City harmless from any liability arising out of their work under this contract.
3. COST:
 - A. For the first twelve months of this contract, the City shall pay to the Sheriff's Office the sum of \$17,000.00, for these dispatching services.
 - B. The expense for any future years shall be calculated by a percentage factor based upon the actual percentage of cost increase or decrease of the entire dispatching cost for the Sheriff's Office. The Sheriff's Office shall also take into account the actual dispatch usage by the City as compared to the entire dispatch usage of the Sheriff's Office and use the percentage figure to calculate the actual expense to the City, in conjunction with the actual increase or decrease of total expense. In addition, the Sheriff's Office may look at administrative expenses which may have increased or decreased due to the dispatching service for the City.
4. CITY NON-LIABILITY:

The City shall not assume any liability for the direct payment of any salaries, wages or other compensation to any County personnel performing services hereunder for the City, or any liability other than provided in the contract. The City shall not be liable for compensation or indemnity to any Sheriff's Office employee for injury or sickness out of his/her employment and the County hereby agrees to hold harmless the City from any such claim.
5. PAYMENT:

The City shall pay for the contract services on a quarterly basis with the first payment being due and payable on the first day of the contract term and with equal payments to be due on the first day of every quarter thereafter during the term of the contract.
6. CONSULTATION WITH CITY:

The Sheriff's Office shall make itself available during normal working business hours to the City Council or City Coordinator to discuss the dispatching services being provided to the City.
7. LIABILITY INSURANCE:

Each of the parties hereto agree that they shall maintain liability insurance to protect their interest as they may appear from comprehensive liability claims that may reasonably be expected to be made. Each party may require proof of insurance and certification of insurance from the other, and compliance with such a request shall not unreasonably be withheld.
8. DEFAULT:

In the event one party defaults or cannot perform because of circumstances beyond its control, the Sheriff's Office shall refund to the City the amount of the money in the same proportion to the contract price as the time for nonperformance is to the contract.
9. ANNUAL REVIEW OF CONTRACT:

Within six (6) months prior to the anniversary date of this contract, the parties shall review the contract to determine if any changes need to be made to the contract and to firmly establish the contract price for the coming contract year based upon the formula set out in the previous paragraphs and other costs which may be presented by the Sheriff's Office.
10. ARBITRATION:

Any controversy, dispute, or claim arising out of, or relating to this contract, including any dispute with regard to the annual review provided in Paragraph No. 9, above, shall be settled by arbitration in accordance with Chapter 679A of the 2006 Code of Iowa.
11. THIRD PARTY CLAIMS:

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The City shall not be responsible for any act, injury or damage arising out of the performance of this contract by the County or the Sheriff's Office. If any third party makes a claim, the County shall defend, indemnify and hold the City harmless.

12. COUNTY NON-LIABILITY:

The County Board and the Sheriff's Office and its officers and employees shall not be deemed to assume any liability for intentional or negligent acts of said City, its officers, or employees. The City shall hold the County, its officers and employees harmless from, and shall defend the County, its officers and employees against any claim for damage resulting there from.

13. ENTIRE AGREEMENT:

All parties state that they have obtained the necessary approval and acceptance from their respective governing bodies to enter into this contract and that the above provisions constitute the entire and complete agreement between the parties on this subject matter.

The following agents of the parties hereby enter into THE ABOVE CONTRACT:

CITY OF BELLE PLAINE:

BY: (s) James R. Daily
Mayor

ATTEST: (s) Kaye Buch
City Clerk

BENTON COUNTY BOARD OF SUPERVISORS:

BY: (s) Jason D. Sanders
Chairperson

ATTEST: (s) Jill Marlow
Auditor

BENTON COUNTY SHERIFF'S OFFICE:

BY: _____
Sheriff

John Mitchell met with the Board to discuss the maintenance of the secondary road in his area. Mitchell had met with Board previously and was returning regarding the same issue, as the engineer was present at the earlier meeting. Mitchell again stated that the maintainer dropped the blade approximately three inches when going in front of the Mossman property and then lifted it after getting past the residence. The maintainer graded the road in front of the Southern Exposure Estates Subdivision by dropping the blade down and pulling up sod and throwing it out onto the road. Mitchell demanded that this matter be stopped. Mitchell further stated that the road from McKecknie's to Mitchell's residence needs to be fixed right, adding that the mail carrier left ruts yesterday. Mitchell continued to say that the county placed tons of rock on the road last year and now the rock is gone. First, Mitchell heard that it needed road rock, and then I heard it was a mistake, asking which is it? Mitchell stated that 550 ton of rock was put down and asked why the county put that much down and what the reasoning was. County Engineer Myron Parizek stated that he would have to research how much had been placed on the road, as he didn't recall. Parizek stated that he generally leaves it up to operators to determine where to dump the rock whether it is down the sides of the road or down the center. Parizek added that 550 ton would not be unusual for that road as he figured it would take more to address the road and additional rock would raise the elevation and help address the grass lip along the road. Mitchell questioned if the county didn't want a grass lip along the edge. Parizek clarified that with the lip of grass along the road being a little bit lower than the road bed, that additional rock would bring the elevation up to the grass level and eliminate some of the sod being brought out onto the road when grading. Mitchell then advised that the rock was clear up on the other side of the fence near McKecknie's residence and asked what the county was going to do about removing the rock from the ditch. Mitchell stated that what is being done by the county is harassment and is revenge against him. Parizek stated that he has not had opportunity to view the area since the snow melted and do an analysis of the situation. Parizek added that he didn't know to what degree the amount of rock in the ditch was, but in the past, the county has done very little about removing it from the ditch. The county has on occasion brought out the telescoop, if needed, to remove the rock. Mitchell stated that everything was fine until 10 years ago when operators changed. Mitchell stated that what is being done is harassment and an attempt to stir up the neighbors because he is hot on this issue. Mitchell again questioned what the county was about the rock in the ditch and stated that when the county cleans it up it will be done with rakes, shovels and wheelbarrows. Parizek responded that was unlikely, but again he hadn't seen the degree of the rock. Mitchell stated that when he spoke with the truck driver who was dumping rock, he told the driver to dump the rock on the muddy area on top of the hill and driver stated that he wasn't suppose to dump in that mile. Mitchell added that the mud on top of the hill is dangerous and with all of the rock being hauled down there, that spot was left in bare mud. Mitchell questioned why the hilltop area wasn't addressed, reiterating that it is a serious situation. The engineer responded that he didn't know if the situation was as bad as Mitchell was describing. The engineer stated that the secondary road superintendent drives those areas and makes notes of problems more than he the engineer does. Parizek stated he didn't know if it was a mistake on the county's part or not. Mitchell stated that the maintainer operator drives the roads all summer and questioned why the operator couldn't call in and report problem areas, adding that the operator is not taking care of the problems only making them worse. Mitchell stated that he and his wife were involved in petitioning the county in 1996 do address the problems and nothing was done. County Attorney David Thompson interjected that the petition was not relevant to the situation today and asked that the discussion be kept to the issues today. Mitchell stated that the road is heavily traveled and again questioned why the operator was still dropping blade so far. Mitchell stated that the road needed to have a nice crown on it and not a ridge, and only a third of the rock needed to be placed on the road. Instead half of the rock is now in the ditch. Parizek stated that the county's approach regarding windrows of rock is consistent with some other counties. Benton County places a windrow of rock along the south and east sides of the road before winter. This provides rock that can then be pulled onto the roadway in the spring when the road are soft and eliminates having heavy rock trucks traveling on the soft roadways. Parizek added that the debate becomes a matter of when do we pull the rock out? When the frost goes out it makes extremely soft shoulders and makes it difficult for mail carriers.

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Mitchell responded that the rock is out in the fields. Parizek commented that he didn't know how much snow or ice was on Mitchell's road this winter, but when it is peeled off it would naturally take rock with it. Mitchell again questioned what was going to be done to take the rock back out of ditch. The engineer repeated that he wanted to look at area now that the snow had melted. Mitchell also reiterated that the operator dropping the blade and going down into the road on the north side needs to be stopped.

Supervisor Buch stated that the issue had been going on long enough and that the engineer needed to do something. Buch suggested that the maintainer operator north of Highway 30 exchange some roads with the operator on Mitchell's road. Buch reiterated that the problem between Mitchell and the current maintainer operator had gotten to the point that something different needed to be done and if it meant bringing in another operator to see if the issues can be resolved then it needs to be done. Supervisor Vermedahl agreed with Buch's comments. Buch stated that if it took formal action of the board of supervisors to get the change made, then the board would do that. Buch stated he is tired of the issue, that it seems to go on and on and nothing is getting solved and again stated that the county should try a new operator on Mitchell's road. Supervisor Sanders also agreed to the comments made by Supervisor Buch. Sanders stated that Mitchell brings up some valid concerns; however the county's policy on how roads are to be maintained, for example whether to have a windrow or not would be the county's decision. Sanders agreed that changing the operator is something that the county could try and perhaps some of the other concerns brought up by Mitchell would take care of themselves.

The county engineer stated that he would try switching operators in that specific area, but he would need to review the current routes and determine which roads would work best to exchange between the two operators. Supervisor Buch stated what roads were actually exchanged would be left to the discretion of the engineer. Mitchell then stated that he would rather the county fire the current operator, as he knew a guy who could do the job. Supervisor Buch stated that other roads with past issues and been worked on and improved and that is what the supervisors believe needs to happen again. Supervisor Vermedahl echoed Sanders earlier comments that the county would not be changing their philosophy on windrows and other maintenance matters. Mitchell stated that if the windrow was leveled off that would be ok. Supervisor Buch responded that the road crews would be working on the windrows this spring. Vermedahl added that the idea of windrows made sense if it kept heavy trucks off of the soft roads in the spring. Supervisor Buch also commented that residents thanked him because the windrows kept them from going in the ditch during the icy weather.

Supervisor Vermedahl repeated to the engineer that the county should switch some of the roads between the current operator and the operator north of Highway 30. The engineer responded that he wanted to review it. Mitchell then wanted to speak at the operator's mowing. Mitchell stated that he clocked the operator mowing the side of the road at 10 miles per hour and everyone would like to know why he goes so fast. Mitchell again questioned why the operator can't be straightened out. Vermedahl stated to Mitchell that the county was going to take the operator out of his area. County Attorney Thompson asked how soon the change would be accomplished. The engineer responded before the road department starts pulling windrows out and blading, which should be within the next week, two weeks, or a month and that the switch would be made sometime between now and then. The engineer stated that early next week he would get with the two operators together and discuss the changes just proposed, with or without some modifications, and have them get acquainted with the areas, but when the road crews start the blading process the operators will be switched, which will be two weeks at the most.

Mitchell stated that the county knows that they are bringing a new operator into an area where the roads are terribly messed up and questioned again how it was going to be corrected. Mitchell stated that a two-lane road has become a four-lane road due to the maintenance of it. County Attorney Thompson stated that within two weeks a change will be made and reminded Mitchell that it takes two to tango and this was an opportunity to start new with a new operator. Mitchell responded with asking if the engineer was aware that the current operator had put the maintainer in the ditch. The engineer responded that he had recently learned of the matter, adding that sometimes when plowing snow the machines will get pulled into the ditch. Mitchell responded that the operator went wide open past his place. The Board then advised that action was being taken. Mitchell stated that he had friends north of the Highway 30 and this matter may not be over.

The Board spoke with the engineer on various other matters.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 15, 2007

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

The Board deferred action on approving the minutes of Tuesday, March 13, 2007 until Thursday, March 22, 2007.

The time of 9:15 a.m. having arrived, and this being the time for Mary Williams, Social Services Director, to meet with the Board to discuss a possible amendment to the current FY07 budget. Williams advised that the projected expenses and unexpected expenses in the county's relief budget and mental commitment budget could make it very difficult to finish this fiscal year without going over. Williams also advised that there would be grant money coming into the FEMA budget but was not sure when to expect it. Those funds could be used to help offset the impact on the general relief budget. The board suggested Williams wait until further discussing the issue with the county auditor. The matter

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might be able to be adjusted through a service area amendment instead of a full budget amendment. If there does need to be an amendment, it can all be done the same time as the amendment planned for the sheriff's budget.

Moved by Buch, seconded by Vermedahl, to approve and sign the plans for asphalt resurfacing on D65 (Hwy 218 West to Tama County) Project # FM-C006 (73)—55-06 and along E36 (Shellsburg south and east to Linn County) Project # FM-C006 (72)—55-06. Also to approve and sign the plans for Bridge Replacements on 59th Street over Pratt Creek in Monroe Township, Project #BROS-CO06 (70)—8J-06 and on 52nd St Dr. (Between 33rd Ave Dr. & Ben-Linn Road) Project #BROS-C006 (71)—8J-06. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

March 22, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 13, 2007 and March 15, 2007. Both members voting aye thereon. Motion carried.

Steve Meyer, Emergency Management Agency Chairman, and Scott Hansen, Emergency Management Coordinator, thanked the Board for their additional funding for FY08. Meyer told the Board that the additional funding will help to keep the agency operating on a solid basis.

Supervisor Buch arrived at 9:10 a.m.

Meyer also spoke briefly about the recent disaster in Benton County due to the ice storm. Meyer asked if there were any questions or concerns about how the agency handled the situation and asked if the Board to relay any concerns that they become aware of. Supervisor Buch stated that Belle Plaine was concerned that a center was not opened; however, the fire chief had determined that a center was not needed at the time. The thought was to keep people in their homes. Buch stated other than that he believed things went well. Meyer stated that emergency management agencies have learned that people do not want to leave their homes if at all possible. Supervisor Vermedahl stated that he had not heard anything regarding the handling of the situation. Meyer stated that with the electric lines being in the condition they are currently, that a severe storm could take a lot of electric power out. Meyer stated it was no fault of the utilities as they are doing the best they can to repair the damage, but there are still lines lying on the ground that are carrying power. Supervisor Vermedahl stated that the fire departments should be given credit for all of their efforts during the event as well.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Kevin J. and Lind J. Leaven on a parcel located in section 22 of Fremont Township. Greenlee reported that the applicants currently own forty acres, which is currently leased for corn and soybean. The applicants would like to place a machine building to store agricultural equipment, as there are no other buildings on the bare parcel. The application meets the criteria for an exemption. If a new home is constructed in the future, this exemption will also take care of that matter. Moved by Buch, seconded by Vermedahl, to approve a farm exemption to Kevin J. Leaven and Linda J. Leaven on a parcel located in the NW1/4 of the NW1/4 of 22-83-9 as provided in the Benton County Agriculture Land Use Preservation Ordinance as the applicants are involved in a farming operation. All members voting aye thereon. Motion carried.

The Board received quotes for courthouse lawn care for 2007 as follows: O'Grady Chemical - \$467 for 3 applications and Christy Lawn Care - \$528 for four applications or \$132 per application. Moved by Buch, seconded by Vermedahl, to contract with Christy Lawn Care for three applications at \$132.00 each for a total of \$396.00, which will not include a summer application. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan updates from J and S Hogs in section 33 of Kane Township and Derek Vopelak in section 3 of Monroe Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Michael Beumer as weed commissioner for 2007 and Bruce Anderson as assistant weed commissioner for 2007. All members voting aye thereon. Motion carried.

Gary Fordice, Conservation Director, discussed the accounting of the Kerkman Estate funds and asked the auditor if the fund balance could be divided for easier tracking by conservation. The auditor advised that she would meet with Fordice at a later time to determine how conservation would like the accounting done. Fordice also asked if he had spending authority in the current year from the Kerkman Estate fund. The auditor advised that he did not and that it would take either a budget amendment, which one is planned for May, or take spending authority from the land acquisition account.

Fordice also spoke about changing the current county handbook regarding payout of compensation time for conservation employees. Fordice presented a request by the conservation board that the date currently is April 1 Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-16. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-16 AMENDING THE BENTON COUNTY EMPLOYEE HANDBOOK

WHEREAS, The Benton County Board of Supervisors, as well as elected officials and appointed boards, adopted a Benton County Employee Handbook in 2001, and

WHEREAS, the Benton County Conservation Board adopted said handbook as evidenced by the signature of the chairman of the conservation board dated January 30, 2001, and

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WHEREAS, the Conservation Board met on March 5, 2006, and took action requesting that Paragraph 4, Section II-A, Compensatory Time and Overtime Pay be amended to extend the date for which conservation employees may use compensatory time before it is paid out; and

WHEREAS, the requested amendment is applicable only to conservation department employees,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Benton County Employee Handbook adopted in 2001, is hereby amended as follows:

The last sentence of Section II-A, Compensatory Time and Overtime Pay, Numbered Paragraph 4, is amended as follows: "An employee who has not used compensatory time accrued in a fiscal year shall be paid for the accrued compensatory time remaining two weeks into the new fiscal year, except for Benton County Conservation employees, who will be paid for compensatory time not used by April 1st of each year."

Dated this 22nd day of March 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-17. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-17

WHEREAS, Senators Rielly and Noble, Chair and Ranking Member respectively of the Transportation Committee, are seeking input concerning transportation needs with public meetings that are being held throughout the state; and

WHEREAS, the Road Use Tax Fund is an important source of support for construction and maintenance projects at the city, county and state level; and

WHEREAS, an integral part of that R.U.T.F. is the fuel tax, which has not increased since 1989, and during that timeframe construction costs have more than doubled; and

WHEREAS, the Iowa Good Roads Association, the Iowa County Supervisor's Association, the Iowa County Engineer's Association and a consortium of additional public and private individuals and organizations, has promoted the TIME-21 program (Transportation Investment Moves the Economy in the 21st Century) to underscore that steady deterioration of the construction dollar; and

WHEREAS, TIME-21 supports the Iowa Department of Transportation's request for an additional \$200 million added to the R.U.T.F. that would be committed to roadway infrastructure and would be generated by increasing transportation-related fees;

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors recognizes the vital role that our transportation system performs for Iowa and encourages the legislature to consider funding alternatives to increase revenue to the Road Use Tax Fund.

Resolved this 22nd day of March, 2007

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

The matter of refunding tax to Mary Junge was discussed. This issue arises from taxes on two separate parcels being switched between the property owners: Mary Junge and Kenneth Bidwell. Ultimately, Junge paid more in property tax than Kenneth Bidwell. Supervisor Vermedahl stated that he would not object to removing the interest and penalty but was not convinced that refunding past taxes would be in the best interest of the county as a precedent would be set. Supervisor Sanders stated he was concerned about setting a precedent also, adding that Junge could take legal action against Bidwell for her loss. The Board was unsure at what point in time the error was discovered and the subsequent actions taken and therefore requested additional information. Moved by Buch, seconded by Vermedahl, to

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defer action on abating the interest and penalty and refunding tax on parcel 470-07200 until the property owner may be present. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 27, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 22, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Bob Byers, effective April 16, 2007, at \$9.50 per hour and Donavon Merchant, effective April 16, 2007, at \$9.25 per hour. All members voting aye thereon. Motion carried.

The weed commissioner advised that he would begin roadside spraying on May 7th, 2007.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-18. Voting aye: Sanders, Buch, and Vermedahl. Nays: none. Motion carried.

RESOLUTION #07-18 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, 2007, 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 **May 14, 2007** and as often thereafter as is necessary to prevent seed production:

Group 1. Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loose Strife.

Group 2.: Canada thistle, Russian Knapweed, Wild Mustard and Buckthorn.

Group 3. European Morning Glory or 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, Shattercane 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 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, Musk Thistle, European Morning Glory or Field Bindweed, Horse Nettle, Leafy spurge, Perennial Peppergrass, Russian Knapweed, Buckthorn, Purple Loose Strife, and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.

(b) Secondary Noxious Weeds: Butterprint, Cocklebur, Wild Mustard, Puncture Vine, Teasel, Wild Carrot, Buckthorn, 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 fail 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 27th day of August 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ronald Buch

ATTEST: _____
Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve the checks numbered 91133 through 91400, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to suspend taxes on parcel 050-16150 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-19. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

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RESOLUTION #07-19
LIMITED LEASE AGREEMENT

The East 127 Feet of the North 150 Feet of Section Twenty-One (21) Township Eighty-six (86) North, Range Twelve (12) West of the 5th P.M.

The undersigned, as Owner(s) of record of the real estate described above, for one dollar and other good and valuable consideration received, hereby grant(s), sell(s) and convey(s) to Poweshiek Water Association (the Association), its successors and assigns, an affirmative and perpetual easement in, to, and running with the real estate described above, together with a general and perpetual right of ingress and egress upon such real estate and upon any adjacent land of Owner(s), LIMITED AS FOLLOWS:

1. This easement is solely for the general purposes of construction and laying and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing water pipeline and any necessary appurtenances thereto over, across and through the real estate described above; and
2. The water pipeline shall be installed within fifty feet of the property line, unless obstacles prevent such placement. In this event, the pipeline shall be placed as directed by the Engineer of the Association as close as practical to such obstacle. Once such water pipeline and any necessary appurtenances thereto are installed and operating, then this easement (except the general rights of ingress and egress) shall be automatically reduced in scope to a width of fifty feet, the centerline of which shall be the water pipeline and any necessary appurtenances thereto.

In those instances where a landowner has granted an easement for the construction as stated above and does not wish to connect to the water system, the landowner will have an option of accepting payment for the easement at the current rate per foot, or being granted the privilege of purchasing one membership, (*at the real estate description stated above*) at a future date at 50% of the published membership fee on the date of service installation with no additional charge for materials or labor.

If it becomes necessary for the Association to return to the pipeline location for any purpose following the period of initial construction, the Association's liability for crop damage shall be limited to the reasonable market value of the crop damage as determined by mutual agreement. The Association agrees to repair any fence or tile damage during initial construction. The period of initial construction shall include the laying and testing of the water pipeline. The Association, its successors and assigns, hereby promise to maintain such water pipeline and any necessary appurtenances in good repair so that damage to adjacent real estate of Owner(s), if any damage there be, will be kept to a minimum.

Executed this 27th day of March 2007.

Benton County, Iowa

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 29, 2007

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

Moved by Buch, seconded by Sanders, to approve the minutes of March 27, 2007. Both members voting aye thereon. Motion carried.

Craig Mahood, Mt. Auburn City Clerk, met with the board regarding the conduct of the county attorney at a Mt. Auburn City council meeting. Mahood read a prepared statement as follows: "Members of the Board of Supervisors, I'm here because of the unprofessional conduct of the County Attorney at a public meeting. As a board you are responsible for setting the salaries of elected officials and levy taxes to pay these salaries and I'm disappointed by an official that is elected to represent me and you, and I'm required to pay his salary through the actions of this board that he is representing with this type of behavior. Thank you for your attention and time." The city council meeting was a meeting with the Cedar Township trustees and the Mt. Auburn fire department. The Board reminded Mahood that there was nothing they as the Board of Supervisors could do about the incident, as Thompson is an elected official. Other persons in attendance were Steve Meyer, Paul Zander, David Thompson, Larry Moody, and Steve Runyan. Also present was Jim Magdefrau representing the media. The county attorney stated that he did not believe that he acted unprofessionally, adding that he asked the city clerk for a report on the amount of funds carried over by Mt. Auburn; however the clerk would not provide him with the amount. Thompson advised that he believed the meeting was successful as the fire department was able to purchase a truck and things were moving along well. Thompson added that he did not believe that he should have been subjected to profanity and name calling by persons present at the council meeting nor did he appreciate having a gavel waved in his face. Thompson stated that some of the statements made could have been considered slanderous. Comments were heard from other persons present at said council meeting, who stated that the discussion got very heated but felt everything was ok now. Thompson asked the trustees who were present, if they believed that he, the county attorney, got out of line and they replied that statements were made in the heat of the moment.

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

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Moved by Buch, seconded by Sanders, to adopt Resolution #07-20. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #07-20

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 1

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Function 11100	Function 16100	\$5,000.00
Function 10500 (Fund 0091)	Function 10500 (Fund 0001)	\$ 500.00

Signed this 29th day of March 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ron Buch

ATTEST: _____

Delane Kalina, Deputy Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #07-21. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #07-21

RELEASE OF MORTGAGE

KNOW ALL PEOPLE BY THESE PRESENTS: That the undersigned, the present Owner(s) of the Mortgage hereinafter described, do hereby acknowledge that a certain Mortgage bearing date of the 28th day of March, 2002, made and executed by Kerry Liechty, for the following described property in the City of Belle Plaine, County of Benton, State of Iowa.

To WIT:

LEGAL DESCRIPTION: GE Bardwells Addn., Lot 10, Block 1
Which has the address of 504 10th Street, Belle Plaine, Iowa

The mortgage was made to the County of Benton and Recorded in the records of the office of the Recorder of the County of Benton, State of Iowa, Instrument Number 00005977, Book KQ, Page 247, on the 2nd day of April 2002, and the subsequent Subordination Agreement, Instrument Number 006718, Book NS, Page 214, are redeemed, paid off, satisfied, and discharged in full.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 29th day of March, 2007.

THE COUNTY OF BENTON

By: _____
Chairman, Board of Supervisors

ATTEST: _____
Deputy, County Auditor

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

Jason Sanders, Chairman

ATTEST: _____
Delane Kalina, Deputy Benton County Auditor

April 3, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 29, 2007. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #07-22. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

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RESOLUTION #07-22 ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$4,139.69 is hereby abated on parcels numbered 370-01551 and 870-17001 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 3rd day of April 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to rescind action taken on March 27, 2007 suspending the taxes on parcel 050-16150 pursuant to Iowa Code 427.9, as the person eligible does not have an ownership interest in the property according to records maintained in the auditor's office. Both members voting aye thereon. Motion carried.

Supervisor Buch arrived at 9:10 a.m.

Ed Strellner, Pioneer Cemetery Committee member, met with the Board to provide an update on the commission. Strellner advised that Gene Davis will be submitting a resignation from the commission due to health reasons and that Martha Long is interested in serving. A written resignation from Davis will be filed in the near future. Al Schwartz has agreed to serve as chair of the commission until the end of 2007, at which time he plans to resign as well. Deb Christiansen has agreed to assist with submittal of the bills the commission incurs. The auditor questioned if a book containing the pioneer cemeteries and burials has been compiled yet, as a copy should be kept at the courthouse for public record. Strellner advised that a book was presented at the last meeting, which was compiled by Ilene Kreider and that he will ask that a copy be brought to the courthouse. Strellner stated that most of the work on the pioneer cemeteries has been completed and that after next year, there should be little need for financial support. Moved by Vermedahl, seconded by Buch, to direct the chair to write a letter of appreciation to Davis for his service on the pioneer cemetery commission upon receipt of his resignation. All members voting aye thereon. Motion carried.

The Board acknowledged the receipt of a petition filed by residents along 59th Street Trail in Benton Township, Section 22, requesting that their gravel road be paved. The matter will be placed on the agenda for discussion.

The county engineer presented a proposal for MC-70 dust control for the 2007 summer season. The cost in 2006 was \$600 for 400 feet with a proposal for 2007 at \$900 for two applications on 400 feet. The engineer also requested that May 2, 2007 be set as a deadline for requests for dust control as well as the deadline for residents to request that their current dust control be left for 2007. Supervisor Vermedahl stated that the county's current policy is that the strips are torn up annually on a normal basis and questioned whether the policy should be that strips are torn up every other year unless there is reason to tear it up. Supervisor Sanders commented that many oil strips don't make it through the winter and not tearing them up every year could prove problematic. Supervisor Buch commented that allowing application on one are two years in a row without tearing the strip up in between might be beneficial in some areas. Buch stated that he understood that applications could not be built up year after year, but two years shouldn't be an issue. Vermedahl again proposed the idea of applying every two years. The engineer said that weather and road conditions affect strips differently throughout the county and issues could arise with strips that don't hold up over the two-year period. The Board requested that advertisements contain language that notify the public that other dust control methods are available versus the MC-70 and that it also include a break-down of the county's expense in applying MC-70. Moved by Buch, seconded by Vermedahl, to set the price for two applications of MC-70 consisting of 400 feet each for 2007 at \$900.00. Further that May 2, 2007 is set as the deadline for requesting application of MC-70 as well as requesting that existing dust control strips be left. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blairstown landfill account on March 31, 2007 was \$69,242.04

Moved by Buch, seconded by Vermedahl, to acknowledge the hire of Larry Steffen as a seasonal part-time employee with Benton County Conservation, effective this date, at \$10.00 per hour. All members voting aye thereon. Motion carried.

Gary Fordice told the Board that the conservation department is considering selling boats that are no longer used by the department. Fordice asked if the money derived from the sale could be put into a special reserve fund for his department. Supervisor Sanders suggested that the conservation's budget be increased for additional spending for the amount of money received. The auditor asked if the Board's policy would be that any department who has equipment to sell could have that money added back into their budget for additional spending authority. Fordice stated that his department raises money and that should be considered when his spending budget is approved. The auditor stated that it seems that the idea that the county is one organization has been lost, adding that if policy be that individual departments are allowed to spend whatever they generate in dollars in addition to their existing budget, then the courthouse departments should be allowed to split the tax revenue as those offices do the work to compile, bill, and collect the same. Supervisor Sanders stated that perhaps his thought was a little short sighted, as he did not consider the big picture.

Moved by Buch, seconded by Vermedahl, to enter into an agreement with Poweshiek Water Association for the construction, maintenance and operation of the Watkins Wastewater Treatment system. All members voting aye thereon. Motion carried.

JOINT AGREEMENT FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION OF
PLANTS AND SYSTEMS FOR SANITARY SEWER SERVICES

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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UNDER IOWA CODE CHAPTER 28E

THIS AGREEMENT is made and executed this 27th day of March, 2007, by and between POWESHIEK WATER ASSOCIATION (hereinafter referred to as "PWA") and THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA (hereinafter referred to as the "County").

WITNESSETH:

WHEREAS, PWA is organized and established under the provisions of Iowa Code Chapter 357A, and is authorized under Iowa Code Section 357A.11(11) to construct, manage and operate facilities for sanitary sewer services under an agreement with a city, county, sanitary sewer district or other governmental entity; and

WHEREAS, the County has applied to the Iowa Department of Economic Development for financial assistance from the Community Development Block Grant Program ("CDBG"), and PWA has made application for loans and grants from the United States of America acting through the Rural Development, United States Department of Agriculture ("RD") for the construction of plants and systems for sanitary sewer services where practical and necessary in the unincorporated areas of Benton County, Iowa, and specifically for the Service Area to be known as the Watkins Sewer Service System; and

WHEREAS, the County has received the grant and PWA's funding application has been approved for the construction of the sewer system in the Service Area; and

WHEREAS, the parties desire to enter into a joint agreement in accordance with Iowa Code Section 357A.11(11) and Iowa Code Chapter 28E with respect to the financing, construction, operation and maintenance of such sanitary sewer service facilities for the Service Area and to give effect to the Ordinance; and

WHEREAS, by Resolutions adopted by the parties hereto, the provisions of this Agreement have been approved by the members of the Board of Supervisors of the County and the Board of Directors of PWA, and the execution of this Agreement by the undersigned has been duly authorized.

NOW, THEREFORE, INCORPORATING THE FOREGOING RECITALS AND IN CONSIDERATION OF THE FOLLOWING MUTUAL COVENANTS, IT IS AGREED:

Section 1. **PURPOSE.** The purpose of this Agreement is to set forth the terms and conditions under which the parties will take all actions necessary for the erection, maintenance and operation of the facilities, plants and systems necessary for sanitary sewer services in the Service Area in accordance with the Ordinance (the "Project").

Section 2. **ADMINISTRATOR.** No separate legal or administrative entity will be established to administer this Agreement or Project. PWA is designated as the Administrative Authority for the undertaking as required by Iowa Code Section 28E.6.

Section 3. **FINANCIAL OBLIGATIONS.** The County will provide the funding from the CDBG and PWA will use the proceeds from RD for the construction of the Project. PWA agrees to expend the funds received from both sources in accordance with the terms and conditions of those grants, agreements, and commitments.

Section 4. **PROFESSIONAL SERVICE AGREEMENTS.** PWA is granted the authority to engage the services of professionals and consultants to prepare and to adopt plans and specifications for the construction of the Project in accordance with all federal, state, and local laws, regulations and ordinances.

Section 5. **PROPERTY ACQUISITION; OWNERSHIP AND OPERATION OF SYSTEM.** The facilities, plants and systems for providing sanitary sewer services for the Service Area; any and all easements and other rights in real estate; and all facilities and improvements to the real estate acquired, constructed, or installed for the Project will be acquired, developed, constructed and owned in the name of PWA and remain the property of PWA. With the assistance of the County, as necessary and appropriate, PWA will acquire all real estate and all real property rights necessary to construct, operate and maintain the facilities, plants and systems for the Project. In the event any such properties or property rights are initially acquired by the County, the County will transfer ownership to PWA prior to the completion of the Project. Once constructed, PWA will operate and maintain the sanitary sewer system for the Service Area in accordance with all applicable federal, state, and local laws, regulations, and ordinances.

Section 6. **CONSTRUCTION.** PWA will cause contracts to be let in accordance with all legal requirements to construct the Project. In the event the amount of the lowest bid received for construction of the Project, plus the estimated cost of professional services and a reasonable reserve for contingencies exceed the balance of the funds committed to the construction, PWA will have the right and option to reject all bids and upon agreement by the parties with CDBG and RD, the Project shall be redesigned to keep the maximum cost less than the total of the funds committed by CDBG and RD.

Section 7. **FEES AND CHARGES.** As long as this Agreement is in effect, PWA will establish rates or charges for use of the sanitary sewer system in the Service Area sufficient in each year for (a) the payment of the proper and reasonable expenses of the operation and maintenance of the sanitary sewer system, (b) the payment of principal and interest on any bonds or other obligations issued to pay for initial construction and subsequent improvements to the sanitary sewer system, and (c) the creation of reserves as required by said obligations. Net revenues shall be maintained at a level sufficient to satisfy sound operating and borrowing practices.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

Section 8. DURATION. This Agreement takes effect as of the date it is recorded with the Iowa Secretary of State and Country Recorder, and continues in effect until terminated in the manner provided in Section 9 of this Agreement.

Section 9. TERMINATION.

A. After August 1, 2046, either party may terminate this Agreement by giving 180 days' written notice to the other party.

B. If either party fails to timely perform a material term or condition of this Agreement, the other party has the right and option to terminate this Agreement upon thirty days' written notice, which will take effect unless the defaulting party cures the default during that thirty-day period. The non-defaulting party shall have the right to pursue all remedies or actions at law or in equity available to it.

Section 10. RIGHTS UPON TERMINATION. If this Agreement is terminated by County pursuant to Section 9.A. or by PWA pursuant to Section 9.B., the County will purchase all assets and properties owned by PWA and used solely in connection with the sanitary sewer system in the Service Area at the then appraised value (as determined by a certified appraiser approved by County and PWA) of those assets and properties but, in any event, no less than the original balance plus accrued interest and other fees and charges then owed by PWA under the bonds or other instruments issued for the construction of the Project. If this Agreement is terminated by PWA pursuant to Section 9.A. or by County pursuant to Section 9.B., PWA will, at no charge to County, transfer the assets and properties owned by PWA and used solely in connection with the sanitary sewer system in the Sewer Area.

Section 11. ASSIGNMENT. The County consents to and authorizes PWA to assign and transfer its interest in this Agreement, all property interests, whether real or personal, and all facilities to be constructed hereunder to any successor in interest, to the RD, or to any other lender, as collateral security for present or future loans.

Section 12. RD APPROVAL. All provisions of this Agreement that obligate PWA to take any actions or undertakings are conditioned upon and will take effect only upon the approval of the State Director of RD.

Section 13. TIME IS OF THE ESSENCE. Time is of the essence in the performance of the obligations of this Agreement.

Section 14. SEVERABILITY. If any one or more of the provisions of this Agreement are declared unconstitutional or contrary to law, the validity of the remainder thereof shall not be thereby affected.

Section 15. INDEMNIFICATION. To the maximum extent permitted by law, PWA agrees to indemnify and hold County harmless for any losses, judgments, liabilities, expenses and amounts paid in settlement of any claims sustained by County, including, without limitation, reasonable attorney fees, other professional fees, expenses, fines and damages in connection with the claim of a third party arising out of the negligence or misconduct of the indemnifying party in connection with the Project or arising under this Agreement. PWA will not indemnify the County for claims arising out of the County's own negligence or misconduct or any other party's negligence or misconduct. IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

POWESHIEK WATER ASSOCIATION

BENTON COUNTY, IOWA

By: _____

By: _____

_____ Chairperson

_____ Chairman, Board of Supervisors

By: _____

By: _____

_____ Secretary

_____ County Auditor

STATE OF IOWA)

)SS:

COUNTY OF POWESHIEK)

On this _____ day of _____, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **J. Raymond Peak**, to me known, who being by me duly sworn, did say that he is the **Chairperson of Poweshiek Water Association** executing the within and foregoing Agreement; that said Agreement was signed on behalf of Poweshiek Water Association by authority of its Board of Directors; and that J. Raymond Peak as such officer acknowledged the execution of said instrument to be the voluntary act and deed of Poweshiek Water Association, by it and by him voluntarily executed.

Notary Public in and for said County and State

STATE OF IOWA)

)SS:

COUNTY OF POWESHIEK)

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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On this _____ day of _____, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Marjorie Becker**, to me known, who being by me duly sworn, did say that she is the **Secretary of Poweshiek Water Association** executing the within and foregoing Agreement; that said Agreement was signed on behalf of Poweshiek Water Association by authority of its Board of Directors; and that Marj Becker as such officer acknowledged the execution of said instrument to be the voluntary act and deed of Poweshiek Water Association, by it and by her voluntarily executed.

Notary Public in and for said County and State

STATE OF IOWA)
)
COUNTY OF BENTON))SS:

On this ____ day of _____, 2007, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared **Jason Sanders and Jill Marlow**, to me personally known, and, who, being by me duly sworn, did say that they are the **Chairman of the Board of Supervisors and County Auditor** respectively, of Benton County, Iowa; that the foregoing Agreement was signed by authority of the Benton County Board of Supervisors as contained in Resolution No. _____, passed and adopted by the Board of Supervisors, under Roll Call No. 1 of the Board of Supervisors on the ____ day of _____, 2007, and that Ronald R. Buck 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 in and for said County and State

APPROVAL

Now, on this _____ day of _____, 2007, the within and foregoing Joint Agreement for the Erection, Maintenance and Operation of Plants and Systems for Sanitary Sewer Services is hereby approved by the United States of America, acting by and through Rural Development of the United States Department of Agriculture, subject to approval of any and all project loans and/or grants obtained or sought by _____ and all rules and regulations presently and in the future duly promulgated by Rural Development, U.S.D.A., and appearing of record in the Code of Federal Regulations.

THE UNITED STATES OF AMERICA, acting
through the Rural Development,
United States Department of Agriculture

By: _____

The Board discussed the drafting of an ordinance for the Watkins Waste Water Treatment System. The auditor advised that she would not be able to draft the document, as she did not have the time necessary to devote to it in addition to her required duties. The auditor reminded the Board that this matter had been brought to their attention on various occasions over the past year. The discussed various people or organizations who might be able to assist with the ordinance. After much discussion, the county attorney agreed to work with the attorney for Poweshiek Water on the matter and draft an ordinance.

Moved by Buch, seconded by Vermedahl, to approve the sheriff's and auditor's quarterly reports for the period ending March 31, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 5, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 3, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Veterans Affairs amended quarterly report for the period ending March 31, 2007. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by David and Rhonda Wilhelmi on a parcel located section 24 of Benton Township. The applicants currently own approximately 104 acres and 103 acres will remain in cattle pasture. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as allowed under the Benton County Agricultural Land Use Preservation Ordinance on a parcel generally described as being located in the N1/2 of the SE1/2, lying north and east of the road and the SE1/2 of the NE1/4 of 24-85-9, for a single residential purpose as the applicants are currently engaged in a farming operation. All members voting aye thereon. Motion carried.

Marc Greenlee spoke with the Board about the need to amend his FY07 budget due to sick leave conversion and health insurance. Greenlee explained that his budget will be extremely close and requested that \$1000 be added to his land use budget during the next budget amendment.

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Moved by Buch, seconded by Vermedahl, to approve the hire of Dianna Fuller as a part-time driver with Benton County Transportation, effective April 5, 2007, at a wage of \$10.16 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a contract with Midwest Alarm Systems to perform annual inspections of the courthouse fire alarm system. The contract is for the period beginning October 1, 2007 and ending September 31, 2010. The cost of the service is \$600.00 annually. The chair is authorized to sign the contract upon its receipt. All members voting aye thereon. Motion carried.

Frank Kelm of Howard R. Green Company met with supervisors to discuss engineering services available by Howard R. Green. The supervisors are speaking with engineering firms regarding the courthouse roof repair. Kelm advised that his company has done past business with Benton County when roofing problems arose with the law enforcement center and the county care facility. Green also constructed the new assisted living facility in Vinton. Kelm explained the services available including a pre-project study and a design and construction phase. The Board requested that Kelm provide a proposal for providing a study on the project. The proposal should be broken into components for I-beam repair, slate replacement, window replacement, and miscellaneous repair.

Kevin Paulsen, RSM McGladrey, met with the Board regarding the initial compensation analysis for county positions. Paulsen provided an initial analysis and reviewed with the supervisors how it was compiled. The county attorney stated that salaries of other law enforcement officials should be considered similar to what the Iowa Code requires the compensation board consider when preparing the sheriff's salary. Paulsen will return in a few weeks with a completed analysis.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign a claim for Decat services in the amount of \$4,166.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to grant a utility permit to Atkins Telephone Company to place utility lines in the county's right-of-way in Fremont Township beginning at the intersection of 32nd Avenue and 71st Street, west along 71st Street to 30th Avenue, then south along 30th Avenue to Highway 30. All members voting aye thereon. Motion carried.

The Board discussed the proposal for the Oak Grove Road project. The project has changed from the past due to Linn County's decision to not participate in the original project. The new Oak Grove Road project now consists of upgrading, widening, and seal coating from the intersection of 61st Street Lane and 32nd Avenue, east along 61st Street Lane, then north along 33rd Avenue Drive, the east along 59th Street Trail to the Linn/Benton County line. The engineer advised that at this time, he does not know how much ground will be needed to widen the road and would recommend that any adjacent property owners building new fence to place it where it is currently located. The engineer stated that he does not have plans drawn up at this point in time and that the Oak Grove Road project will not be started in 2007 if his department has to do the engineering work as they are tied up with the Luzerne bridge project. Supervisor Sanders stated that the county needs to start the project this year even if it means hiring an engineering firm to complete the plans for the project. Supervisor Vermedahl stated that this issue tends to be a matter of organization that the plans need to given a date to be completed instead of just continually pushing it back all the time. Vermedahl added that a date should be set that the plans are to be done and then do it. Engineer Parizek stated that he did not want to put additional time and resources into the project unless there are assurances that the project will be fully supported by the supervisors in the future. Parizek stated that he had drawn up a good plan for the original project, only to have Linn County change their position. Supervisor Vermedahl stated that the current Benton County supervisors have always wanted the project done, have never changed their position and did not believe that there would be a change in the position. Parizek stated that it is a large design project and the time available by engineers in his department was limited. Vermedahl asked when the plans would be completed. Parizek stated he would need to consult with his assistant to determine the timeline. Vermedahl asked the engineer to meet with his assistant and return to the Board on April 10, 2007 with a completion time.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 10, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 5, 2007. Both members voting aye thereon. Motion carried.

Mary Ann Blumer, Victim Right's Coordinator, met with the Board to request displaying a flag honoring Victim's Rights Week. Blumer stated that Governor Culver has declared the week of April 22, 2007, through April 28, 2007, as National Crime Victim's Rights week. A flag was sent to the county by the US Department of Justice for display. Moved by Vermedahl, seconded by Sanders, to authorize the display of the flag honoring National Crime Victim's Rights with a preference that it be displayed on the flagpole. If it is not possible to hang the flag on the flagpole, then the flag may be displayed in the rotunda area of the courthouse by hanging it from the third floor railing. Both members voting aye thereon. Motion carried. Alternatively, the flag may be draped from the outside balcony on the south side of the courthouse.

Moved by Vermedahl, seconded by Sanders, to authorize the chair and the auditor to sign the following Release of Mortgage. Both members voting aye thereon. Motion carried.

RELEASE OF MORTGAGE

KNOW ALL PEOPLE BY THESE PRESENTS: That the undersigned, the present Owner(s) of the Mortgage hereinafter described, do hereby acknowledge that a certain Mortgage bearing the date of the 7th day of April, 2002, made and

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executed by Christine Schwartz and Gene Schwartz, for the following described property in the County of Benton, State of Iowa.

To WIT:

LEGAL DESCRIPTION: Parcel D in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) in Section Thirty-two (32), Township Eighty-five (85) North, Range Nine (9) West of the 5th PM per Survey Recorded in Book 9 at Page 11

Which has the address of 2953 61st Street Trail, Shellsburg, Iowa

The mortgage made to the County of Benton and Recorded in the records of the office of the Recorder of the County of Benton, State of Iowa, Instrument Number 005133, Book 327, Page 42, on the 1st day of July, 2003, is redeemed, paid off, satisfied, and discharged in full.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neutral gender, according to the context.

Dated this _____ day of April 2007.

THE COUNTY OF BENTON

By: _____
Chairman, Board of Supervisors

ATTEST: _____
County Auditor

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

Moved by Vermedahl, seconded by Sanders, to appoint Martha Long to the Benton County Pioneer Cemetery Commission to fill the vacancy created by the resignation of Gene Davis. Both members voting aye thereon. Motion carried.

The Board discussed the large rock being applied to areas of the county and issues arising from it. The engineer advised that he was applying 3" rock to various frost boils and then will follow-up with smaller rock later on.

The engineer reviewed the five-year construction program for secondary roads. The plan included bridge and box culvert replacement and road resurfacing and improvement projects. After fully discussing the plan, it was moved by Vermedahl, seconded by Sanders, to approve the Iowa Department of Transportation Secondary Road Five Year Construction Program for FY08-12. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Iowa Department of Transportation Secondary Road Budget for FY08. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Qwest to place utility lines in the county's right-of-way along 22nd Avenue Road in Section 7 of Taylor Township. Both members voting aye thereon. Motion carried.

The engineer reviewed the timeline for the new Oak Grove Road Improvement Project as follows: centerline alignment – April 20, 2007; right-of-way limits and cross sections – May 31, 2007; distribution of grading plans – June 6, 2007; reinforced concrete box culvert final design – June 8, 2007; distribution of box culvert plans – June 13, 2007, and letting date for grading and box culverts – July 5, 2007. The engineer stated that work would begin in late summer or early fall, but work would need to be completed during this construction season. The engineer advised that he would meet with the property owners sometime around June 6, 2007, to discuss the project.

Ron Balmer with IIW Engineers met with the Board regarding the project to replace the roof and windows in the courthouse, as well as repairing I-beam supports. Balmer explained what services his company offers. Balmer explained that he is cognizant of energy issues as well. The firm has approximately 55 employees covering structural, municipal, and environmental, general civil, and hydrology engineering, site planning, and architectural consulting. Balmer is also a member of the National Trust for Historic Preservation. The company can provide a feasibility study, which offers options to the project and includes cost estimates. Balmer stated that his company would like to partner with the client and provide them with expertise for all of their organizational needs. Balmer stated that a feasibility study should be the first step to identify the needs of the courthouse and the critical issues. After the needs have been identified, the company also will provide services for bidding, oversight, and inspection of the construction project as well, if hired. The Board requested a proposal from IIW Engineers for the feasibility study.

The Board reviewed the Grand Jury Recommendations for 2007. The Board agreed that many of the concerns are currently in the process of being addressed.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 91401 through 91704, for payment, which includes a handwritten check #91402, for postage expenses. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 12, 2007

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 10, 2007. All members voting aye thereon. Motion carried.

Julie Zimmer, Rich Farmer, Roger Witt, and Renae Tharp met with the Board to provide an update on the Courthouse 100th Anniversary events. A celebration will be held on July 7, 2007, with speakers and tours of the courthouse being provided, as well as a rededication of the corner stone casket. The plans include serving cake and lemonade to the public. Funds were raised through the sale of crocks and lapel pins. T-shirts will also be offered for sale to celebrate the event. The committee asked that the supervisors send specific invitations to various dignitaries and also speak during the celebration. The supervisors told the committee members that they believed the event plans to be excellent and would do what was needed to assist. The funding for the event was discussed. The auditor advised that currently the committee has raised approximately \$800 over their expenses, and the committee is continuing fundraising efforts. The Board agreed that some expenses would be allowed to be paid from the general services fund.

Renae Tharp with Benton Development Group advised that BDG had approved the following grant requests: Iowa Braille and Sight Saving School Incubator - \$4000 and Vinton Unlimited - \$1870. Tharp asked that the Board to release \$5870.00 in grant funds. Moved by Vermedahl, seconded by Sanders, to release \$5870.00 of grant funding to Benton Development Group. Both members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to request her relief and commitment budgets be amended for FY07. Williams requested an additional \$15,000 for the commitment budget and \$5300 to her relief budget. The Board advised that they would consider the request when amending the budget.

The county attorney presented proposals for remodeling the various offices for his department. Proposals were requested from Schlarbaum Construction, Mark West, McDowells and Jensen Wall Systems. No response was received from Schlarbaum, West advised he did not want to bid the project, and bids were received from the remaining companies. The attorney explained what the remodeling would include, i.e. removal of existing ceiling tile, upgrading of electrical and installation of lights, drywall repair. The work would include removal of the old air conditioner in the current judge's room and the required wall repair. Supervisor Sanders stated that Jensen's proposal was quite detailed in comparison to McDowells and wondered if they were fully aware of all work being requested. The county attorney stated that he was confident that McDowells was cognizant of the scope of the project. The county attorney advised that paint bids have also been received, as well as replacing some of the damaged woodwork. The bids received are as follows:

McDowells - \$10,065; Jensen Wall Systems - \$11,800 + \$1220 paint. Supervisor Vermedahl stated that he would prefer to give the job to a county taxpayer. The county attorney advised that Jensen Wall Systems was located in Atkins although the quote indicates it is from the office in Hiawatha. Moved by Vermedahl, seconded by Sanders, to award the bid to the lowest bidder, which is McDowell's at a cost not to exceed \$10,065 to remodel the offices of the county attorney and the judge. Both members voting aye thereon. Motion carried.

The auditor presented a letter from the State Medical Examiner's Office directed to county medical examiners requiring the additional forms be filled out for cases that the medical examiner has declined jurisdiction. The State has suggested that medical examiners be compensated \$35.00 for each case for the additional work. Moved by Vermedahl, seconded by Sanders, to set a \$35.00 fee for medical examiner "declined jurisdiction" cases. Both members voting aye thereon. Motion carried.

The Board spoke with the county engineer regarding the large rock being placed on frost boils around the county. Supervisor Sanders brought in approximately seven rocks that he randomly collected from a frost boil near Urbana. Supervisor Vermedahl stated that a warning should be given to the traveling public when there is a large change in road surface taking place and suggested that signage be placed in those areas. The engineer stated that he was not sure what his position was regarding the placement of warning signs in those areas. The engineer stated that to the general person that the rock appeared to be larger than it was, adding that he ordered 3" rock and that if any side of the rock was 3" or less it met the requirements. Supervisor Sanders stated that the large rock was applied to areas of the road surface that were outside of the frost boil and therefore were not sinking into the roadbed and perhaps care should be taken to put it just in the frost boil area. The matter was placed on the April 17, 2007, agenda for further discussion and action.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Ken Erickson as a part-time seasonal employee with secondary roads, effective April 16, 2007, at a wage of \$9.50 per hour. Both members voting aye thereon. Motion carried.

The engineer reviewed the day labor grading projects with the supervisors. The projects include replacement of culverts, cleaning of ditches, and pothole repair on various areas throughout the county.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 17, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 10, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set May 15, 2007, at 9:05 a.m. as the time and date for a public hearing on a land use change requested by Beau Chene, Inc. on a part of Parcel D of 11-85-9 and Part of Parcel E of 2-85-9. Both members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board to request that his FY07 budget be amended.

Moved by Vermedahl, seconded by Sanders, to set May 10, 2007, at 9:30 a.m. as the time and date for amending the FY07 county budget. Both members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to suspend the taxes on parcel #240-74550, in accordance with Iowa Code Section 427.9. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a Class B Permit and Sunday Sales for the Watkins Community Athletic Association. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to release the county's lien on the property located at 601 E. 4th Street, Newhall, Iowa, on April 24, 2007. Said release is not to be filed with the Benton County Recorder until April 24, 2007, the date the release is effective. Both members voting aye thereon. Motion carried.

RELEASE OF MORTGAGE

KNOW ALL PEOPLE BY THESE PRESENTS: That the undersigned, the present Owner(s) of the Mortgage hereinafter described, do hereby acknowledge that a certain Mortgage bearing the date of the 24th day of April, 2002, made and executed by Kevin J. Bartlett, for the following described property in the County of Benton, State of Iowa.

To WIT:

LEGAL DESCRIPTION: Lot 5 (5), Weichman's Sixth Addition to Newhall, Iowa
Which has the address of 601 East 4th Street, Newhall, Iowa

The mortgage made to the County of Benton and recorded in the records of the office of the Recorder of the County of Benton, State of Iowa, Instrument Number 00009293, Book LH, Page 183, on the 29th day of August, 2002, is redeemed, paid off, satisfied, and discharged in full.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neutral gender, according to the context.

Dated this 17th day of April 2007.

THE COUNTY OF BENTON

By: _____
Chairman, Board of Supervisors

ATTEST: _____
County Auditor

Moved by Vermedahl, seconded by Sanders, to offer a letter of support for Friends of the Shelter relative to efforts to obtain grants. This does not commit the county to financial support of any kind. Both members voting aye thereon. Motion carried.

Supervisor Sanders asked to discuss the payment of a bill to St. Luke's hospital for charges incurred by a possible client. Moved by Vermedahl, seconded by Sanders, to go into closed session to discuss payment of the bill. Both members voting aye thereon. Motion carried at 10:40 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. Both members voting aye thereon. Motion carried at 11:20 a.m.

Moved by Vermedahl, seconded by Sanders, to direct Social Services to pay the bill to St. Luke's Hospital for client care as the result of a committal order for four days at \$544.00 per day. Both members voting aye thereon. Motion carried.

The Board discussed the size of rock being placed on the frost boils around the county and the lack of signage. The Board also discussed a claim for tire damage directly due to the size of the rock. The county's insurance carrier has denied coverage, stating that the law does not require coverage. Supervisor Vermedahl stated that it is his position that the county should be placing signage that warns the traveling public of those areas where the large three-inch rock has been placed. Vermedahl stated there is legal liability and moral liability. The county is not legally liable but believes they are morally liable. Supervisor Sanders stated that if a person comes upon an area where the large rock (3 inch) has been placed and there are flags or warning signs then the public will probably slow down. Sanders added that something should be placed there at the very least to let the traveling public know something is going on in that area. Vermedahl stated that the county paid for claims for tires with nails and questioned what the difference would be. The engineer stated that he forwarded pictures of the area to the insurance company for their consideration when making their determination. The engineer advised that he has since placed signage in the area to notify the traveling public. Vermedahl stated that the county needs to do what it can to warn people of unsafe conditions. Supervisors Sanders stated that it is unfortunate that the county has to consider that warning the public may result in liability and that the county should be able to do what is proper. Supervisor Vermedahl stated that initially he believed the county should pay for the tire damaged by the large rock, but now wasn't sure after viewing pictures of the roadway and considering the possible precedence and future complications. Supervisor Sanders stated that the county should just consider what is right. Sanders stated that the county placed down rock that was not the normal size used in day-to-day operations. Supervisor Vermedahl wondered if the county's position should be the same as that of the insurance company's and that the county is not liable and therefore should not pay for the tire damage. The chair stated that he would contact the county's insurance carrier regarding the matter again.

Larry Andreesen, County Assessor, met with the Board under "Public Comment" and stated that he was unhappy that he was not notified of the recent supervisor's board meeting when McGladrey presented a report on the compensation analysis. Andreesen stated that all department heads should have been told of the meeting. Supervisor Sanders stated that the matter was on the board's agenda that is posted and distributed and that any person was welcome to attend the meeting. Andreesen stated that seeing the matter on the agenda was not adequate and that he should have personally been notified and that a copy of the report should have been provided to all department heads. Andreesen stated that he was not happy that the compensation analysis report had been discussed and that Mary (last name not stated) had also spoken to him about that matter. Andreesen further commented that he did not appreciate reading about the discussion in the newspaper. Supervisor Vermedahl stated that discussion with the Board happens in open session and the media is welcome to report on it. Supervisor Sanders stated that the discussion was on a

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preliminary presentation of the compensation analysis by McGladrey and that other reports and discussions have taken place with McGladrey and there wasn't any concern voiced by anyone about those discussions. Sanders stated that when the final project is done a departmental meeting would probably be held.

Supervisor Sanders reported on a phone call during the meeting from Lula Perkov. Perkov stated that she owns property at 3278 51st Street. Perkov reported that secondary roads was putting a driveway into the property for a building site; however Perkov advised she owns the property and is not aware of any development approved on the property. Sanders referred her to the land use administrator.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 23, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 17, 2007. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 91705 through 91971 (91811 voided) and direct deposit 273 through 364, for payment. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 26, 2007

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, 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 Monday, April 23, 2007. All members voting aye thereon. Motion carried.

Alberta Reifenthal, Nancy Farmer and Denise Wiley spoke with the board regarding the position of Empowerment Coordinator. Currently, Heidi Schminke performs those duties through a contract with all expenses coming from grant funds. The Empowerment Board asked that Schminke become a Benton County employee with all expenses being paid from Empowerment grant money. Supervisor Vermedahl stated that more time is needed to consider the matter. Moved by Vermedahl, seconded by Buch, to place the matter on the May 17, 2007, agenda for further consideration. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Ross and Shirley Wiley. The application is to allow for the construction of a single-family residence. Greenlee advised that the applicants are currently engaged in a farming activity and the application meets the county's requirements. Moved by Buch, seconded by Vermedahl, to grant a farm exemption pursuant to the Benton County Agriculture Land Use Preservation Ordinance to Ross and Shirley Wiley on a parcel located the N ½ of the NE ¼ of 9-86-9, for a single-family residential purpose. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a contract between Linn County and Benton County Social Services for payee services for Linn County clients housed in Benton County. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for South Slope Telephone Company to place utility lines in the county's right-of-way along 26th Avenue between Highway 30 and 72nd Street in Eldorado Township. All members voting aye thereon. Motion carried.

Myron Parizek, Benton County Engineer, spoke with the Board about seal coating county roads.

Ron Buch reported that Ed Brecht had spoken with him about putting a weight embargo on 79th Street south of Watkins. The board asked that the engineer to draft a resolution for adoption at a later date placing an embargo on the road.

Dennis Colsch met with the Board to discuss seal coating 59th St Trail and 22nd Ave Drive. The Board talked about assessing the expense of seal coating roadways to the adjoining landowners. Vermedahl directed the engineer to research the issue further and report back to the board.

The Engineer also spoke about the recycling trailer that was located in Urbana. The mayor asked that it be removed and located elsewhere. The Engineer will try to find another location for the trailer.

Dale Bohnsack and Dennis Kunze spoke with the board about changing a lot line between Lots 21 and 22 of Terrace Green Estates Subdivision. The county's current subdivision ordinance requires that any changes to a final plat are subject to said ordinance. It was questioned if the Board would have issues with granting a variance to specific requirements of the subdivision ordinance. The Board advised that they did not anticipate any problems with granting a variance for the project described if it is simply changing a lot line between two lots.

Moved by Vermedahl, seconded by Buch to approve a 5-day liquor license and outdoor service area for Blues & Brews of Atkins, Iowa. All members voting aye thereon. Motion carried.

The Board did not take any action on amending the Heartland insurance risk pool agreement to allow Supervisor Vermedahl time to study the agreement. The matter is placed back on the May 1, 2007, agenda.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-23. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

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RESOLUTION #07-23
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$2,181.24 is hereby abated on parcels numbered 190-01401 and 240-15601 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 26th day of April 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____

Delane Kalina
Deputy Auditor

Moved by Buch, seconded by Vermedahl, to accept the resignation of Melissa Scott in the sheriff's office, effective May 2, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve Recorder's quarterly report for the period ending March 31, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the hire of Matt Grabe as part-time seasonal help with the conservation department, effective April 30, 2007 at \$8.25 per hour. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

Attest: _____
Delane Kalina, Deputy Benton County Auditor

May 1, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of April 26, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Christina Seitz from Benton County Transportation, effective April 26, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-24. Voting aye were Sanders, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #07-24
RELEASE OF MORTGAGE

KNOW ALL PEOPLE BY THESE PRESENTS: That the undersigned, the present Owner(s) of the Mortgage hereinafter described, do hereby acknowledge that a certain Mortgage bearing the date of the 29th day of April, 2002, made and executed by Brandon Pierce, for the following described property in the County of Benton, State of Iowa.

To WIT:

LEGAL DESCRIPTION: 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

The mortgage made to the County of Benton and recorded in the records of the office of the Recorder of the County of Benton, State of Iowa, Instrument Number 00009292, Book 291, Page 36, on the 29th day of August, 2002, is redeemed, paid off, satisfied, and discharged in full.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neutral gender, according to the context.

Dated this 1st day of May 2007.

THE COUNTY OF BENTON

By: _____
Chairman, Board of Supervisors

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ATTEST: _____

County Auditor

Moved by Vermedahl, seconded by Sanders, to approve 14.5 hours of vacation carry-over requested by Tony Janney. Said carry-over is to be used no later than September 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to change the date for a public hearing on amending the FY07 budget to May 22, 2007, at 9:30 a.m. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to suspend the taxes on parcel number 090-04700, pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to amend the Heartland Insurance Risk Pool Agreement entered into under Iowa Code Chapter 28E as follows. All members voting aye thereon. Motion carried.

Amendment #1

Heartland Risk Pool – Risk Pool Agreement

It is agreed that these Amendments will be attached and considered to be a part of the Heartland Risk Pool Agreement (Agreement) made and entered into on the ____ day of ____, 2007 between the charter members and additional members (if any) which include the following:

Hardin County (charter member)
Mitchell County (charter member)
Tama County (charter member)
Benton County (charter member)
Cedar County (later member)

Mahaska County (charter member)
Chickasaw County (charter member)
Van Buren County (charter member)
Fayette County (charter member)
Decatur County (later member)

NOW, THEREFORE, it is mutually agreed by and between the parties of the Risk Pool hereto as follows:

Sections 4.4 and 4.5 shall be stricken and replaced with the following:

4.4 Vesting and Return of Positive Claims Fund Balances.

(a) **Vested Members.** A vested member of the Risk Pool that does not renew membership, withdraws, or whose membership is terminated or canceled, will receive a return of only that member's vested positive Claims Fund balance (as defined in Section IV of the Operating Procedures) as determined herein below. A vested member is one which has been a Risk Pool member for five (5) continuous and complete years. A vested member whose membership is withdrawn, terminated, or canceled in any year of an existing five (5) year Risk Pool Agreement will have returned to that member, from that member's positive Claim Fund balance, if any, a total of twenty percent (20%) of that balance for each fiscal year of membership in the Risk Pool under the repayment Schedule provided in Section 4.4(d).

(b) **New Members – Vesting.** Any county which becomes a new member of the Risk Pool, and which obtains membership as a new member in association with the existing ten (10) members forming the Risk Pool shall become a vested member beginning at the end of the last day of the fifth full year in which membership was maintained and shall vest according to the following schedule:

Year 6: 20 percent (20%) of any positive Claims Fund balance for that member which existed at the last day of the sixth year.

Year 7: 40 percent (40%) of any positive Claims Fund balance for that member which existed at the last day of the seventh year.

Year 8: 60 percent (60%) of any positive Claims Fund balance for that member which existed at the last day of the eighth year.

Year 9: 80 percent (80%) of any positive Claims Fund balance for that member which existed at the last day of the ninth year.

Year 10: 100 percent (100%) of any positive Claims Fund balance for that member which existed at the last day of the tenth year.

(c) Ninety percent (90%) of that vested or partially vested member's positive Claims Fund balance will be returned to that member over a five year period with the remaining 10 percent (10%) retained by the Risk Pool to cover expenses and administrative costs.

(d) At the completion of that fiscal year after the fiscal year in which such vested or partially vested member's membership ceases, that member's positive Claims Fund balance, if any, will be determined. Ninety percent (90%) of the balance so determined will be segregated but remain among the Risk Pool's invested monies. That member will receive annual payments for the next five (5) years, from the member's segregated balance so determined, as adjusted from year to year, at the following times and in the following amounts:

Year One
Year Two

Five Percent (5%)
Ten Percent (10%)

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Year Three	Twenty Percent (20%)
Year Four	Thirty Percent (30%)
Year Five	Balance Remaining

- (e) Payments to such former members will be made on August 15 of each year for each of the five (5) years identified in the preceding subparagraph and shall include interest on the remaining balance, if any, calculated on the basis of that weighted average rate of interest earned on all Risk Pool investments for the fiscal year ending June 30 immediately preceding.

- 4.5 The Risk Pool reserves the right to reassess any former member up to the total amount of the returned Claims Fund payments made to that member as so calculated in Section 4.4 above, if claims develop subsequent to membership termination, which have not been calculated in the reserve for incurred but not reported claims. And with respect to any covered reported claim for which reserves have been established and liability eventuates after non-renewal, withdrawal or cancellation of membership of that member, the member shall remain liable to the Risk Pool for reimbursement and restitution of any amounts paid by the Pool in satisfying any such liability for amounts paid in excess and beyond any returned Claims Fund payments made under Section 4.4.

Sections 5.5 through Sections 10.6 shall be added as follows:

- 5.5 Title of all of the monies paid into the Risk Pool and all other property of the Risk Pool shall be under the constructive possession of the Trustees, and members shall have only that right, title or interest in or to the property specified in Paragraph 6 of the 28E Agreement. It is the intent of the parties hereto that the Risk Pool shall continue, until terminated as provided in the 28E Agreement, for the sole and exclusive benefit for members entitled to benefits of this Risk Pool shall at any time be subject in any manner to anticipation, alienation, claims for alimony or marital or child support, sale, transfer, assignment, pledge, encumbrance, or charge, in any attempts to do so shall be void.

- 5.6 The Trustees shall have the investment powers specified in the Investment Policy.

Section VI

Audits and Reports

- 6.1 The Trustees shall account and report to the membership at least annually and the Risk Pool shall be audited at least annually pursuant to the By-Laws.

Section VII

Amendment

- 7.1 This Agreement may be amended to any extent at any time, and from time to time, with the two-thirds (2/3) concurrence of all the membership at that time; provided, however, that no amendment may be submitted or acted upon which shall divert the Fund, or any part thereof, to a purpose other than that set forth in Section 2.1 or inconsistent with the Investment Policy required in Section 5.3 hereinabove. Upon passage of any such amendment, the amendment to this Risk Pool Agreement shall be immediately distributed to the entire membership discretely showing the amendment(s) adopted.

Section VIII

Termination of Risk Pool

- 8.1 The Risk Pool may be partially or wholly terminated in accordance with Sections 6 and 7 of the 28E Agreement.

Section IX

Obligation of Members

- 9.1 The Risk Pool and its members jointly agree to assume and discharge by payment up to the limit of the Fund and any Pool retention under any then existing insurance or reinsurance relationship, any liabilities created with respect to any claims, causes, demands or litigations brought against the Fund or any of its members covered by any Heartland Insurance Insuring Agreements with its members whether or not such liabilities arise by judgment, appeals, compromise and settlement, interpleader or by any other lawfully enforceable means and agree to be jointly and severally liable for any such claim, cause, demand, or litigations where either no insurance or reinsurance exists.
- 9.2 An individual member shall additionally be and remain jointly and severally liable for the aggregate of all members' losses in any fiscal year beyond any then balance in the Fund. The liability of any member for an additional assessment to cover then pending claims and/or replenish the Fund shall be determined according to the

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proportion that each member's standard premium contribution bears to the total contributions to the Risk Pool. For these purposes, each member's past five years of premiums will be averaged so that the resulting assessment proportion more fairly reflects the resulting assessment required.

- 9.3 Each member agrees to be bound by all of the terms of the Risk Pool Agreement as amended from time to time and to abide by the By-Laws, Operating Procedures and Investment Policies promulgated by Trustees for the administration of the Risk Pool, which shall include, but not be limited to, the following:
- (a) Each Member agrees to initiate and maintain a safety Program to reduce frequency of losses and help eliminate the likelihood of severe losses, and agrees to follow the general recommendations of the Risk Pool, its Administrator and Service Agents to promote these objectives.
 - (b) When a member learns of an occurrence affected by this Agreement, the member shall immediately complete and file the original and one copy of a claim report with the Service Agent and claim service designated by the Trustees.
 - (c) If claim is made or suit or other proceeding is brought against the member, the member shall immediately forward to the Risk Pool and its Service Agent every demand, notice summons or other process received.
 - (d) The member shall cooperate with the Risk Pool, and, upon the Risk Pool's request, shall attend hearings and trials and shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and otherwise cooperate in the conduct of suits, hearings or proceedings. The member shall not, except at its own cost, which shall not be reimbursed by the Risk Pool, voluntarily make any payment, assume any obligation or incur any expense other than for such immediate medical or other services at the time of injury as are required by Iowa statute.
 - (e) Each member shall make prompt payment of all premium contributions, assessments, and charges required under this Agreement, By-Laws and the Operating Procedures.
 - (f) Each member does hereby appoint the Service Agent as Agent to act in the member's behalf to file reports and to make or arrange for payment of claims, medical expenses and all other things required or necessary insofar as they affect the member's liability under the rules, regulations and orders of any governmental authority.
 - (g) Each member agrees that, in the event of the payment of any loss by the Risk Pool under this Agreement, the Risk Pool shall be subrogated to the extent of such payment to all the rights of the member against any person or other entity legally responsible for damages for said loss, and in such event, the member hereby agrees to render all reasonable assistance, other than pecuniary assistance, to effect recovery.
 - (h) The Trustees, the Service Agent, and any of their agents, servants, employees or attorneys, shall be permitted at all reasonable times to inspect the member's work places, plants, works, machinery, and appliances covered by this Agreement, and shall be permitted at all reasonable times and within three (3) years following Termination of membership to examine member's books, vouchers, contracts, documents, and records of any and every kind which show or tend to show or verify premium contributions which are payable or were paid to the Risk Pool.

Section X

Miscellaneous

- 10.1 The members shall furnish to the Trustees such books and records and any and all other information that the Trustees or the reinsurers of the policies may require in connection with the issuance of a policy or policies.
- 10.2 No person, firm or corporation dealing with the Trustees shall be obligated to see the application of any Fund or property of the Risk Pool, or to see that the terms of the Risk Pool have been compiled with or be obligated to inquire into the necessity of expediency of any act of the Trustees, and every instrument executed by the Trustees shall be conclusive in favor of any person, firm or corporation relying thereon that:
- (a) At the time of the delivery of said instrument the Risk Pool was in full force and effect;
 - (b) Said instrument was effected in accordance with the terms and conditions of this Agreement; and
 - (c) The Trustees, as the case may be, were duly authorized and empowered to execute such instrument.
- 10.3 All questions pertaining to the validity, construction and administration of this Risk Pool Agreement shall be determined in accordance with the laws of the State of Iowa.
- 10.4 Words used in the masculine gender shall also be constructed as though they were used in the feminine or neuter form, and words used in the singular form shall also be constructed as though used in the plural form, and vice versa, all as the context requires.

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- 10.5 If any part of this Agreement, or the By-Laws, Operating Procedures, or Investment Policies authorized by this Agreement, are determined to be unconstitutional or void as a matter of law for any other reason, it is the intent that the remaining parts not so affected by any such decision shall continue to remain valid and operational for the purposes of this Agreement.
- 10.6 This Agreement may be signed in one or more counterparts, all of which taken together shall constitute one instrument. The signatures of parties appearing on one or more counterparts shall bind them as fully as though all such parties had signed the same counterpart.

IN WITNESS WHEREOF, the members of the Risk Pool have caused this Agreement Amendment, which may be executed in one or more counterparts, to be executed by the duly authorized Chairperson of the Board of Trustees and the member has caused the Agreement Amendment to be executed by its duly authorized representatives.

Date

Chairperson of the Trustees

Date

Chairperson, County Board of Supervisors

_____ County

Moved by Buch, seconded by Vermedahl, to acknowledge the hire of Tyler Helms as part-time seasonal help with the conservation department, effective May 30, 2007, at \$8.00 per hour. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-25. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-25 90-DAY EMBARGO--SPECIFIC ROADS RESOLUTION

WHEREAS: The Benton County Board of Supervisors recognizes the severity of the past winter and its effect on certain hard surfaced roads during the period of thawing this spring, and

WHEREAS: Sections 321.236(8), 321.255, 321.471, and 321.473 of the Code of Iowa provide the authority for local authorities to impose restrictions as to the weight of vehicles to be operated on any highway under their jurisdiction and Section 321.463 establishes the penalty for violating said restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the following weight restrictions are in effect for the period of 90 days from May 1, 2007, or until rescinded by the removal of signs by the proper authority, if conditions warrant an earlier date:

20-TON LIMIT

Complete Listing of Roads to be embargoed

No.	Road name / number	From	To
1	79 th Street	24 th Avenue	26 th Avenue
2			
3			
4			
5			

The County Engineer is hereby directed to have erected such signs as are necessary to advise the traveling public of these limits, in accordance with Section 321.472.

Passed and approved this 1st day of May 2007.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

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Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

May 3, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 1, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the liquor license for the American Legion, George G. Luckey Post #57. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Homer Narber Farm, Inc. in the SE1/4 of the SE1/4 of 18-84-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to grant preliminary approval for an easement to Alliant Energy, along Lot 1, Block 3, Luzerne, for utility lines. The easement will be brought to the Board for final approval. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Right of Entry Agreement between Benton County and the Union Pacific Railroad relative to the replacement of the bridge in Luzerne, Iowa. Further, the payment for the administrative fee to Union Pacific Railroad is approved for immediate issuance. All members voting aye thereon. Motion carried.

Mary Junge met with the Board regarding the payment of tax. Junge presented information that where she had contacted the assessor's office in 2002 and reported that the parcel assessed against her was not owned by her. The assessor's office advised that the records were corrected for the following year and the auditor's office initiated a correction for the 2002 statement. Subsequently, Junge paid taxes on bills received in the future based on the advice from the assessor's office that the error had been corrected. Junge then realized this year that there was still an error in the records. Junge contacted the treasurer, who advised Junge not to pay the tax and that no penalty or interest would be assessed against her. The auditor questioned the statement made by Junge in her written presentation that it was determined that the error was that of the auditor's office, adding that at no time did Junge have conversations with the auditor's office. Junge stated that she was told that by the treasurer or someone else, but was not sure. The auditor stated that she was not contacted regarding this issue until six months ago, other than the auditor's correction done in 2002. The treasurer stated the source of the error had not been determined. The supervisors were in agreement that the matter was unfortunate and that property owners had taken steps to correct the error and should not be penalized by the county's refusal to reimburse them. Moved by Vermedahl, seconded by Buch, to refund Junge the amount of the erroneous payment and to abate the interest and penalty assessed. Supervisor Sanders questioned how this matter would be handled. Supervisor Vermedahl stated that was between the assessor, auditor, and treasurer. Supervisor Sanders asked the auditor how the refund would be paid. The auditor stated that it would be paid from the county's general fund. The auditor advised that the Board would need to adopt a resolution to abate the tax, as that was a procedural requirement. Supervisor Vermedahl rescinded his original motion and Buch seconded the rescission.

Moved by Vermedahl to adopt Resolution #07-26, abating the penalty and interest accrued against the parcel. Supervisor Sanders reiterated that he wanted additional time for research the legalities of the matter. Question: Buch and Vermedahl voting aye and Sanders nay. Motion carried.

RESOLUTION #07-26
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$82.00 is hereby abated on parcel numbered 470-02400.

Dated this 3rd day of May 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST:

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to reimburse Dave Junge and Mary Junge for taxes erroneously levied against parcel numbered 470-02400 in the amount of \$2,386.00. Supervisor Sanders again stated that he wanted additional time to research legalities of the reimbursement. Vermedahl and Buch voting aye. Sanders voting nay. Motion carried.

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

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Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 8, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 3, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 92062 thru 92258 for payment. All members voting aye thereon. Motion carried.

Frank Egidi, manager of Timber Ridge Mobile Home Court met with the board to discuss property taxes owing on mobile homes that have been either abandoned or have no value. Egidi advised that he met with the county attorney and was told to come to the board and ask for abatement of all taxes and penalties. Egidi also stated that Iowa Code Chapter 555C, states that once the property is abandoned there are no back taxes owed on it. Egidi requested clarification as to the procedure of canceling the taxes owed and to make sure that the county follows through with what the Code requires. County Treasurer Kelly Geater was also present and requested a list of the mobile homes that Egidi is referring to and will then check on their tax status. The board advised that they wanted to discuss the matter further with the county attorney before taking any action.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Farmers Mutual to place utility lines in the county's right-of-way in sections 2 and 3 of Canton Township, north of Shellsburg. All members voting aye thereon. Motion carried.

The County Engineer presented quotes for a new 1/2-ton extended cab pickup truck with trade-in. Quotes were received as follows:

Ervin Motor Co. – 2007 GMC Sierra 1500 Ext Cab 2WD Standard Box - \$15,800

Craig Griffith Ford Co. - 2007 Ford F150 2WD Ext Cab-\$16,835

Craig Griffith Ford Co. -2007 Ford F150 2WD Ext Cab-\$17,046

Craig Griffith Ford Co. (2) -2007 Ford F150 2WD Ext Cab-\$17,161

Ervin Motor Co.-2007 GMC Sierra 1500 Ext Cab 2WD Standard Box-\$17,417

Craig Griffith Ford Co. -2007 Ford F150 2WD Ext Cab-\$17,431

Shaull & Ullerich Chevrolet-2007 Chevrolet Silverado LS 1500 2WD Ext Cab-\$19,159

John Grieder Motors, Inc.-Declined

Moved by Vermedahl, seconded by Buch, to purchase one GMC Sierra pickup from Ervin Motor Company at a cost not to exceed \$15,800.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan update filed by Christensen Farm's Midwest L.L.C. located in section 33 of Cedar Township. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

May 10, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 8, 2007. Both members voting aye thereon. Motion carried.

Dale Bohnsack met with the Board to request a variance to Benton County's Subdivision Ordinance and to request the approval of a replat of two lots located in Terrace Green Estates, First Addition. The subdivision was created prior to any ordinances regulating subdivisions and therefore was not required to have central water, central sewer, or hard surfaced roads. However, the county's regulations require that all changes to subdivision plats are subject to the requirements of the current ordinance, but allow the Board to vary the regulations if a hardship exists. The Board discussed that a substantial hardship would be created if the subdivision were required to comply with current regulations due to the fact that it was created prior to the enactment of the county's subdivision ordinance.

Moved by Buch, seconded by Vermedahl, to grant a variance to the requirements of the Benton County Subdivision Ordinance, including central water, central sewer, and hard surfaced roads, for the purposes of replating the lot line between Lots 21 and 22 of Terrace Green Estates First Addition to Benton County, Iowa. This variance applies to the specific replat of the lot line between Lots 21 and 22 only and any other changes to the subdivision plat shall be required to come before the board of supervisors for consideration on a case-by-case basis relative to the county's subdivision ordinance. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-27. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #07-27
TERRACE GREEN ESTATES FIRST ADDITION BENTON COUNTY, IOWA
RESOLUTION APPROVING RE-PLAT OF LOT 21 AND LOT 22

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WHEREAS, the Benton County Board of Supervisors has been presented with a Final Plat for the RE-Plat of Lot 21 and Lot 22 Terrace Green Estates First Addition Benton County, Iowa, per the plat recorded in the office of the recorder of Benton County, Iowa, and;

WHEREAS, the owners, Dale and Roberta Bohnsack, owners of Lot 21, and Ronnie and Karla Dunn, owners of Lot 22, have had a re-plat of Lots 21 and 22, Terrace Green Estates First Addition to Benton County, Iowa, subdivides and readjusts the common boundary lines, which reduces the size of Lot 21 and increases the size of Lot 22, said re-plat clarifying descriptions and boundaries pursuant to Iowa Code Section 354.6, and

WHEREAS, the previously approved Restrictive Covenant filed with the original plat apply to the re-plat, and WHEREAS, the Benton County Board of Supervisors has reviewed said re-plat and fully discussed same and find it advantageous to Benton County, Iowa,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors, on behalf of Benton County, Iowa, that the final plat re-platting Lots 21 and 22, Terrace Green Estates First Addition Benton County, Iowa, be approved and accepted.

This Resolution was passed and approved on the 10th day of May, 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald Buch

David Vermedahl, Vice Chair

ATTEST: _____

Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

May 15, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 10, 2007. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:05 a.m.

Marc Greenlee, Land Use Administrator, presented requests from Beau Chene Inc. for variances from the Amended Benton County Subdivision Ordinance #26, and specifically to the central sewer and water supply requirements, as well as an application for a land use change for the purposes of creating a 6-lot subdivision on a Part of Parcel D of 11-85-9 and a Part of Parcel E of 2-85-9. The applicants have prepared and submitted a preliminary plat of the proposed subdivision named River Valley 1st Addition to Benton County, Iowa. There were approximately thirteen interested persons present including Rick and Barb Osterkamp (applicants) and Dick Ransom of Hall & Hall Engineering, the Osterkamp's engineer.

Greenlee reviewed the subdivision proposal and the variance requests: The lots range in size from 2.02 acres to 16.79 acres, with a common area which includes a part of an old quarry in the southeast part of the proposed subdivision. Greenlee explained that the request is subject to the requirements of Ordinance #26. Restrictive covenants have been drafted. Greenlee briefly reviewed the requirements of the county's ordinance to those in attendance, i.e. plats, hard surface roads, and central water systems and sanitary sewer systems. Greenlee repeated however that the applicants are requesting a variance to the sewer and water requirements. Greenlee stated that the applicants do not want to create a central sewer system but construct private on-site systems instead. Greenlee advised that sand filter systems are being proposed, which are rather typical in Iowa and are classified as an alternative system. This is a pass-through system and discharge would go into conventional trench systems. The Department of Natural Resources would not be involved if a variance is granted to the sewer requirements, as individual septic systems are not subject to their oversight. The request for variance to the central water system is to allow the use of an existing well on Lot #6. All other lots would have one central well. The DNR has oversight of public water supplies, which is defined as a system that has 15 or more service connections or serves twenty-five or more people for at least 60 days a year. The preliminary plat that was submitted meets the requirements of the ordinance. The proposed subdivision is located within two miles of Urbana and Urbana has the statutory authority to review any subdivision plats within that area. Urbana has not had time to review the proposal, but the action of the county is not affected by the action of the city. The city may decide to review the proposal or waive their right to review, but since it is in an area where two governing bodies have jurisdiction, it must be approved by both governing bodies if not waived by the city.

Greenlee continued with the review of the proposal relative to land use. Greenlee reiterated that Lot #6 is the largest of the lots containing approximately seventeen acres. The lot has an existing machine shed and well. The well has been tested and is acceptable for drinking water. The land for the entire proposal is not in production, but is currently in pasture. There are three soil types with six different classifications due to slope. The lowest corn suitability ratio (CSR) is located in the southeast corner and is "0" as it is the old quarry site. The highest CSR is located on the southwest corner where the soil is a Fayette silt loam with slope and has an approximate CSR of 68. The average CSR for the entire piece is 17.7. There are two driveways proposed. One drive is existing and is located approximately two hundred and sixty feet north of 57th Street Trail (the access to Wildcat Park). This drive has an asphalt surface and would access Lot #6. The second drive is located approximately nine hundred and thirty-six feet north of 57th Street Trail. It is also

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preexisting as it was constructed when the applicants built their home several years ago and would be the access to the remaining lots.

Greenlee stated that the soil type is generally conducive to on-site sewer systems if they were constructed, adding that percolation is usually fine but with the fair amount of slope, the developers agreed to do systems that do not have detailed laterals.

The surrounding use consists of six to seven rural residential homes within ¼ mile of the site and many more within ½ mile. Greenlee advised that he has received letters and phone calls from residents in the area citing their current uses, which included livestock and pasture to the west and northwest of the site, hogs on the Swanson property, tillable land to the north, and timber to the east, Wendling Quarry to the southeast, and a rural residence in the timber to the northeast, as well as the river further to the south. The site is not in a flood plain. Greenlee reported that John Tuthill called from Wendling Quarries for general information and did not indicate any problems, although there was some discussion about the possibilities of the existing quarry becoming active and its affect on the proposal. Matt Rissi called Greenlee and inquired as to the distance required for discharging firearm for hunting purposes. Current law restricts discharging a firearm within two hundred yards of an existing residence, livestock, feedlots, etc. unless the owner gives permission. Rissi asked if permission could be included in the restrictive covenants, but Greenlee advised that restrictive covenants are private and not an enforcement matter for the county. Greenlee stated that he received nine letters from area residents, which were fairly similar in nature as evidenced by the people inserting their names and signing. Some letters contained additional comments. Greenlee stated that seven adjacent property owners, located within five hundred feet, had been notified in accordance with the land use ordinance and notice of today's hearing was published in the newspapers. Greenlee then read the letters that he received and introduced them for the record. All letters were in opposition to the proposed subdivision. Letters were received from: Edwin & Bev McVey, Mr. & Mrs. John Swanson with the comment that they operate a hog confinement, Lorena Karr, James McBurney, Leonard Lenicek, Robert & Sharon McElrath, Helen Karr, Jerry Jordan, and John Minnick.

Vic Jones was present at the hearing and stated that he owns Otter Creek Construction & the Northfield Ranch subdivision in Benton County. Jones stated that prior to purchasing Northfield Ranch, he spoke to Greenlee, as well as other people, and one of his specific questions was what development in Benton County was going to be allowed, and stated that he was told that no new subdivisions would be allowed until the existing subdivisions were filled. Jones stated that if he had more time before today's hearing, he could have found out how many lots are still open. Jones added that he sold twenty-one acres lying north and adjacent to Northfield Ranch as he was told that he could not develop the area without putting in central sewer. Jones stated that as a developer, he did not believe it was right to change that now (requirement for central sewer).

Greenlee advised that the current subdivision ordinance requires central water and sewer and has been in place since May of 2001. Greenlee added that the applicant asked to submit a request for a variance to those restrictions.

Ron Heins, also present, stated that his son sold the ground to Osterkamp and he (his son) had spoken with Greenlee prior to that and was told the land could not be developed. Heins added that if this is going to go through then I expect him to come back with some liability against the county. Greenlee responded that Hein's son would have been told about the requirements for central water and central sewer, but not told that it could never be developed.

Ed Swanson questioned the stability of the water table, adding that he just drilled new well and spent \$10,000. Swanson stated that the water table can only support so many properties and he has a hog operation and the hogs have to have water. Swanson stated that there should be no way for the development to occur. Heins stated that the supervisors should go ahead and approve the development with the variances as he has forty acres that he will come in and request the same consideration. Heins asked where the county would draw the line. Swanson echoed the comment.

Supervisor Sanders stated that the county and the applicants are going through this process because the county has an ordinance in place. Sanders stated that the applicants have the right to come before the supervisors.

A petition containing thirty-four signatures opposing the proposal was submitted to the Board for entry into the record.

Marc Greenlee then summarized his review of the land stating that relative to the county's comprehensive plan this is the type of ground to develop due to the low CSR, the site is within 1.75 miles of the City of Urbana, and is located on a hard surfaced road.

Dick Ransom, Engineer with Hall & Hall Engineering located in Hiawatha, Iowa, explained that he was hired by the applicants to assist them with preparation of the preliminary plat and variance requests. Ransom stated that given the size of the lots (six lots on forty acres) and the ability of the soil to handle individual on-site septic systems and with restrictive covenants requiring sand filter systems with no discharge, that individual sewage disposal systems would be appropriate. The systems would be designed appropriately for the soils and the locations and rather than collect sewage and have a discharge point, it would be appropriate to install individual sand filter systems.

Ransom continued that relative to the request for a variance to the central water system, the request was to allow Lot #6 to utilize the existing well. The well is safe and capable of serving Lot #6. The remaining lots would have a central water system, which may or may not be subject to DNR regulations dependent upon the number of residents in each lot.

It was questioned if the water system is determined to be a public water system at construction or if it could change as the number of people using the system changed. Ransom responded that the system would become public at any such time as it exceed the twenty-five person threshold and would have to comply with regulations governing public water systems at that time. Ransom added there are no restrictive covenants as to the size of families.

It was questioned if the common area figured into the average lot size and Osterkamp advised that five acres was taken from the total prior to calculating the average lot size. The five acres would cover the common area.

Vic Jones questioned if the quarry had retained mineral rights. Barb Osterkamp replied that an agreement was signed stating that no commercial use could be made from the quarry rock. Osterkamp added that it was not to their advantage to operate the quarry due to vibrations that may affect the aquifer.

Supervisor Sanders asked the applicants if they had any further comments to which they replied they did not. Marc Greenlee, Land Use Administrator, stated he had no further information to present.

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John Tuthill, Property Manager for Wendling Quarries stated that he is neither for nor against the proposal, but stated that there is sandpit to the southeast of the proposed site that the company may use through an agreement with Matt Rissi. Tuthill stated that if the sandpit is utilized, there will be truck traffic associated with that operation to the south and east. Tuthill stated that Wendling also has a quarry site to the southwest of the proposed development site that could be reactivated if needed. Tuthill cautioned that just because sites are inactive now, they can be reactivated and there would be associated truck and noise. Osterkamp stated it would just add to the Big Timber trucks.

Howard Ashlock stated that he has lived there since 1966, and that he didn't move out there to be in town. Ashlock stated that he realized that the supervisors have a thirst for tax dollars, adding that they are so thirsty for tax dollars that they allow houses everywhere, leaving the neighbors with the noise, snooty people, and all the problems.

Supervisor Vermedahl responded that the applicants were asking for a variance and that the board of supervisors had not taken action on anything yet. Vermedahl stated that the supervisors were listening to the proposal just as those in attendance were.

Sandra Ashlock questioned what would happen to the wildlife, adding that animals are being chased out of their habitat. H. Ashlock asked what was being left for our children, stating that there used to be trees and timbers that nobody disturbed and that there will not be anything left.

Heins asked if the county was aware that there was an old landfill on the property. Heins stated that there was a dump in that area and that B.L. Andersons bulldozed it over and shut it. Osterkamp stated that the landfill was not disclosed to them when they purchased the property. Supervisor Sanders directed that all comments be made to the supervisors and not to others in attendance. Comments were made stating that cattle had been on that site for years and they hated to see the area change, adding that someone comes from the city and thinks they can change things.

Supervisor Sanders stated that this issue is a hard line to walk. Sanders stated that people have private property rights and people need a place to live. Sanders stated that people are going to continue to come into Benton County and it is difficult to say what property owners can and can't do with their property. A comment was made in response that the supervisors need to find a fine line to stop some of the development.

Supervisor Sanders stated that the county's current ordinance is quite restrictive, but it is never restrictive enough when the development is next to your land.

It was asked if the county would oil the road in front of a residence due to the increase traffic that the development would bring. It was also asked if current property owners were grand fathered in and protected from problems created by the changes as in farmers being sued by homeowners. It was also questioned what would happen if the water table was disturbed. Dick Ransom responded that the developers would do their research before drilling and make sure the well was properly placed. Marc Greenlee responded that if someone files a complaint it has to be investigated and if you change the use of your property then you need approval, but that he cannot file a complaint against hog smell, etc. His inability to file a complaint however does not prevent someone from filing a civil action, so the county cannot tell you are protected as anyone can file a lawsuit about anything if they feel they have issue. Supervisor Sanders added that allowing this development would only add a "few more eyes".

Supervisor Vermedahl stated that the question on granting the requests boils down to the subdivision ordinance. The subdivision ordinance has restrictions as to how the supervisors can vary requirements. Vermedahl stated that the supervisors need to determine whether to grant the variance because a hardship exists or if the request is an attempt to circumvent the ordinance. Vermedahl added that he did not want to make a decision on the matter this morning, stating that he wanted to take time to review the information presented, adding that the supervisors have not had this matter presented to them before today and that the supervisors need to make a decision that they can live with in the future, so people are treated equally.

Supervisor Sanders stated that he has driven past the proposed development site countless times, but would like to drive into the area and also decide if a hardship exists. Supervisor Vermedahl added that the county has granted variances to the subdivision ordinance in the past, but the variances are granted in pre-existing subdivisions and that that he was unaware of granting variances to the ordinance for a new subdivision.

Moved by Vermedahl, seconded by Buch, to defer action on the requests for variances and a land use change submitted by Beau Chene, Inc. until May 24, at 9:05 a.m. All members voting aye thereon. Motion carried.

Patricia Gilbaugh met with the Board regarding the creation of a private non-profit organization providing mental health services for children and young adults. Gilbaugh was requesting a letter of support identifying the need for this type of service and supporting bringing children's mental health services to the rural communities of Benton County, and support active partnership through various county agencies. Gilbaugh also requested that her organization be allowed to use law enforcement radio frequencies for communication purposes. Moved by Vermedahl, seconded by Buch, to direct the chairman to draft a letter of support to Independent Child Advocate Services to meet the emotional and mental health needs of children in Benton County. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into Law Enforcement Agreements with the following cities: Mt Auburn - \$520 annually, 26 hours per year; Keystone - \$5,200 annually, 260 hours per year; Newhall - \$15,600 annually, 780 hours per year. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on April 31, 2007, was \$75,381.71.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Iowa Telecom to place utility lines in the county's right-of-way in section 7 of Polk Township, along 51st Street Drive. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Nick Staab as a seasonal employee with secondary roads, effective June 4, 2007, at a wage of \$9.00 per hour. All members voting aye thereon. Motion carried.

The county attorney requested authority to destroy old United States Code Annotated and Am Juris Prudence Second books. He also asked the Board to consider donating the old Iowa Reports, last published in the 1960's, to someone or some organization. Moved by Vermedahl, seconded by Buch, to authorize the county attorney to destroy the old United States Code Annotated and the Am Juris Prudence Second Edition as the books are outdated and no longer of use. All members voting aye thereon. Motion carried.

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The county auditor requested direction from the Board as to the requirements for advertising county jobs, including part-time and seasonal. The county attorney stated that the Iowa Veterans Preference law requires that at a minimum all positions must be posted for 10 days on the bulletin board in the courthouse. Thompson stated that the county has a county website, which would make it more economical to advertise at least through the medium. The county attorney stated that a more fair process would be to advertise in the Livewire and the 4-County Market, which costs less than \$100, which would also improve the public's perception. Supervisor Vermedahl questioned that when the weed commissioner re-hires the same person every year whether that position would need to be advertised. The county attorney stated if the person was still an employee who just had not been working then it would not. The auditor responded that those employees are terminated at the end of the season and considering them as year-round employees could create other issues. The discussion also touched on part-time employees who had not been scheduled to work for a significant period of time and whether they should automatically be terminated. That matter will be discussed at a later date. Moved by Buch, seconded by Vermedahl, that all positions, including part-time and seasonal, for county employment be advertised in a local newspaper(s) and posted on the bulletin board in the courthouse to meet veteran's preference laws. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into a two-year labor agreement between Benton County Sheriff's Department and Chauffeurs, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffeurs & Helpers of America, for 2007-2009. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a liquor license and outdoor service area for the Blairstown Demo Derby. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 22, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 17, 2007. Both members voting aye thereon. Motion carried.

Renae Tharp met with the Board to discuss the supply left of Benton County maps. Tharp advised that she is on her last box of maps, which will be taken to the county engineer's office. Tharp asked if the Board wanted additional maps printed, and if so, if any changes were needed. Tharp presented different ideas for the back of the map, including city maps, paid advertisements to offset costs, and area attractions. The Board asked Tharp to return with more concrete ideas that would show the communities and attractions.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 92259 through 92541, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the application for Disabled Veteran's Homestead tax credit on parcel #010-16100, as recommended by the county assessor. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to provide a letter of support for a grant application being submitted by Benton County Conservation in the efforts to purchase 37 acres near Hannen Park. Both 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 amending the FY07 budget, the Board took up the matter for consideration. Mary McLaughlin, Data Processing Director, was present. There were no comments either for or against said amendment. The amendment had been published in the official newspapers as required by law. Hearing no comment, it was moved by Vermedahl, seconded by Sanders, to adopt Resolution #07-. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #07-28

BE IT REMEMBERED on this, the 22nd day of May 2007, 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 10, 2006. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$+86,950
Physical Health & Social Services	\$+30,300
County Environment & Education	\$+11,615
Roads & Transportation	\$+3,000
Government Services to Residents	\$-12,439
Administration	\$+5,311
Capital Projects	\$-480,340
<u>REVENUES</u>	<u>Amount</u>

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Intergovernmental	\$-298,200
Charges for Services	\$-12,000
Use of Money & Property	\$-9,900
Miscellaneous	\$+224,451
Proceeds of Fixed Assets	\$+35,000

Dated this 22nd day of May 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Kevin Paulsen, RSM McGladrey, met with the Board regarding the status of the compensation analysis for Benton County. Paulsen reviewed an update on the job description and what information he was waiting on for finalization. Paulsen stated that he has compiled slightly more than fifty descriptions, which will result in additional costs over what was quoted. Paulsen advised that he would provide a copy of all job descriptions in electronic format when completed. Paulsen also presented an updated compensation comparable with other counties. The updated comparison includes additional Linn County information. Mary McLaughlin stated that when comparing her position with other counties, her office has many more servers than those counties used in the survey, as well as the additional jobs that her department does that other data processing departments do not. County Attorney David Thompson questioned why the amount entered into the comparables for the assistant county attorney was entry level. Thompson stated that his assistant has over twenty years of experience. Thompson stated if that is the final analysis for that position then it is completely erroneous for that position. Thompson also asked about the other positions in his office, as they were not included. Paulsen advised that he has not completed the analysis for those positions. Thompson also stressed that the counties used in the comparison do not necessarily have the same caseload. Thompson also stated that the sheriff's salary is to be compared to other law enforcement positions within the state, i.e. Highway Patrol, Department of Criminal Investigation. Supervisor Vermedahl stated that he sees the information as a tool and not a final analysis. Vermedahl stated that Jones County probably has a caseload equal to or higher than Benton County due to the Reformatory being located there. McLaughlin also stated that she has concerns that experience is not reflected in the compensation analysis. Paulsen stated that experience is somewhat difficult, because an employee should have the requisite amount of expertise after five years or so.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Farmers Mutual Telephone Company to place utility lines in the county's right-of-way along 56 Street Trail, in Section 1 of Benton Township. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for CIPCO to place utility lines in the county's right-of-way along 22nd Avenue in Big Grove, Eden, Taylor, and Jackson Townships. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 24, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 22, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-29. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-29
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$4,493.88 is hereby abated on parcels numbered 240-15601, 270-15652, 370-01551 and 380-10301 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 May 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ron Buch

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign a letter requesting an extension of the Community Development Block Grant for the Watkins wastewater treatment project, contract #03-WS-040. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan update filed by Rick Pickering for the facility located in the NE1/4 of the NW1/4 of 12-83-12 (Kane Township). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Doyle Pettit as a part-time driver for Benton County Transportation, at a wage of \$10.16 per hour, effective June 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair and auditor to sign an electric line easement for Interstate Power & Light Company, in Lot 1, Block 3, of Luzerne, Iowa. All members voting aye thereon. Motion carried.

ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Benton County ("Grantor"), P.O. Box 759, Vinton, Iowa, 52349 does hereby warrant and convey unto Interstate Power and Light Company, an Iowa Corporation, its successor and assigns, ("Grantee"), a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an electric and telecommunication line or lines, consisting of poles, towers, crossarms, insulators, wires, guy wires, anchors, and other necessary fixtures, equipment and construction for transmitting electricity, communication and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, over and across the following described lands located in the County of Benton and the State of Iowa:

The Westerly 20 feet of Lot 1, Block 3, Original Town of Luzerne, Benton County, Iowa, located in Section 18, Township 82 North, and Range 11 West of the 5th P.M., Benton County, Iowa. As per attached Exhibit "A".

Together with all the rights and privileges for the full enjoyment or use thereof of the aforesaid purpose.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above which would result in a violation of the minimum clearance requirements of the National Electric Safety Code or would interfere with the operation and maintenance of the line.

Grantor(s) also conveys the right and privilege to trim, cut down or control the growth of any tress or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, operation, repair, use of, or which in falling might touch the said line or lines.

Grantee, its contractor or agent, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to said line or lines, over/under lands now owned by the Grantor(s), for the purpose of construction, reconstruction, maintaining, operating, patrolling, repairing and removing said line or liens, and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, patrolling or repairing said line or lines.

Signed this ____ day of _____, 2007.

GRANTOR

Benton County

By: _____
Jason Sanders, Chairman

By: _____
Jill Marlow, Auditor

Dr. Duane Schmidt met with the Board regarding the donation of a mural to Benton County. The mural will be framed in oak for hanging. Schmidt asked that the wall be hung outside the Board of Supervisors room. Schmidt stated that he has contacted Radio Communications about moving the alarm system currently located on that wall. Supervisor Vermedahl stated that the placement of the mural outside of the boardroom could subject it to vandalism. Schmidt advised that the mural will be shellacked and would be pretty well protected. The Board discussed placement on the south courthouse entry wall or the wall near the 3rd floor stairwell. Schmidt stated that it was the Board's decision as to where the mural is placed, but that a decision needed to be made soon so that the appropriate arrangements could be made. Schmidt agreed to return on May 29, 2007, with the carpenter who is framing the mural for further discussion.

The time of 9:05 a.m. having arrived, the Board took up the matter of the request for variances to the County's subdivision ordinance, approval of a preliminary plat and a land use change requested by Beau Chene, Inc. for River Valley First Addition to Benton County, Iowa. There were three members of the public present, the applicants, and the applicant's engineer. A public hearing had been held on May 15, 2007 on this matter, and the Board tabled action until this date to allow time for consideration. Beau Chene, Inc. presented a letter to the supervisors addressing the concern made during the public hearing regarding the loss of the rural atmosphere should the development be approved. The letter stated that River Valley First Addition, to Benton County, had restricted covenants, which would preserve the rural atmosphere by allowing livestock on the lots. It was questioned if the concern about the possible reduction in the water table was answered. Marc Greenlee, Land Use Administrator and County Sanitarian stated that he has no crystal ball to know how much water is available in the aquifer, but when estimating the amount of water needs the development would require, a person could consider the amount of sewage calculated, adding that a four bedroom home generates approximately four hundred gallons of wastewater per day. Greenlee stated that there are no meters on the water, but with six lots at four hundred gallons per day that would be approximately twenty-four hundred gallons of water needed per day, reiterating that there is no way to know for sure. Greenlee continued to state that no wells are at the same depth and therefore the water source is not always the same and that a one hundred foot well may not have an impact on a six

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hundred foot well. Greenlee added that livestock needs during summer can range up to fifty gallons per day depending on animal.

Dick Ransom, Engineer for Hall and Hall Engineering, added that the wells will have to be registered with Department of Natural Resources. Iowa law requires that the design and draw down protect the aquifers, and if they do not then the neighbors may have recourse. The engineers are required to follow the DNR guidelines for sanitary sewer and waste disposal. The estimate of water usage for twenty people is two thousand gallons per day.

Supervisor Sanders stated that the Board of Supervisors waited to make a decision so that they could think about the issue and review the site. Sanders stated that he drove by and visually surveyed the area and has determined that this is definitely land that is not suitable for row cropping and is a beautiful place for houses. However, Sanders stated that he has a hard time seeing what the owner's hardship is for getting around the central sewer requirements of the county's ordinance. Sanders stated he could understand the hardship relative to the central water relative to the pre-existing well, but could not conclude there is a hardship that would allow for a variance to the central sewer requirement.

Ransom responded that the hardship is that the owners are requiring individual systems that would be more than the normal system by making sure they are no discharge systems. These type of systems can relieve the monitoring burden on the county. This is a higher end system and no one will have an option other than the sand mound system and that was our thoughts for the variance request.

Supervisor Buch commented that he doesn't agree with county's current ordinance requiring the central sewer system and that the county is in the process of looking at changing the ordinance. Buch added that no one shows up for the hearings or gets involved in the process until it affects them, adding that people need to show up when we are having these ordinance hearings. Buch then stated that he cannot go along with a variance to the central sewer system because the ordinance will not allow it, as a hardship has not been proven. Buch again reiterated that he doesn't agree with the current ordinance, but it the ordinance in effect and that he is trying to change it. Buch stated that he cannot approve granting a variance because the only hardship is that it is going to cost more money.

Supervisor Vermedahl agreed with Buch's comment in that the Board must make their decisions in accordance with the ordinance in place at this time. Vermedahl stated that the argument for the variance to the central sewer system would apply to any subdivision not just this specific one and that the ordinance is specific in that it states there must be a central sewer system. Vermedahl stated that he could not approve granting a on sewer system requirement, however with the variance to the central water system, he cannot see the hardship but that the applicants are trying to comply with the ordinance. Vermedahl stated that he was in agreement with Sanders that this is one of the best proposals seen in awhile, but that he cannot overcome the need for the variance.

Rick Osterkamp asked that he was requesting a variance as stated, but added that the proposal is low density and there would be eight hundred to nine hundred feet to reach a common leach field. Osterkamp stated that by allowing a sand filter system it would cost the buyer an additional three to six thousand dollars, but would have zero discharge eliminating problems due to poor percolation tests in the sandy soil.

Barb Osterkamp added that they did not want to come to board and pretend there was a financial hardship, adding that they could recover their costs for a central sewer system by adding one more lot. Osterkamp stated that they did not want to add more lots and therefore were looking at different systems. The zero discharge system was the best decision with the use of the land and they didn't want to burden new homeowners with monitoring a central sewer system.

Supervisor Buch interjected that the applicants did not need to convince him that the sand filter zero discharge system was a good system.

B. Osterkamp added that from a common sense perspective, the central sewer requirement didn't make common sense.

Supervisor Sanders stated that the county current ordinance doesn't speak to low density or high density and that the supervisors should consider that when making changes to the current ordinance whether is forty houses on forty acres or six houses on forty acres, but for now the current ordinance has to be followed. Sanders added that if the Board is willing to waive this and that, then they might as well do away with the ordinance.

It was questioned if there was consideration given to the hardship on adjacent landowners. Sanders responded that adjacent landowners need to be involved in the process, but people need a place to live and that private property rights must be balanced between neighbors and landowners.

Moved by Vermedahl, seconded by Buch, to deny request for a variance due to lack of hardship for sewer and further because there is no variance in the plans submitted the land use is also denied. Engineer Dick Ransom requested that the issues be separated and give the applicants the opportunity to return with modifications. Marc Greenlee stated that the issues of the variances, approval of the preliminary plat, and land use approval could be separate issues.

Moved by Vermedahl, seconded by Buch, to withdraw the previous motion.

Moved by Vermedahl, seconded by Buch, to deny the request for a variance to the central sewer requirement for the proposed River Valley First Addition to Benton County due to the lack of a hardship being found. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, that no action be taken at this time on the request for a variance to the central water system, the approval for the preliminary plat, and granting a land use change for River Valley First Addition to Benton County. All members voting aye thereon. Motion carried.

Supervisor Vermedahl left the meeting at approximately 9:40 a.m. to attend another meeting.

Ron Heins did not appear before the Board to speak about salvage yards in the Urbana area. However, Marc Greenlee advised that one salvage yard is in current litigation and therefore he could not speak to the specifics of the case. Greenlee stated that he is aware of a couple of other areas and he is addressing those matters. Supervisor Sanders asked when a new nuisance ordinance would be brought before the supervisors, noting that it had been presented to the public health board. Greenlee advised that the county attorney is reviewing the proposed ordinance, but stated that fencing salvage yards may be a stumbling block.

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

Jason Sanders, Chairman

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ATTEST: _____
Jill Marlow, Benton County Auditor

May 29, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 24, 2007, with minor grammatical corrections. All members voting aye thereon. Motion carried.

Mike Ruden of Durant Engineering met with the Board to discuss the courthouse repair project. Ruden stated that after viewing the property and discussing various issues with maintenance staff, it was his opinion that structural beam repair was not necessary as the beam only has surface rust, windows need replaced, clock face needs repaired, removal and replacement of plexiglass, painting of the dome, tuck pointing, addition of structural tie-offs, reinforcement of and stairs and railing to clock tower. Ruden questioned the need for a study to determine the repairs that need to be done and the associated costs. Ruden suggested that the county just put the project out to bid and at any time during the various projects, if funding is depleted, then the next project would not be completed. Ruden stated that his company would provide a Request for Proposal for the project with cost estimates at no charge to the county. Moved by Vermedahl, seconded by Buch, to accept Durant Engineering to prepare an RFP for the courthouse project at no charge to the county. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to provide a letter of support for a grant application requested by the Blairstown Community Foundation for playground equipment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to allow Vinton Unlimited to use the courthouse lawn on June 21, 2007 for Party in the Park Kids' Night, July 28, 2007 for the annual sidewalk sales, August 2, 2007 and August 9, 2007 for concerts on the courthouse lawn; and November 18, 2007, for the Vinton Christmas Open House. All members voting aye thereon. Motion carried.

Duane Schmidt and Gale Andrews met with the Board to discuss the placement of the mural being donated to the county by Schmidt. The mural is approximately 12'12" x 6'8" and will have an oak framing. Supervisor Sanders stated that the wall could be sanded and the mural adhered directly to the wall.

The county engineer presented quotes for a new motor grader as follows:

Altorfer Inc. - Caterpillar 140M - \$208,785 less \$35,000 trade = \$173,785

Martin Equipment - John Deere 770D - \$183,000 less \$32,125 trade = \$150,875

Road Machinery & Supplies - Komatsu - GD655 - \$187,500 less \$39,500 trade = \$148,000

Road Machinery & Supplies - Komatsu - GD655-3EO - \$201,723 less \$39,500 trade = \$162,223

Scott Van Keppel, LLC - Volvo - G940 - \$185,000 less \$35,000 trade = \$150,000

Altorfer Inc. offered a 7-year buy-back with a 7000-hour guarantee at \$120,000. After discussing the bids and the equipment, it was the engineer's recommendation that the county purchase the Caterpillar unit. The engineer stated that his employees are familiar with the operation of the Caterpillar equipment. Supervisor Buch stated that the county must be able to justify the \$23,000 difference between the Caterpillar and the John Deere equipment, adding that he was not aware of any major problems with the John Deere graders. Buch further stated that he has no problems with Caterpillar, as they are good machines, but that he still needs to justify the \$23,000 difference. Moved by Buch, seconded by Vermedahl, to purchase a John Deere 770D motor grader from Martin Equipment at a cost of \$183,000. All members voting aye thereon. Motion carried.

Supervisor Sanders left the meeting at 10:05 a.m.

The City of Urbana asked to purchase the motor grader that was being traded in (see above) from Benton County at the trade-in allowance of \$32,125.00. Moved by Buch, seconded by Vermedahl, to sell the 1982 Caterpillar 140G motor grader to the City of Urbana at \$32,125.00, subject to county attorney review as to the legalities. Said transaction will take place in FY08. All members voting aye thereon. Motion carried.

The engineer discussed the current embargo on 79th Street. The engineer stated that a farmer located on the embargoed road that needed to move corn contacted him. The engineer also received comments that a local resident had cement hauled over the road while the embargo was in place. The engineer stated that he did not believe the conditions warranted the embargo any longer. Moved by Buch, seconded by Vermedahl, that the embargo on 79th Street be lifted immediately as the county engineer believes the conditions warrant such action. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Julie Gates as a seasonal part-time employee with the Benton County landfill, effective this date, at a wage of \$9.00 per hour. All members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

June 5, 2007

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

Supervisor Sanders arrived at 9:05 a.m.

The Board met with Dr. Duane Schmidt regarding the placement of the mural he is donating to Benton County. The professional restorer was present and told the supervisors that the mural was originally painted in the late 1800's, probably by a Dutch or Fleming artist traveling around the United States. It was decided that the mural should be located on the west wall of the south entrance of the courthouse. The mural is to be unveiled on July 7, 2007, at 9:30 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 29, 2007. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Buch, to change the wage of Nick Staab, a part-time seasonal employee of secondary roads, from \$9.00 per hour to \$9.25 per hour, effective June 4, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to change the employment classification of Julie Gates, an employee of sanitary disposal, from seasonal part-time to regular part-time, due to the anticipation that the position may require more than just seasonal employment. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account as of May 31, 2007, was \$85,141.38. All members voting aye thereon. Motion carried.

Frank Van Steenhuyse of Vinton Unlimited met with the Board regarding the uses of the courthouse lawn. Van Steenhuyse reported that he has been contacted by political parties regarding event locations. Van Steenhuyse asked what the Board's position was on the use of the lawn by political organizations. The supervisors advised that use of the lawn would be allowable, but not inside the courthouse. The supervisors also stressed that all political organizations must be treated equally. Moved by Vermedahl, seconded by Buch, to allow the use of courthouse lawn, but not the courthouse, by political organizations and parties, subject to scheduling with the auditor's office. All members voting aye thereon. Motion carried.

Scott Bahmann, Acting Conservation Director, met with the board regarding the conservation's FY07 budget. Bahmann explained the current balance of the budget, anticipated expenditures, and the need for a new mower. Bahmann stated that preliminary estimates indicate that he will have approximately \$7,700 remaining in his budget towards the purchase of a mower; however the quotes have been higher than the money he has available. Bahmann reviewed prices for both used and new mowers with the supervisors, explaining the pros and cons of both. Bahmann stated that the conservation board gave him authority to purchase a mower if funds were available. Bahmann requested a budget amendment should it be needed. Moved by Buch, seconded by Vermedahl, to agree to amend conservation's budget in the amount necessary to purchase a new mower, if needed. All members voting aye thereon. Motion carried.

Benton County Auditor Jill Marlow spoke to the board about changes in legislation affecting voting equipment. Marlow explained that the Iowa Legislature passed legislation this session requiring that the handicap accessible component of the county's voting equipment have a voter verified paper audit trail. The audit trail can be achieved by either the placement of paper recording device on the current equipment similar to a calculator tape or by replacing the current touch screens with a ballot-marking device. The legislation also requires that if the current election system is replaced that the ballot-marking device would be mandatory. Marlow also explained that federal legislation has been proposed requiring that ballot-marking devices be used as the handicap accessible component in election systems. Marlow advised that additional legislation was passed in Iowa that provided for state funding to help with the purchase of the paper audit equipment; however counties must notify the state by June 15, 2007 of which device they will be using. Marlow further explained that it was difficult to make decisions when the ballot-marking device is not certified in Iowa for use with the Diebold system at this time. Marlow stated that she and her deputy traveled to another county and viewed a ballot-marking device being used with a different election system. It was Marlow's recommendation that the county consider moving to the ballot-marking device, as it would probably be required through federal legislation in the near future. Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-30. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

Resolution #07-30

Whereas, Iowa Code section 52.7, subsection 1, paragraph "1", as amended by the 2007 Iowa Acts, Senate File 369, requires voting systems to provide a paper record for review by the voter; and

WHEREAS, the legislation further provides that the only methods allowable for the handicapped accessible component will be a ballot marking device or a paper record printer attached to a direct recording electronic device (DRE); and

WHEREAS, Benton County's current primary election system is a Diebold optical scan system with DREs as the handicapped accessible component; and

WHEREAS, as of this date the ballot marking device has not been certified in Iowa for use with the Diebold system; and

WHEREAS, the Iowa legislature did not provide adequate time for Benton County to research and investigate the most appropriate action to take as to acquisition of ballot marking devices or paper record printers; and

WHEREAS, the 2007 Iowa Acts House File 911, section 1, subsection 13, requires the Benton County Board of Supervisors to submit to the Office of Secretary of State a resolution declaring the method by which Benton County intends to comply with Section 52.7(1) 1, 2007 Iowa Acts, Senate File 369, by June 15, 2007; and

WHEREAS, if Benton County fails to adopt a Resolution stating which type of equipment it intends to purchase by June 15, 2007, the legislation provides that the county will no longer be eligible for state funding for said equipment,

NOW THEREFORE BE IT RESOLVED, by the Benton County Board of Supervisors that it is the intention of Benton County to comply with section 52.7, subsection 1, paragraph "1", 2007 Iowa Acts, Senate File 369 by acquiring ballot-marking devices to replace the DREs with a partial re-imbursalment of funds available from the state.

BE IT FURTHER RESOLVED that Benton County reserves the right to change to the paper record printer if it is determined by the Board of Supervisors and the county auditor that it would be in the best interest of Benton County.

Dated this 5th day of June 2007.

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Jason Sanders, Chairman

David Vermedahl

Ron Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to approve a fireworks permit requested by Charles Yedlik for an event to be held on July 7, 2007, at 5899-1/2 28th Avenue Drive, Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the request of the Vinton Cruise Committee to use the courthouse lawn on July 21, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the FY06 Cost Allocation Plan Certification. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a cigarette permit for Kimm's Mini Mart for year beginning July 1, 2007 and ending June 30, 2008. All members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

June 12, 2007

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

Moved by Buch, seconded by Vermedahl to approve checks numbered 92628 through 93010 and direct deposit numbered 644 through 738, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set Tuesday, July 10, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by James Bright on a parcel located in the NE1/4 of SE1/4 of Section 24, Township 85, Range 10. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set Tuesday, June 10, 2007, at 9:30 a.m., as the time and date for a public hearing on a land use change requested by Rob Moser on a parcel located in the NW1/4 of the SW1/4 of Section 3, Township 84, Range 9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the ECICOG-Benton County Transportation FY 2008 Transit Purchase of Service Contract. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign a letter of support and agreement for the Iowa Federation of Families for Children's Mental Health and for Independent Child Advocate Services. 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 Xethanol Biofuels, LLC., the board took up the matter for consideration. Jim Stewart and Greg Behaunek, both representatives of Xethanol Biofuels were present to answer any questions and give a brief explanation about the facility. Stewart said this is a steam generated facility, and the intent of the new plant is to be self sufficient in fuel supply. They will feed the gluten into the boiler systems to generate electricity. They are currently working with Alliant Energy and Cedar Valley Dairy on selling back some of this generated electricity. The new building will be all enclosed with air exchangers used for ventilation. They did enlarge the storm water basin to accommodate the new facility. Supervisor Buch questioned if the pit has been inspected yet. The DNR has been notified to come and give the inspection and make sure they meet the criteria of the state requirements. They currently have the NPDES Permit. Buch also commented about concerns with the facility draining the water supply and questioned if they can re-use this water in the feed lot. Stewart said the bulk of the water that isn't used in the feed is evaporated or recycled within the plant. They don't produce waste water. It takes 3-4 gallons of water to process ethanol. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a building addition and other minor site improvements on approximately 20 acres in Leroy Township. They will need a new 1900 foot well for the new plant. Greenlee stated with it going that deep it is not of concern to affect other water sources. They will have an on-site sewage treatment sand filter system for their employee restroom. Supervisor Vermedahl asked about the increasing odor levels this may cause. Stewart stated they can't predict an increase, but it shouldn't cause one. They don't use a dryer system, therefore no odor is venting out. There were no public comments heard either for or against the application. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately 20 acres generally described as being part of Parcel B located in the NE1/4 of 25-82-11(Leroy Township) for commercial use. 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 a land use change requested by Terry and Susan Hart, the board took up the matter for consideration. Two members of the public were present. One being Andy Lent, the Vinton City Coordinator. Lent, speaking on behalf of the Vinton Airport has talked with the engineer and this is not in any flight path, so he sees no problem with a new dwelling. 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. Supervisor Vermedahl commented that this is not on a paved street like they are used to where they currently reside and warned of the gravel dust with living in the country. Jill Marlow, adjoining property owner, advised of the busy airport and the noise it produces. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to close the public hearing and approve a land use change on

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approximately two acres generally described as being Parcel A located in a part of the NW ¼ of the NE ¼ of 32-86-10 (Harrison Township) for a single residential use. All members voting aye thereon. Motion carried.

Myron Parizek, County Engineer updated the board on the Luzerne bridge project. It seems to be going smooth and on schedule. Parizek also talked about the grading project east of the Oak Grove Church. Everything is moving forward and he would like to set up another group meeting within the next month or so.

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 agrees to continue providing fiscal agent duties for the Community Partnership for Protecting Children Grant. Moved by Buch, seconded by Vermedahl, 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. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign a claim with the State of Iowa for DECAT services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the resignation of Matthew Grabe effective May 11, 2007 and acknowledge the hire of Dakota Nolte and Logan McKinstry as seasonal employees for Benton County Conservation, at a wage of \$8.00 per hour, effective June 4, 2007. All members voting aye thereon. Motion carried.

Rick Osterkamp questioned the board on their decisions to deny the request for a variance to the central sewer requirement for the proposed River Valley First Addition to Benton County and asked about them reconsidering or coming out to the proposed site for a tour. Supervisor Sanders stated that he would have to talk with Marc Greenlee and possibly get put back on the agenda or find out what the proper procedure is to appeal the boards decision. This was not on the agenda so no action can be taken.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

June 14, 2007

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

Moved by Buch, seconded by Vermedahl to approve the minutes of June 12, 2007. All members voting aye thereon. Motion carried.

Marc Greenlee presented a farm exemption application submitted by Angela Nolte. The request is to allow for new construction on approximately 23.57 Acres in St.Clair Township. The application states that 21 acres will be used for the production of grain crops. There being no further discussion, it was moved by Buch, seconded by Vermedahl, to approve a farm exemption as allowed in the Benton County Agricultural Land Use Preservation Ordinance on Parcel A located in the SE1/4 of the SE1/4 of 25-82-10 (St. Clair Township) requested by Angela Nolte. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a fireworks permit requested by Watkins Fire Department/Watkins Athletic Association for an event to be held on July 7, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign amended Iowa Department of Economic Development CDBG Program contract. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for South Slope Cooperative Telephone to place utility lines in the county's right-of-way along 28th Avenue and Benton-Iowa Road in Sections 24, 25 and 36 of St. Clair Township. All members voting aye thereon. Motion carried.

Supervisor Vermedahl advised that he had been approached by a resident living along 22nd Ave Dr. about dust control and he questioned how assessing that to the property owners would work. If the cost would be shared between adjacent property owners and what the time frame would be to pay on that. Myron Parizek, the county engineer said he would check into that and figure a new estimate on costs knowing the price of products have went up since the last estimate he did.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

June 21, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 14, 2007. All members voting aye thereon. Motion carried.

Kevin Paulsen, RSM McGladrey, provided an update to the Board on the consulting services his company has been providing to the county on employee compensation analysis and job descriptions. Paulsen provided an updated compensation analysis but advised that it was somewhat difficult to compare some positions in the county attorney's office, as the office staff in Benton County is larger than other similar counties with some of the difference being the part-time employees. Paulsen stated that he is still receiving updated job descriptions and is still waiting on some others. Paulsen then reviewed his timeline for training supervisors on performance management. Paulsen requested that a meeting be arranged with the county supervisors/managers for discussion on the performance evaluation process. Paulsen stated that additional meetings would be conducted after the evaluation form is completed to train the managers on conducting evaluations.

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The county attorney met with the Board regarding the remodeling project for third floor offices. The attorney stated that the project had exceeded the bid amount by approximately six hundred dollars due to a change in vents, addition of an access panel, and the electrician simply underbidding the job. Moved by Buch, seconded by Sanders, to approve payment of the full amount of the project. Sanders and Buch voting aye. Vermedahl abstained due to a business relationship with the vendors. Motion carried.

The county attorney requested approval to replace the glass in the door to his office with a glass instead of the current opaque plexi-glass. Moved by Vermedahl, seconded by Buch, to authorize the replacement of the door glass in the county attorney's office. All members voting aye thereon. Motion carried.

The county attorney also spoke to the board about a invoice from Iowa Equine Rescue. The bill is for the care of three horses taken from a Benton County residence. The owner has been prosecuted regarding the care of the animals and court awarded ownership to the Iowa Equine Rescue. However during the time of the court proceedings and appeal, the horses' care was the responsibility of Benton County. The county attorney responded that the animals were in dire need of medical attention, which attributed to much of the costs. Supervisor Buch and Auditor Marlow questioned the amount of various charges on the bill, including vaccinations and transportation costs, which were in addition to mileage. Moved by Vermedahl, seconded by Buch, to approve payment of a claim in the amount of \$3,879.80. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the following law enforcement contracts: City of Luzerne - \$520.00 annually for 26 hours of coverage; City of Walford - \$10,400 annually for 520 hours of coverage with the possibility of an additional 250 hours at \$20 per hour. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

June 26, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 21, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-31. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-31 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 the following service areas: Service Area 1, Service Area 3, Service Area 5, Service Area 6, Service Area 7, Service Area 8, Service Area 9, and Transfers. The auditor is directed and authorized to amend said service areas as needed.

Dated this 26th day of June 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve checks numbered 93011 through 93376 and electronic deposits numbered 739 through 832, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-32. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-32 AMENDING RESOLUTION #06-35 TRANSFER OF FUNDS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #06-35 on June 20, 2006, establishing transfer of funds for FY07; and

WHEREAS, the Board resolved to transfer \$55,000 from the Sanitary Disposal Fund to the Closure Post Closure Fund; and

WHEREAS, the engineer has advised that \$85,000 should be transferred to comply with the study, which sets forth the required funding for future closure of the landfill,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #06-33 be amended to reflect that \$85,000 be transferred from the Sanitary Disposal Fund to the Closure Post Closure Fund. All other aspects of the original resolution remain in full force and effect.

Dated this 26th day of June 2007.

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Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by South Slope Telephone Company to place utility lines in the county's right-of-way along 68th Street in Eden Township and Eldorado Township. All members voting aye thereon. Motion carried.

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

Supervisor Vermedahl spoke to the engineer regarding a citizen concern regarding the lack of signage at the curve/intersection located north of Newhall on E44 and W14. Vermedahl reported that north bound traffic does not yield creating a potential hazard. The engineer is to review the situation, but the consensus was to at least consider placing a warning sign stating that the north bound traffic does not stop.

The Board discussed the request from Vinton Unlimited to consider changing the farm-to-market road from 21st Street in Vinton (past the new high school) to the mud road located approximately one mile to the south (the road would need to be upgraded). The issue will be reviewed at a later date once the new school is open to determine if the amount of heavy farm traffic warrants additional study.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-33. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-33

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$4,296.60 is hereby abated on parcels numbered 390-10301, 870-17001, and 380-10301 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 May 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

David Vermedahl

Ron Buch

ATTEST:

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-34. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-34

BE IS RESOLVED by the Benton County Board of Supervisors to transfer \$241,279.85 from the TIF Fund to the General Basic Fund.

BE IT FURTHER RESOLVED that \$9,338.83 be transferred from the General Basic Fund to Land Acquisition Fund.

Dated this 26th day of June 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

The Board discussed the Request for Proposal (RFP) from Durant Engineering for the Board's consideration in hiring an engineering consultant for the courthouse project. No action was taken pending discussion with the maintenance director.

The Board viewed the fourth floor storage area and found that storage could be gained by eliminating old air conditioners, obsolete equipment, placing old law books on office walls for decoration, and removing personal decorating items. The Board asked that the maintenance director be placed on the agenda to discuss the matter further.

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

Jason Sanders, Chairman

ATTEST: _____

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Jill Marlow, Benton County Auditor

June 28, 2007

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

Scott Hansen, Emergency Management Director, met with the Board regarding the Hazard Mitigation Grant Program (HMGP). Hansen explained that because Benton County was declared a federal disaster area due to the February ice storm, that additional grant funding for mitigation planning is available to the county if interested. Hansen explained that the county must express interest in applying for the funding by notifying Homeland Security no later than July 6, 2007. Steve Meyer explained various aspects of federal disaster funding. Expressing interest will not commit the county to proceeding with the grant request. Hansen did advise that if the county did proceed with grant application and if approved, the county would be required to update the plan every five years at the county's expense. It was reiterated that the county would not be obligated to proceed with the mitigation plan even upon notification of eligibility. Moved by Buch, seconded by Sanders, to authorize the emergency management director to notify Homeland Security that Benton County is interested in the Hazard Mitigation Grant Program. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of June 26, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 15.25 hours of vacation carry-over requested by Mary McLaughlin. Said carry-over is to be used no later than September 1 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #07-35. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION # 07-35 APPROPRIATIONS

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2007, 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 after adjustments are made to reflect actual FY08 salaries and benefits 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, 2007.

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 2007-2008 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 2007-2008 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2008.

The above and foregoing resolution was adopted by the Board of Supervisors of Benton County, Iowa, on June 28, 2007, the vote thereon being as follows:

Benton County Board of Supervisors

Jason Sanders, Chairman

Ronald R. Buch

ATTEST: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #07-36. Voting aye were Sanders and Buch. Nays none. Motion carried.

Resolution #07-36

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

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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 2008.

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 28th day of June, 2007.

Jason Sanders, Chairman

Ronald R. Buch

Attest: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #07-37. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #07-37

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 2008

Lexa Speidel, 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 28h day of June, 2007

Jason Sanders, Chairman

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Ronald R. Buch

Attest: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #07-38. Voting aye were Sanders and Buch. Nays none. Motion carried.

RESOLUTION #07-38

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 2007-2008 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, 2007, 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	\$ 118,624.00
General Basic	General Supplemental	\$ 506,000.00
General Basic	Land Acquisition	\$ 20,000.00
Rural Services Basic	Secondary Road	\$1,244,365.00
Rural Services Basic	Sanitary Disposal	\$ 189,840.00
Sanitary Disposal	Closure/Post Closure	\$ 60,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2007-2008 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 28, 2007, the vote thereon being as follows:

Benton County Board of Supervisors

Jason Sanders, Chairman

Ronald R. Buch

ATTEST: _____

Jill Marlow, Auditor

The Board met with Rick Bramow, Maintenance Director, regarding the courthouse repair project. Bramow discussed his thoughts of the various engineering firms who are interested in the project. Bramow said the dome could be repaired, the plexi-glass could be replaced, etc. but the supervisors would have to decide what needs to be done. The auditor explained that two engineering firms have submitted proposals to conduct an analysis and cost estimate for various parts of the project; however one firm has not submitted a cost proposal yet. The chair is to contact the third firm about submitting a proposal.

The Board discussed the storage on the 4th floor of the courthouse. The Board directed that old air conditioners, obsolete data processing equipment, personal items used to decorate individual offices, be removed from the area. The Board will research disposition or movement of the old records. The auditor is to research off-site storage of election ballot boxes and voting booths.

Mary Halstead requested permission to attend a conference in Atlanta, Georgia, October 15, 2007 through October 18, 2007. Halstead advised that she attended the conference last year and believed that it was extremely beneficial. Halstead advised that she would be sharing lodging expenses with another county to help reduce costs.

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Supervisor Sanders stated that he understood that it was good to attend some of the conferences, but didn't believe that it would be necessary to attend year-after-year forever. Moved by Buch, seconded by Sanders, to approve the request to attend out-of-state training submitted by the transportation director. Both members voting aye thereon.

Halstead provided an update on the various services being provided by her department. Halstead reported that scheduling part-time drivers is problematic at times when trying to meet the needs of the clients. Halstead that she is required to drive at times as well.

Judy Funk, Heartland Insurance Risk Pool, met with the Board to discuss the insurance renewal. Funk reported that the pool's renewal premium cost was reduced by approximately \$180,000 for next year. Funk explained that the savings goes into the equity of the pool, which ultimately increases each county's share of pool. Funk reported that the biggest fluctuation in premiums was due to the increase in the appraised value of the courthouse structure. From \$4,140,000 to \$5,688,000 not including contents. The contents are valued at \$450,000, with no fine arts coverage. Funk reported that some counties have not adopted the recommendation of the appraiser, which is a decision of the county. Funk advised that the only rates that increased were workman's compensation, which is set by the state. Increases in other areas were due to an increase in value, number of employees, etc. Funk stated that loss control is extremely important in reducing costs. Moved by Buch, seconded by Sanders, to authorize the chair to sign the Heartland Insurance Risk Pool Client Authorization to Bind Coverage for FY2008. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

July 5, 2007

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

Moved by Buch, seconded by Sanders, to approve the minutes of June 28, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Liquor License & Sunday Sales for Applecart Orchard. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set July 31, 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 Adam and Andrea Fish on parcel located in the N ½ of the SW1/4 of 23-85-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5(1) a to discuss a personnel matter. All members voting aye thereon. Motion carried at 9:20 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 9:48 a.m.

Moved by Vermedahl, seconded by Buch, to continue discussion with Mary Williams concerning the FY2007 budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the law enforcement contract with the City of Atkins for \$14,040 annually, which will provide 780 hours of coverage. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-39 commemorating the 100th anniversary of the Benton County Courthouse. All members voting aye thereon. Motion carried.

RESOLUTION #07-39

PROCLAMATION FOR COMMEMMORATION OF BENTON COUNTY COURTHOUSE 100-YEAR ANNIVERSARY

Whereas the State of Iowa joined the union in the year 1846 and adopted the State Motto,

"Our Liberties we prize and our rights we will maintain"; and

Whereas the County of Benton was organized and established with its present boundaries in the year 1843; and

Whereas the county seat of Benton county was permanently established at Vinton in the year 1848; and

Whereas the people of Benton County voted to construct a grand new courthouse which was occupied and dedicated in the year 1907; and

Whereas dedication of this courthouse was celebrated by the people of Benton County with a large crowd joining in the celebration; and

Whereas this courthouse has been placed on the National Register of Historic Places, and

Whereas one hundred years have passed since the dedication of this building to the cause of justice, and

Whereas it is fitting and proper that we rededicate this building to said cause.

Therefore be it resolved that on the 7th day of July, 2007, ...

The people of Benton County and the great State of Iowa shall be invited to commemorate the 100th anniversary of the occupancy of the Benton County Courthouse; and

We shall on that day rededicate the Benton County Courthouse and ourselves as citizens of the great State of Iowa, County of Benton, to public service to the people of the County, and to the administration of liberty and justice for all.

In Witness Whereof, the Benton County Board of Supervisors has unanimously passed this resolution, and the Chairperson of said Board has hereunto set in hand this 5th day of July 2007.

Jason Sanders, Chairperson
Benton County Board of Supervisors

Attest: Brenda Sutton, Deputy Benton County Deputy Auditor

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Rick Primmer met with the Board of Supervisors and Myron Parizek, County Engineer to discuss the placement of benches on the courthouse lawn. Myron will check on Secondary Roads doing the cement construction. Rick will contact Jill Marlow, County Auditor about the recognition plaque.

Moved by Buch, seconded by Vermedahl, to approve a utility permit for Farmers Mutual Telephone to place utility lines in the county's right-of-way along 59th Street Trail in Sections 24 of Benton Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to award contracts on Project BROS-CO06(70)-8J-06 the bridge on 59th Street to Taylor Construction in the amount of \$237,748.60, on Project BROS-CO06(71)-8J-06 the bridge on 52nd Street Drive to Taylor Construction in the amount of \$239,436.10, on Project FM-CO06(72)-55-06 to pave the county road south and east of Shellsburg to LL Pelling Co Inc in the amount of \$892,848.25, and on Project FM-CO06(73)-55-06 to pave the Bruce center county road to Aspro Inc in the amount of \$515,250.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept and approve the chairman to sign an Engineering Service Agreement with French-Reneker Associates Inc to prepare acquisition plats and construction staking on the Oak Grove Road project in the total amount of \$30,000 for the plats and \$22,500 for the staking. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept and approve the chairman to sign a Right of Way Services Agreement with Clapsaddle-Garber Association to prepare the parcels at a rate of \$1345 per parcel with an estimate of \$26,900 for the total project. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to grant the City of Luzerne permission to perform the necessary work in the drainage ditch owned by Benton County. All members voting aye thereon. Motion carried.

Andy Lent, Vinton Coordinator met with the Board of Supervisors and Myron Parizek, County Engineer to ask if the county would consider upgrading 61st Street in Taylor Township from a Level B Road to a county gravel road. This will take some of the traffic flow away from 21st Street in the city limits that is located north of the new Vinton-Shellsburg High School. The City of Vinton is concerned about the safety of the children and the heavy traffic flow. County Engineer Myron Parizek estimated the cost of the upgrading to be between \$15,000 and \$20,000. Andy stated that the City of Vinton might be willing to help with the project. No action was taken.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Client Confirmation of Schedules and Exposures with Heartland Insurance Risk Pool for fiscal year 2008. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the annual manure management update from Parker Farms. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Quarterly Reports for the period ending June 30, 2007 of the County Auditor and County Sheriff. All members voting aye thereon. Motion carried.

The Board discussed the final details for the 100th Anniversary of the Benton County Courthouse on Saturday, July 7th.

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

Jason Sanders, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

July 10, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 5, 2007. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:03 a.m.

Moved by Vermedahl, seconded by Buch, to approve the Veterans Affairs Quarterly Report for the period ending June 30, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 2, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Steve and Marie Forney on a parcel located in the SW1/4 of the SW1/4 of 36-86-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the letter to the Department of Human Services regarding suspended taxes. 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 Jim and Kathie Bright, 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 land use change from an agricultural use to a single residential use in Benton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Part of the NE1/4 of the SE1/4 of 24-85-10 for single residence. 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 Rob Moser, the board took up the matter for consideration. Ron Boyer was present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change from an agricultural use to a single residential use in Canton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximate three acres generally described as being Parcel A in the NW1/4 SW1/4 of 3-84-9 for single residence. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 93377 through 93660, and ACH checks number 833 through 927, for payment. All members voting aye thereon. Motion carried.

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The county engineer reported that the balance of the landfill account in Blairstown was \$1,124.69 on June 30, 2007.

Moved by Vermedahl, seconded by Buch, to approve a request by La Porte City Phone to place utility lines in the county's right-of-way in Cedar and Bruce Townships. All members voting aye thereon. Motion carried.

Supervisor Buch reported on a complaint about weed spray drift in Homer Township, Section 3. Supervisor Buch reported that damage was minimal and affected only the very outside row of a seed corn field. Supervisor Buch stated that there was quite a bit of Canadian thistle in the ditch next to the corn.

The Board met with Kevin Paulsen of McGladrey Consultants along with department managers regarding the next phase of consultation work being done by McGladrey. Paulsen explained that the next step is performance evaluations and explained that process for developing a system. Paulsen will work with department managers over the next several weeks developing an employee performance evaluation system.

Mary Williams met with the Board regarding her FY07 budget. Williams was asked if she wanted to go into closed session. Williams requested that the session be closed. Moved by Buch, seconded by Vermedahl, to enter into closed session at 11:30 a.m. pursuant to Iowa Code 21.5(1) i. Motion carried.

Moved by, seconded by, to return to open session. All members voting aye thereon. Motion carried at 12:00 p.m.

Moved by Vermedahl, seconded by Buch, that the chair be directed to carryout the recommendation made in closed session. All members voting aye thereon. Motion carried.

The Board of Supervisors discussed the heating and cooling in county offices. The Board had given a directive in 2005 that office thermostats were to be set no lower than 75 degrees during times when air conditioners were in use and no higher than 70 degrees when the boilers were operating. Maintenance staff reported that air conditioning is being set below the 75 degrees, as well as office doors being left open causing air conditioners to run longer and harder. The direct result was an air conditioning unit burning up in the third floor courtroom requiring replacement. Supervisor Sanders stated that he would send a written communication to all county offices, including facilities other than the courthouse, informing them that if the board's directive was not adhered to that locks will be placed on thermostats with maintenance having the only access.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 12, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by the East Central Iowa REC to place utility lines in the county's right-of-way in Section 16 of Union Township, along 70th Street. Both members voting aye thereon. Motion carried.

Supervisor Buch arrived at 9:05 a.m.

Moved by Vermedahl, seconded by Buch, to approve the recorder's quarterly report for the period ending June 30, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-40. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-40

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2008 budget on March 13, 2007; 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 FY2008 county budget is hereby amended within service areas as follows:

SERVICE AREA 3

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Function 30200		\$ 294.00
Function 30200		\$ 33.00
Function 32000		\$ 8.00
	Function 34000	\$290.00
	Function 35000	\$ 45.00

SERVICE AREA 6

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Function 61100		\$ 354.00
Function 63000		\$889.00
	Function 63200	\$889.00
	Function 61200	\$142.00
	Function 61000	\$212.00

Dated this 12th day of July 2007.

Jason Sanders, Chairman

David H. Vermedahl

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Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

The county attorney met with the Board regarding the hire of Lisa Epp. Epp requested that the Board enter into closed session pursuant to Iowa Code 21.5(1) i. Moved by Buch, seconded by Vermedahl, to go into closed session. All members voting aye thereon. Motion carried at 9:10 a.m.

Moved by Buch, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 9:28 a.m.

Moved by Vermedahl, seconded by Buch, to accept the recommendation to hire Lisa Epp, as an assistant county attorney, at an annual salary of \$32,000, effective August 6, 2007. All members voting aye thereon. Motion carried.

The Board of Supervisors spoke to the sheriff regarding a claim for \$13,312.90, payable to Dictaphone. A claim was submitted by the sheriff for payment in June of 2007 and was subsequently paid. The auditor's office received a telephone call from Dictaphone stating that they had received a check for \$, and questioned what it was for. The auditor's office advised that the Benton County Sheriff had submitted a claim for equipment and software. Dictaphone advised that no equipment had been shipped to Benton County. The supervisors stated that is not an acceptable practice to pay for equipment not received. Sheriff Forsyth and Deputy Ferguson stated that they signed a contract for the equipment on June 21, 2007 with delivery expected within one week. Deputy Ferguson stated that he contacted the company representative who informed him there was a company miscommunication and the equipment was sitting in the warehouse waiting to be shipped. Auditor Marlow stated that it has been suggested by the County's auditing firm that bills without a packing list attached not be paid for this reason and instances like this could force the issue. Sheriff Forsyth stated that he wants to purchase spare equipment but when it is delivered the warranty period begins and if he would like to purchase items and leave it warehoused at the company, stating that the warranty doesn't begin until the equipment leaves the vendor's warehouse. Supervisor Vermedahl requested that the auditor check with the state auditors regarding maintaining county inventory off-premise. The auditor questioned if the equipment was inventoried. The sheriff stated that it was not inventoried but could be.

The auditor certified the salaries of deputies in her office in accordance with Iowa Code 331.904 (1). The auditor advised that the salaries of deputies in her office are a percentage of the auditor's salary as follows: Delane Kalina - 80%, Brenda Sutton - 80%, and Hayley Rippel - 70%. The auditor advised that the amounts certified are within her FY08 budget. Moved by Buch, seconded by Vermedahl, to certify the salaries of the deputies in the auditor's office in accordance with Iowa Code 331.904(1). All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 17, 2007

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

The Board observed a demonstration on drug/police dogs. The trainer/handler demonstrated the dogs' abilities to find drugs, apprehend suspects, obedience, and find items. The demonstration was an opportunity for the Board to view the abilities of the dogs before meeting with the sheriff's department regarding the purchase of one.

The Board returned to the boardroom at 9:55 a.m.

Moved by Buch, seconded by Vermedahl, to set August 14, 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 Brooke and Kahree Cunningham on a parcel located in the NW1/4 of the SE1/4 of 32-86-9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 10, 2007, and July 12, 2007. All members voting aye thereon. Motion carried.

Kathy Jordan with the Department of Human Services Case Management met with the Board to provide a summary of services of being provided through case management and projections for future services.

Moved by Vermedahl, seconded by Buch, to approve the provider rates for FY08 and authorize the chair to sign the same for services provided through Benton County Social Services and in accordance with the statewide CRIS agreement. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the contract and bond with Aspro, Inc. for the HMA resurfacing project on D65: FM-CO06 (73)—55-06. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the contract and bond with Taylor Construction for the Bridge Replacement on 59th Street: BROS-CO06 (70)—8J-06. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the contract and bond for the Bridge Replacement on 52nd Street Drive: BROS-CO06 (71)—8J-06. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the contract and bond for the HMA Resurfacing on E36: FM-CO06 (72)—55-06. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit submitted by Alliant Energy to place utility lines in the county's right-of-way along 14th Avenue and 15th Avenue in Kane Township. All members voting aye thereon. Motion carried.

The engineer discussed the dust control at the fairgrounds. In the past, secondary roads have supplied an MC-70 dust control to the roads in the fair grounds at no charge. The engineer stated that for the same service this year the cost would be approximately \$3,772.96 compared to \$2,805.56 last year. The engineer asked if the Board wanted to continue to provide dust control at no charge and if so that the cost should not come from the engineer's budget. The

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engineer stated that he was informed by a member of the fair board that it was too late to apply dust control before the fair this year and that the roads probably did not need it anyway. Supervisor Buch stated that if the county were going to charge the fair board for the dust control, then the supervisors should fund the fair at it prior level (5% increase over what is currently budgeted), adding that the board funded the libraries at their previous level but not the fair. The engineer stated that in previous years, he has been able to use left over product, which was a benefit to his department since the equipment needed to be emptied and cleaned. The Board advised that it appeared the matter did not need to be addressed this year and to bring it back to them next year, if needed.

Supervisor Buch advised that he had received a telephone call from Pat Harrison regarding the bridge replacement west of Garrison. Harrison requested that a culvert be placed in the creek to allow for farm machinery to go around, as the only other way to get to his farm ground would require traveling six miles. The engineer stated that he was aware of the concern and was considering the placement of the culvert.

Doug Dunkel met with the board to voice a concern about the size of rock being placed on the county's gravel roads. Dunkel stated that the 1-1/4 inch rock currently being used is a hazard and unsafe for the traveling public, especially motorcycles. Dunkel questioned why surrounding counties were able to stay with 3/4 inch rock but Benton County did not. Supervisor Buch responded that he would not operate a motorcycle on gravel roads and that the county would not change its current maintenance to accommodate motorcycles. Supervisor Vermedahl stated that the size of the rock being used on gravel roads is the number one complaint that he has received since being in office. Supervisor Sanders suggested that one maintainer area be selected and that the small rock be used as a test area. The engineer stated that the larger rock was cheaper and held up to large farm equipment. Dunkel questioned why one road in the county had the smaller rock and was told by a resident along that road it was because the resident requested smaller rock. The engineer stated that it was at the discretion of the maintainer operators as to the size of rock placed on the roads in their areas. Dunkel reiterated that the large rock was a hazard and a danger, not only to motorcycles, but also when it is thrown up. Dunkel stated that the rock lies on the top of the road surface and never works into the bed, but eventually ending up in the ditch. Supervisor Sanders stated that the rural residents may be willing to pay a little more in taxes for smaller rock as they would recoup the difference in longer life of tires as the larger rock tends to break down the tires quicker and again suggested a test area. The engineer responded that a maintainer operator in the Van Horne area conducting such a test several years ago and found the larger rock to be better. Supervisor Buch stated that there was no need for additional testing. The board did not take any action on Dunkel's request.

Moved by Buch, seconded by Vermedahl, to approve the salary certification for Rachelle Berry, the deputy in the recorder's office, at 80% of the elected official's wage in accordance with Iowa Code 331.904 (1). All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the salary certifications for the deputies in the treasurer's office in accordance with Iowa Code 331.904 (1) as follows: Kim Staab – 80%, Michelle Sauer – 70%, Melinda Schoettmer – 60%. All percentages are that of the elected official's wage. 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, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the filing of the annual manure management plan of J & R Pigs, LLC. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 19, 2007

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

Moved by Vermedahl, seconded by Buch to approve the minutes of July 17, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve the DECAT claim in the total amount of \$4170.00 for reimbursement from the State of Iowa for the end of fiscal year 2007. All members voting aye thereon. Motion carried.

Doug Elliott from ECICOG met with the Board of Supervisors for an update on the Watkins project, the Belle Plaine pre-disaster plan, the reading program on Solid Waste, and to thank the board for the 2% increase in the assessment for fiscal year 2008.

Sheriff Randy Forsyth, Chief Deputy Mike Ferguson, Deputy Garrison Reekers, and Deputy Danielle Pierce met with the Board of Supervisors to discuss the purchase of two Police dogs for Benton County.

Moved by Buch, seconded by Vermedahl to approve the change in dates for Vinton Unlimited to use the courthouse lawn from August 2nd and 9th to August 9th and 16th for the Concerts on the Courthouse Lawn series. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve the vacation carryover of 24 hours for Rick Bramow to be used by December 31, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman Board of Supervisors

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

July 24, 2007

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Buch, seconded by Sanders to approve the minutes of July 19, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 93661 through 93948, and ACH checks number 928 through 1022, for payment. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #07-41. Both members voting aye thereon. Motion carried.

RESOLUTION #07-41 **GROUNDWATER HAZARD REPORTING SYSTEM**

WHEREAS, Benton County and the Iowa County Recorders Association have created a county land record information systems in order to provide public access to real estate documents; and

WHEREAS, all Iowa counties are required to process Groundwater Hazard Statements as provided in Iowa Code section 558.69; and

WHEREAS, Iowa Code section 558.69 requires the submission of the Groundwater Hazard Statements to the Iowa Department of Natural Resources; and

WHEREAS, the Department has adopted Iowa Administrative Code chapter 561 IAC 9, which allows the electronic submission of the Groundwater Hazard Statements; and

WHEREAS, the County and the Department desire to utilize the county land record information system as a means to provide for more efficient and timely filing of the Groundwater Hazard Statements;

THEREFORE, BE IT RESOLVED that the County acknowledges that the County is responsible for the processing and filing of the Groundwater Hazard Statements as provided in Section 558.69 of the Iowa Code and the chapter 561 IAC 9 of the Iowa Administrative Code. The County requests that in lieu of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department of Natural Resources, a facsimile or image of the printed version of the Groundwater Hazard Statement shall be stored in the local county land record indexing and imaging system.

BE IT FURTHER RESOLVED that the County agrees to the following terms and conditions.

- a. A facsimile or image of a printed version of all forms required to be submitted to the Department pursuant to 561 IAC 9, shall be stored within the local county land record indexing and imaging system.
- b. The facsimile or image of the form shall be permanently stored in the local county land record indexing and imaging system.
- c. The image shall be legible and shall comply with the document formatting and imaging standards adopted by the Association.
- d. The county and county recorder shall be members of the Electronic Services System.
- e. The county and county recorder shall maintain compliance with the operating policies, procedures, and standards adopted by Electronic Services System including but not limited to policies concerning the timely uploading of information to the statewide county land record information system, a.k.a. Iowa Land Records.
- f. The county recorder shall index the associated document information and the parties (grantors and grantees) for each Groundwater Hazard Statement. The county recorder is not required to index property or legal description information for Groundwater Hazard Statements.
- g. The county and county recorder shall provide 180 days notice prior to reverting to the practice of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department.

An affirmative response on a Groundwater Hazard Statement means that the Groundwater Hazard Statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property. Pursuant to Iowa administrative rule 561 IAC 9.2(3), Groundwater Hazard Statements on which a private burial sits is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the Department.

Dated this 24th day of July 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch
(absent)
David Vermedahl

Lexa Speidel, Benton County Recorder

ATTEST: _____
Hayley Rippel, Deputy Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Buch, seconded by Sanders, to adopt Resolution #07-42. Both members voting aye thereon. Motion carried.

RESOLUTION #07-42
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$2,555.40 is hereby abated on parcels numbered 870-17001, 120-01351 and 190-01401 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 July 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch
(absent)

David Vermedahl

ATTEST: _____
Hayley Rippel, Deputy Auditor

Moved by Buch, seconded by Sanders, to set August 21st, 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 Dale Fisher on a parcel located in the NW 1/4 of the SW1/4 of 29-82-12. (Iowa Township) Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a utility permit for East Central Iowa REC to place utility lines in the county's right-of-way along the intersection of 53rd Street and 24th Ave. Drive in section 16 of Harrison Township. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman Board of Supervisors

ATTEST: _____
Hayley Rippel, Benton County Deputy Auditor

July 31, 2007

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

Moved by Buch, seconded by Sanders to approve the minutes of July 24, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to set a land use hearing date on Tuesday, August 28, 2007 for Jay & Rhonda Bridgewater located in SE 1/4 Section 15, Township 85, Range 9. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Adam & Andrea Fish, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change from an agricultural use to a single residential in Benton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately 1 acre generally described as being a part of N1/2 SW1/4 of 23-85-9 for single residence. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-43. All members voting aye thereon. Motion carried.

RESOLUTION #07-43
SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2008 budget on March 13, 2007, 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 FY2008 county budget is hereby amended within service area as follows:

SERVICE AREA 1

<u>Amended To</u>	<u>Amended From</u>	<u>Amount</u>
Fund 0089 Function 10000	Fund 0001 Function 10000	\$5350.00

Signed this 31st day of July 2007.

BENTON COUNTY BOARD OF SUPERVISORS

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____

Delane Kalina, Deputy Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Delane Kalina, Deputy

August 2, 2007

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

Moved by Vermedahl, seconded by Sanders to approve the minutes of July 31, 2007. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to change the status of Barry Werner, an employee in the sheriff's office from a volunteer reserve to a paid reserve officer. 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 Steve and Marie Forney, the board took up the matter for consideration. Kurt Kramer, owner of the land and Steve Forney were both present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change from an agricultural use to a single residential use in Polk Township. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately 2 acres generally described as being a part of SW1/4 of SW1/4 of section 36-86-9 for a single residence. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to authorize the termination of farm leases. Both members voting aye thereon. Motion carried.

Renee Becker, Benton Development Group Director, met with the Board to discuss having new Benton County maps designed and printed. She brought with her an example from one company. Tharp will collect more proposals to present to the board and discuss it further with them at a later date.

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

Jason Sanders, Chairman

ATTEST: _____

Hayley Rippel, Deputy Benton County Auditor

August 7, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 2, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 93949 through 94199, and ACH checks 1023 through 1117, for payment. Both members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill account in Blairstown on July 31, 2007, was \$13,609.73.

Moved by Buch, seconded by Vermedahl, to set August 14, 2007 at 10:00 a.m., as the time and date for a bid letting on subdrains along county road W24 north of Norway. Both members voting aye thereon. Motion carried.

The engineer advised that Poweshiek Water had just notified him that an Iowa Township resident's well went dry and is in need of water. Poweshiek Water can provide water but must have a utility permit approved. Moved by Buch, seconded by Vermedahl, to state that the lack of water is a health concern and warrants emergency action by the supervisors without the required 24-hour agenda notice. Further, that a utility permit be approved for Poweshiek Water to place utility lines in the county's right away under 13th Avenue between Sections 9 and 10 of Iowa Township. Both members voting aye thereon. Motion carried.

Kimberly Dickey of Frontier Natural Products Cooperative met with the Board regarding recycling. Dickey stated that recently Frontier transitioned all of their recycling from one carrier to another and as a result, several employees advised that they were utilizing the coop's recycling containers, as it was a benefit offered by Frontier. The shift from outside recycling to inside recycling prohibits the employees from being able to recycle at the facility. Dickey stated that Frontier wanted to know how they could better communicate how recycling could be done. Supervisor Vermedahl stated that each community is responsible for recycling within their communities. However, the hauler in Norway will pick up glass, but other haulers may not. Vermedahl stated that glass is not recycled as there is not a market for recycled glass where the county can dispose of it. Vermedahl stated that there are recycling trailers around the county, but there is not a recycling trailer in the Norway area and was moved at the request of Norway. Walford and Urbana have also asked that recycling trailers be removed from the towns as well. The Shellsburg recycling trailer has been moved to the county maintenance shed near Shellsburg. The county engineer advised that there is not a recycling trailer in the southeast corner of the county, but there are approximately sixteen trailers available elsewhere in the county where rural residents can go. Dickey suggested that a map be provided to rural residents of where recycling trailers are located. The engineer also stated that a recycling trailer is available at the landfill during normal business hours. Dickey

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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questioned if the landfill was open on weekends. The engineer advised that the first Saturday morning of each month. Vermedahl advised that the county does not own property in the rural areas and cannot locate trailers just anywhere.

Supervisor Vermedahl questioned the engineer about the county's participation in seal coating a gravel road. The engineer stated that if the residents pursue a special assessment district, that the residents either pay up front for the project or pay over a ten-year period. The engineer stated that the seal coating would last approximately three years without additional maintenance and if the project is being paid over ten-years, then who is responsible for the maintenance of the project between the three and ten years.

Supervisor Vermedahl questioned that size of rock being placed on county roads. Vermedahl stated that it appears that the goal of 1-1/4 road stone that he needs to go to a smaller size as the 1-1/4 is running up to 2" in size. The engineer stated that the road material can be affected by the way the maintainer takes care of the road. Parizek also stated that a sand or clay base would affect how the rock lies on the roadway. Parizek stated that on clay soils the fines will adhere to the soil making it better, but in the sandy areas fines have to be added. Parizek also stated that the maintainer operator in the Urbana area has always used the 3/4 inch rock, where in the Van Horne area the 1-1/4 inch rock works better. Parizek stated that in sandy soils that perhaps a 1" rock could be used. Supervisor Vermedahl strongly stated that the engineer should try a smaller rock in problem areas. The engineer stated that he would not go to smaller rock on a blanket basis, but would consider application on some roads. Supervisor Vermedahl stated that it appears the product is changing and isn't the size of the rock being purchased but is larger actually than expected based on prior conversations with the engineer. The engineer agreed.

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

August 9, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 7, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set September 6, 2007 at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Kyle and Kim Kline on a parcel located in the SE1/4 of the SW1/4 of 33-84-10. Both members voting aye thereon. Motion carried.

Andy Lent, Vinton City Coordinator, met with the Board to request that the recycling collection trailers located in the city parking lot on 4th Street be moved to the county's property at the corner of 3rd Street and 2nd Avenue. Lent advised that the City received a complaint about the mess being left around the trailers. Supervisor Vermedahl suggested that a partial fence be constructed around the trailers to contain blowing debris. It was also stated that the area would be subject to video surveillance from the sheriff's department cameras. Moved by Buch, seconded by Vermedahl, to move the recycling collection trailers from the city lot to the county lot in Vinton, and Supervisor Buch to coordinate with the engineer and recycling staff. Both members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to obtain approval of a provider contract with Covenant Medical Center for mental commitments. The contract is for FY08 with a rate of \$546.00 for a pre-hearing bed and \$204.00 for a post-hearing bed. Both members voting aye thereon. Motion carried.

The matter of the fiscal agent agreement with the Empowerment Board was discussed. The auditor advised that the annual agreement had been submitted by the Empowerment Board for consideration. The auditor stated that the agreement contains a termination for cause clause allowing the Empowerment Board to terminate for cause but does not provide that the County can terminate for cause. The agreement states that there will be no fee for the county's services and the auditor questioned if the supervisors wanted to continue providing the service at no charge. The auditor advised that Jones County currently charges 3% to provide fiscal agent services, which would be approximately \$9000 for Benton County, but varies from year-to-year. Moved by Buch, seconded by Vermedahl, to defer action until Supervisor Buch discusses payroll administration, an administration fee, and termination language with the Empowerment Board. Both members voting aye thereon. Motion carried.

New Business: Supervisor Vermedahl stated that he received a call from the county attorney regarding the air conditioning in his office. The supervisors have directed that air conditioning not be set to maintain a room temperature of less than 75 degrees. The county attorney stated that his staff was not comfortable with room temperature at 75 degrees and that the room temperature for his offices needed to be lowered to 72 degrees. Supervisor Vermedahl stated that this matter be officially placed on the agenda when all supervisors are present to discuss the issue.

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

David H. Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

August 14, 2007

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 9, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set a land use hearing for September 11, 2007, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Steve and Connie Graveman on Parcel A in the SE1/4 of the SE1/4 of 14-86-11. Both members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #07-44, a Resolution Canceling outstanding warrants issued prior to August 1, 2005. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

RESOLUTION #07-44

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 August 1, 2005, 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

07/27/04	#65567	\$21.00	Voss Welding & Machinery
10/12/2004	#67681	\$11.89	St. Luke's Hospital
		<hr/>	
		\$32.89	
Grand Total:		\$32.89	

This resolution adopted on the 14th day of August 2007.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the FY07 Federal Annual Certification Report. 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 Brook and Kahree Cunningham, the board took up the matter for consideration. The applicants were present, as well as Bob Birker. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a single residential use in Polk Township. Hearing all comment, it was moved by Vermedahl, seconded by Sanders, to approve a land use change on approximately two acres generally described as being located in the NW1/4 of the SE1/4 of 32-86-9 for single residence. Both members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for a bid letting on Project #LFM-(201)-7X-06 for subdrains along County Road W24 (old highway 201) north of Norway, the Board proceeded with the letting. Bids were received as follows:

CE Contracting, Hampton, Iowa – \$219,581.20, with bid bond
Traxler Construction, Inc., Le Center, MN – \$197,860.20, with bid security
Tschiggfrie Excavating Co., Dubuque, IA – \$212,853.20, with bid bond
Manatts, Inc., Brooklyn, IA - \$172,101.20, with bid bond

Moved by Vermedahl, seconded by Sanders, to accept the bids as submitted. Further, to award the contract for Project #LFM-(201)-7X-06 for subdrains to Manatt's Inc. at a cost of \$172,101.20, and direct the engineer to forward the contractual agreements to Manatt's for signature. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the final voucher for the Iowa Department of Transportation Project #BRS-CO06 (69) 60-06, at \$309,984.51. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve an application for a utility permit requested by CIPCO to place utility lines in the county's right-of-way in Kane Township along 12th Avenue. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl questioned if a sign had been placed north of Newhall as previously discussed. The engineer stated that the sign, as well as others, are on order and should arrive in the near future.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

August 16, 2007

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

Scott Hansen, Emergency Management Director, met with the Board regarding the Hazard Mitigation Grant Program (HMGP). Hansen explained that because Benton County expressed interest, they have now been approved to apply for the grant. Steve Meyer, presented the board with a list of requirements, and explained that upon completion of the application the items would need to be done within a 3-year time frame. Moved by Buch, seconded by Vermedahl, to authorize the emergency management director to apply for the Hazard Mitigation Grant Program through Homeland Security. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Buch, seconded by Vermedahl, to approve the minutes of August 14, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-45, Abatement of Interest and Penalty. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #07-45 ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$785.07 is hereby abated on parcels numbered 260-06501, 500-06501 and 510-06501 pursuant to the bankruptcy of Worldwide Fiber/360 Networks. The Treasurer is directed to determine the amount of abatement to be applied to each respective parcel.

Dated this 16th day of August 2007.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Vice-Chairman

Ron Buch

ATTEST: _____
Hayley Rippel, Deputy Auditor

Moved by Buch, seconded by Vermedahl, to approve an application for a utility permit requested by South Slope Telephone to place utility lines in the county's right-of-way in Fremont Township along 28th and 29th Avenue. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

August 21, 2007

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

Moved by Vermedahl, seconded by Buch, to approve checks numbered 94200 through 94519 and ACH payments numbered 1118 through 1212, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 16, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the change in employment classification of Jason Andrews to a paid reserve officer with the sheriff's department, effective August 21, 2007, at a wage of \$17.23 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 Dale and Joann Fisher, the board took up the matter for consideration. The applicants were present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a non-agricultural use in Iowa Township for the purpose of constructing a steel building. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately one-half acre generally described as being Parcel B in the NW1/4 SW1/4 of 29-82-12 for a non-agricultural use. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to grant a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Section 10 of Taylor Township along/under 58th Street. All members voting aye thereon. Motion carried.

The Board traveled to the landfill to view conditions of the existing facility and equipment. The Board found that the building is in need of replacement or significant work; the compactor needs replacement, as well as the skid loader. The estimated cost to replace all items would be \$400,000 - \$500,000, with a life expectancy of the current landfill cells at 10 years. The Board discussed whether alternative solutions to waste management should be explored, including construction of a transfer station and closing the county-owned landfill or idling it. It was suggested that the Benton County Landfill Commission be convened to discuss the future of the current landfill.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

August 23, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 21, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a fourteen-day liquor license and Sunday sales permit for Blairstown Sauerkraut Days Beer Tent, effective August 31, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Diane Fuller as a part-time transportation driver, retroactive to August 9, 2007. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Buch, to reluctantly accept the resignation of Denise Wiley from the Benton County Zoning Commission. All members voting aye thereon. Motion carried.

Supervisor Buch reported that he spoke with Nancy Farmer, Chair of the Empowerment Board regarding several changes to the proposed fiscal agent agreement between Benton County and Empowerment. The Board requested changes relative to termination for cause, allowable days between submittal of a claim and payment thereof, and a fee for providing the services. Buch reported that Empowerment would agree to the changes. Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-46, Entering into a Fiscal Agent Agreement with Empowerment Board for the period July 1, 2007 through June 30, 2008. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-46 FISCAL AGENT AGREEMENT

This agreement, made this ____ day of August, 2007 is between the Benton County Empowerment, hereafter referred to as **LOCAL BOARD**, and Benton County, hereafter referred to as the **Fiscal Agent**.

I. Purpose of Agreement

The Local Board has been designated a Community Empowerment Area within the geographical area it serves and has received a grant of state funds of \$266,119.00 for a School Ready Children Services, and a grant of federal funds of \$37,682.00 for an Early Childhood Program (hereinafter referred to jointly as Empowerment funds).

Pursuant to Iowa Code Chapter 28 the Local Board is required to designate a public entity as a fiscal agent to administer grant funds. The Benton County Auditor has been designated as the fiscal agent for the Board.

II. Duration of Agreement

This agreement shall become effective on July 1, 2007. This agreement shall remain in effect until June 30, 2008, or until earlier terminated according to the provisions herein. This agreement may be renewed or extended by the mutual written agreement of the parties in the form of an amendment specifying the new agreement period and the amount of funds available to the Local Board for the new agreement period. All other terms of the agreement shall remain in effect unless otherwise specifically amended.

III. Responsibilities of Fiscal Agent

The Fiscal Agent shall provide the following services for each of the two separate funds for which it is acting as fiscal agent:

- A. Deposit Empowerment funds into accounts in accordance with Iowa Code Chapter 12C and the Cash Management Improvement Act, 31 U.S.C. §6501 et seq.
- B. Issue payments from the Empowerment grant account as directed by authorized Local Board personnel. Payments shall be issued to the individual, vendor, business, or other entity identified by the Local Board, in the amount specified, and to the address provided by the Local Board. Payments shall be issued as directed, within fifteen workdays from the date the Fiscal Agent receives written notification from authorized Local Board personnel.
- C. Be responsible for any costs charged by the financial institution for maintaining the Empowerment grant accounts or accounts containing Empowerment grant funds. The Fiscal Agent shall ensure that any such costs are reduced or offset to the extent possible through earnings credits offered by the financial institution.
- D. Be responsible for completing and submitting any 1099 reports as required by federal or state law or regulation.
- E. Maintain separate accounting records for School Ready Children Services and Early Childhood Program funds that at a minimum include the following:
 1. For each School Ready Children Services grant payment and for each Early Childhood Program grant payment made as directed by the Local Board:
 - a. The date written notification/authorization was received from the Local Board.
 - b. The name of the authorized Local Board staff authorizing the payment.
 - c. The name and mailing address of the payee.
 - d. The amount of the payment.
 - e. The check number or other unique identification of the payment.
 - f. The date the payment was mailed or hand-delivered to the payee.
 - g. The date the payment is cleared or paid out of the Empowerment grant account or account containing Empowerment grant funds.
 - h. The date of any stop payment requested by the Fiscal Agent and the reason.
2. Running balances for each fund which include:

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- a. The cumulative amount of payments authorized by the Local Board.
 - b. The cumulative amount of payments issued.
 - c. Available Empowerment grant funds that are not encumbered or otherwise allocated for payments made but not yet cashed.
- F.** The amount of any monthly bank costs for maintaining the Empowerment fund account or proportion of such costs attributable to that portion of an account constituting Empowerment grant funds, and the amount of any monthly interest earned for the Empowerment fund account or proportion of such earnings attributable to that portion of an account constituting Empowerment grant funds.
- G.** Submit monthly expenditure reports within ten (10) workdays from the end of the prior month to the Local Board. Reports shall be submitted in a format agreed to by the Local Board and the Fiscal Agent, and shall include as much of the information as the Fiscal Agent is required to maintain as described in this section as the Local Board may request, and as is necessary to reconcile the records of the Local Board with the records of the Fiscal Agent.
- H.** Submit a report within ten (10) workdays from the end of the agreement period, or such earlier date as the agreement may be terminated, to the Local Board. The report shall be submitted in a format agreed to by the Local Board and the Fiscal Agent, and shall include as much of the information as the Fiscal Agent is required to maintain as described in this section and as the Local Board may request, and as is necessary to reconcile the records of the Local Board with the records of the Fiscal Agent.
- I.** Submit a report to the Local Board on any audits performed as well as the findings of any audits of the accounting records for School Ready Children Services and Early Childhood Program funds. The report shall be submitted to the Local Board within 5 workdays of its receipt by the fiscal agent.
- J.** Provide services in this section at a cost to the Local Board in an amount calculated at 1.6% of all grant funds received by the Local Board during the term of this agreement. Payment shall be made to the Fiscal Agent on not less than a quarterly basis.
- K.** Return unexpended Empowerment grant funds, and accrued interest as may be required by law, to the Local Board if this agreement is terminated or if Empowerment grant funds remain in an account held by the Fiscal Agent at the end of the agreement period, unless the agreement is renewed or extended as provided for herein.
- L.** Reconcile its records for the payment and distribution of Empowerment grant funds with the Local Board as requested by the Local Board.
- M.** If this agreement is renewed or extended any unexpended Empowerment grant funds remaining in an account held by the Fiscal Agent at the end of the current agreement period shall be retained by the Fiscal Agent for use in the next agreement period.

BOARD RESPONSIBILITIES

The Board shall have the following responsibilities:

- A.** Advise the Fiscal Agent in writing of the identity of Local Board personnel authorized to approve and submit payment requests for Empowerment grant funds to the Fiscal Agent and to receive and review expenditure and other reports from the Fiscal Agent as required herein.
- B.** Determine the amount and payee for any payment to be made from Empowerment grant funds.
- C.** Authorized staff shall submit a dated written authorization to the Fiscal Agent to make payments for Empowerment grant funds approved by the Local Board, which authorization shall designate whether payment should be made from the School Ready Children Services account or the Early Childhood Program account.
- D.** Maintain separate accounting records for each School Ready Children Services payment and for each Early Childhood Program payment authorized to be paid by the Fiscal Agent that at a minimum include the following:
 1. The date written notification/authorization was submitted to the Fiscal Agent.
 2. The name of the authorized Local Board staff authorizing the payment.
 3. The name and mailing address of the payee.
 4. The amount of the payment.
- E.** Review on a monthly basis the monthly expenditure reports submitted by the Fiscal Agent and reconcile with the records maintained by the Local Board. The Local Board and Fiscal Agent shall work together to resolve any discrepancies and take any necessary corrective action.

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- F. Review the report submitted by the Fiscal Agent at the end of the agreement period or other termination of the agreement and reconcile with the records maintained by the Local Board. The Local Board and Fiscal Agent shall work together to resolve any discrepancies and take any necessary corrective action.
- G. Any Empowerment grant funds allocated to the Local Board remaining unexpended at the end of the state fiscal year shall be retained for use in the next state fiscal year and shall be treated as an advance of the Empowerment grant funds allocated to the Local Board for the next state fiscal year.

General Provisions

- A. Agreement Amendment - The agreement shall be amended only upon written agreement of both parties.
- B. Renegotiation Clause. In the event there is a revision of Federal regulations, state laws, or administrative rules and this agreement no longer conforms to those regulations, laws, or rules, all parties will review the agreement and renegotiate those items necessary to conform with the new regulations, laws, or rules.
- C. Termination of Agreement
 - 1. For Cause. Causes for termination during the period of the agreement are:
 - a. Failure of either party to complete or submit required reports.
 - b. Failure of either party to make financial and statistical records available for review by the Board, Fiscal Agent, or other authorized party.
 - c. Failure of either party to abide by the terms of this agreement.

If one of the above occurs, the Local Board shall provide written notice to the Fiscal Agent requesting that the noncompliance be remedied immediately, or the Fiscal Agent shall provide written notice to the Local Board requesting that the noncompliance be remedied immediately. In the event that the noncompliance continues fifteen (15) days beyond the date of the written notice, the Local Board or the Fiscal Agent may either immediately terminate the agreement without additional notice, or enforce the terms and conditions of the agreement and seek any legal or equitable remedies.

- 2. Across the board reductions. Any across the board reductions in State appropriations shall apply to this agreement. Should the Local Board determine that the across the board reduction will affect this agreement, any funds allocated to the project and deposited with the Fiscal Agent will be adjusted pursuant to the reduction. The Local Board shall provide the Fiscal Agent reasonable written notice before any across the board reduction is put in place. During the notice period, the parties will meet and attempt in good faith to agree upon changes to this agreement to address such reduction.
- 3. State reorganization plan. The Local Board shall have the right to terminate this agreement, by giving the Fiscal Agent reasonable written notice, in the event the Local Board is altered by legislative mandate or by direction of the State of Iowa or federal government.
- 4. Legislative reorganization. The Fiscal Agent expressly acknowledges that the program delivered pursuant to this agreement is subject to Legislative change by either the federal or state governments. Should either legislative body enact measures, which alter the program, the Fiscal Agent shall not hold the Local Board liable in any manner for the resulting changes. The Local Board shall provide reasonable written notice to the Fiscal Agent of any such legislative change. The parties will meet and attempt in good faith to agree upon changes to this agreement to address such reorganization.
 - 5. Upon notice. Either party may terminate this agreement by providing 30 days written notice to the other party.
- D. Confidentiality - The Fiscal Agent shall comply with all applicable federal and state laws and regulations on confidentiality.
- E. Statement Regarding Meeting All Federal and State Requirements - The Fiscal Agent shall be in compliance with all applicable federal and state laws, rules, and regulations.
- F. Records Retention - The Fiscal Agent shall maintain records that document the validity of reports submitted to the Local Board. The Fiscal Agent shall retain all books, records, or other documents relevant to this agreement for a period of five (5) years after this agreement is no longer in effect after final payment, or until final audit findings have been resolved, whichever is later.
- G. Review of Contract Related Documentation - Upon request, the Fiscal Agent shall allow authorized representatives of the Local Board or state or federal agencies to have access to the records as is necessary to confirm compliance with the specifications of this agreement. Reviews may include on-site visits to the Fiscal Agent, the Fiscal Agent's central accounting office, the offices of the Fiscal Agent's agents, a combination of these, or by mutual decision, to other locations.

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- H. Federal Lobbying Requirements - In accordance with the requirements under 34 CFR 82, "New Restrictions on Lobbying," the Fiscal Agent shall comply with the restrictions on lobbying requirements.

The Fiscal Agent agrees, to the best of its knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Local Agency shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Fiscal Agent shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

- I. Debarment, Suspension, And Other Responsibility Matter Requirements - In accordance with the requirements under 34 CFR 85, "Government-wide Debarment and Suspension (Nonprocurement)," the Fiscal Agent shall comply with the debarment and suspension requirements.

The Fiscal Agent agrees, to the best of its knowledge and belief, that it and its subcontractors:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated above; and

Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

- J. Environmental Tobacco Smoke Requirements - The Contractor shall comply with the requirements of Public Law 103-227, Part C. Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). The Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through States, local governments, by Federal grant, contract, loan, or loan guarantee. The Contractors will require that the language of this certification be included in any Contracts which contain provisions for children's services and that all sub-contractors shall certify accordingly.

NAME OF LOCAL BOARD

Name of County

Name

Contact Name

Title

Agency

Date

Title

Date

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Address

City, State, Zip

Code

TIN Number

The Board discussed the request by the county treasurer to close county offices at noon on December 24, 2007. The Board stated that they would consider the request but further research is needed prior to making any decisions.

The Board discussed the heating and cooling directive for county facilities. The Board determined that the existing policy of room temperature being maintained at 75 degrees during times that air conditioning is in use and 68 degrees during times the boilers are in use is reasonable and should continue. The thermostat in the boardroom should be moved to the clerk's office as it controls both rooms and the clerk's office is staffed daily and a larger area.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

August 28, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 23, 2007. 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 Jay and Rhonda Bridgewater, the board took up the matter for consideration. There were no persons present for the hearing. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a single residential use in Benton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately one acre generally described as being a Part of the SE1/4 of 15-85-9 for a single residential use. All members voting aye thereon. Motion carried.

The Board briefly discussed the establishment of fiscal agent fees; however it was determined that this issue should be discussed during the time budgets are developed.

Moved by Vermedahl, seconded by Buch, to accept and file the annual manure management plan update submitted by Dennis Zieser on a facility located at 5299 33rd Ave. Dr., Center Point, IA. All members voting aye thereon. Motion carried.

Applicants Rick and Barb Osterkamp, Dick Ransom the engineer for the applicants, and John Fischer the attorney for the applicants appeared before the board to request reconsideration of a variance to the central sewer system requirement for River Valley 1st Addition Subdivision. The applicants had previously requested a variance to the central sewer requirement, which was denied by the board as it did not meet the criteria for a hardship. The engineer advised that further research had been done on the area for the placement of a central sewer system. It has been determined that a central system can be installed but three lots would be required to install pumps, which in the engineer's opinion creates a hardship for those three lots. The pumping situation creates a continual maintenance requirement and increased costs to those future lot owners. The engineer stated that the only location that would allow a gravity flow system would not work due to the depth to bedrock. The engineer stated that the county's ordinance provides that if an undue hardship exists that the board may grant a variance, adding that this request is procedural and not an appeal of the original denial. Ransom stated that this is new information being presented that was not available at the first hearing. Supervisor Sanders questioned which lots would have to be pumped and the engineer responded it would be Lots 1, 5, and 6. Supervisor Vermedahl asked if the remaining lots would be on a central system. The engineer stated that it could be done but that it was not the intent of the developers because that would leave three lots with a central system and three lots without and association issues would arise as to what would be paid for. The engineer stated that individual sand filter systems would be placed on each lot. Rick Osterkamp added that issues could arise with power outages resulting in sewage that could not be pumped. Sanders questioned if needing to move the system to a different location due to depth to bedrock created a hardship, stating that there are other systems in the county that must be pumped. Greenlee added that there are a lot of systems being installed with pumps; primarily because older homes have to be brought up to code and some require pumping. Fischer clarified that the only issue before the board is the variance from the central sewer system for the three lots and that the engineer had explained that the topography is such that it should meet the definition of a hardship due to its affect on the individual homeowners. Fischer added that if it is as easy as installing a sandpoint system for the three lots rather than using a pump, then the question is why isn't this a better system for those three lots. Supervisor Vermedahl clarified that if a variance was given for three of the lots, that the remaining three lots would still be required to have a central sewer system. Fischer responded that the other three lots is a secondary issue. The board questioned how granting this type of variance would not set precedence. The engineer stated that it would be specific because the topography is unique, continuing that there are other hills in Benton County but they don't have the bedrock issue. The engineer added that the people building these homes wouldn't have choice as to whether or not a pump should be installed if a variance isn't granted. Supervisor Buch restated Vermedahl's comment that the remaining three lots would be required to have a central sewer system. B. Osterkamp stated that the county's ordinance only requires a

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central system if there are four or more lots. Greenlee stated that the county's ordinance requires a central sewer system for all subdivisions with the only difference being whether the DNR oversees them or the county. Greenlee stated if there is more than 1500 gallons per day of sewage, then the DNR is the permitting agency. Greenlee questioned the engineer as to whether consideration had been given to any other type of system such as a container packed system. The engineer responded that there still is a discharge from other types of systems and due to the short distance to bedrock there isn't the insulating factor of soil, which provides a safety cushion and without it if leaking occurs it will be quickly absorbed into the bedrock and water contamination may result. The engineer added that they are trying to eliminate open discharge and do a soil discharge system. The engineer stated that they will do what they have to do and have someone come out and collect the sewage, but it would be better to work together and not have to install a central system. Attorney Fischer stated that a hardship exists on the three lots as demonstrated by the engineer and the other three lots would be less than 1500 gallons per day.

Supervisor Vermedahl stated that he did not want to make a decision today, adding that he would like to speak with the county attorney to make sure the ordinance is being followed procedurally. Supervisor Buch echoed those comments. Vermedahl added that he also wants time to consider the request as well. Moved by Vermedahl, seconded by Buch, to defer action on the request until September 11, 2007, at 9:30 a.m. All members voting aye thereon. Motion carried.

Walt Kollmorgen, Veteran's Affairs Director, met with the Board regarding a letter received by the supervisors from the Linn County supervisors regarding the need for additional services in Benton County, stating that Linn County is spending too much time providing services to Benton County veterans. Kollmorgen explained that some veterans go to Linn County rather than Benton County for various reasons; however he is not aware of anyone going to Linn County, as they have not been able to access the office here. Kollmorgen stated that he averaged 9.9 hours over the past 10 weeks as indicated by his time sheets on file in the auditor's office. Kollmorgen stated that he believed a response to the letter should be made. Supervisor Vermedahl agreed to draft a response for the board's approval.

The Board discussed their position on a local option sales tax election. Supervisor Vermedahl stated that he is not opposed to the election; however believed that it would be more fiscally responsible to hold in conjunction with the November 2008 election. The cost of a special election is estimated at a little over \$30,000 with Benton County being responsible for about \$10,000 of that cost. Vermedahl stated that the Board would need to determine the use of the revenue should the vote pass in the unincorporated area. Various thoughts on the use included property tax relief, funding for libraries, emergency services, fire departments, mental health, and economic development. The matter was placed on the September 11th agenda for further discussion.

Mary Williams, Social Services Director, met with the Board regarding her current fiscal year budget. Williams explained that General Supplemental is running at about 53% of her appropriation, which primarily consists of substance abuse commitments. Williams advised that her other fund expenses are currently operating at an appropriate percentage. Williams stated that she had additional invoices for services that will need to be paid from General Supplemental and questioned when an amendment would be made to her budget. The Board advised Williams to keep them informed as to the status. The auditor added that the budget must be amended before money is expended that would exceed the appropriation.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Kane and Iowa Townships along 79th Street. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

August 30, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 28, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set Tuesday, September 25, 2007, at 6:30 p.m. in the courtroom of the Benton County Courthouse, as the time and date for a public hearing on a land use change requested by Hawkeye Renewables, L.L.C. on a part of the NW1/4 and the NE1/4 SW1/4 and NW1/4 SE1/4 of 24-86-11 (Cedar Township). All members voting aye thereon. Motion carried. Marc Greenlee, Land Use Administrator, informed the board that the applicants had requested a land use change for 60 acres, plus or minus, located somewhere on a 217 acre parcel. Greenlee stated that he will conduct a review on the entire 217 acres, including corn suitability, notification of adjacent property owners, etc. Barb Greenlee stated that she has had numerous requests for the comprehensive plan and that the county currently does not have a document available for distribution. B. Greenlee questioned if the board would agree to pay to have the document scanned in by a third party into an electronic document. The Board requested a cost estimate, which Greenlee later reported to be about \$80.00. The Board directed Greenlee to have the document scanned into an electronic format for distribution.

Moved by Buch, seconded by Vermedahl, to approve a request for a utility permit submitted by Qwest Communications in Section 28 of Harrison Township. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the contract and bond for Manatts for the project #LFM (201) 7X-06 to place subdrains along W24. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan update for Rehub Feeders located at 1230 51st Street Drive, La Porte City, Iowa. All members voting aye thereon. Motion carried.

The Board discussed the proposed land use policies submitted by the Benton County Zoning Commission. Rick Osterkamp and Steve Speidel were present for the discussion. Supervisor Vermedahl stated that he would like to

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set up a meeting with the zoning commission and going through the documents to discuss the various issues. Vermedahl stated that if the supervisors decide not to go further with the proposals then the board should discuss that with the zoning commission as to why. Supervisor Sanders stated that each board member should review the documents in detail and discuss those ideas prior to meeting with the zoning commission. Speidel questioned if the documents being reviewed included a zoning ordinance. Land Use Administrator Marc Greenlee stated that the documents being reviewed by the supervisors were the precursor to a zoning ordinance. Steve Speidel questioned why the Board didn't do full zoning by creating areas that were low productivity ground as development ground and high productivity ground could never be developed. Greenlee stated that the LESA system (land evaluation site assessment) does in a way create zoning, but allows for exceptions, such as building next to a town with high CSR (corn suitability ratio). Supervisor Vermedahl added that the board needs to consider fringe area agreements with the cities so that development around towns is considered. Speidel questioned why developments close to a city wouldn't be required to connect to city services. Greenlee stated that city services aren't always available. Vermedahl questioned Supervisor Buch if he was considering county zoning instead of the LESA system. Buch stated that he thought zoning may be easier to administer. Greenlee stated that he does not hear an outcry from the public in general that they don't like the current land use ordinance; however, Greenlee added that he does hear comments about the subdivision ordinance from a more specific group of people. Greenlee stated that in order to address the comments about the subdivision ordinance the county would need to go back to the way it was in the past where a subdivision could be developed anywhere except on high CSR ground and have individual wells and septic systems. Greenlee stated in his opinion there isn't a lot of heartburn with our current land use policy. Greenlee added that the new land use system being proposed will be more difficult and that the point system will always be challenged depending on a person's perspective as to how the points were assigned. Greenlee stated that changing ordinances to a totally new system would create a large learning curve. Supervisor Vermedahl asked that this matter be placed on a future agenda for further discussion.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-47 ABATEMENT OF INTEREST AND PENALTY. All members voting aye thereon. Motion carried.

RESOLUTION #07-47
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$2,754.28 is hereby abated on parcels numbered 240-15601, 270-15652 and 190-01401 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 30th day of August 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-48, AMENDING RESOLUTION #07-46, FISCAL AGENT AGREEMENT BETWEEN BENTON COUNTY AND BENTON COUNTY EMPOWERMENT. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-48
AMENDING RESOLUTION #07-46
FISCAL AGENT AGREEMENT BETWEEN BENTON COUNTY AND BENTON COUNTY EMPOWERMENT

WHEREAS, The Benton County Board of Supervisors adopted Resolution #07-46 on August 23, 2007, entering into an agreement to provide fiscal agent services to Benton County Empowerment; and

WHEREAS, a fee for providing the service was included in said agreement at a rate of 1.6% of the grant funds received per year; and

WHEREAS, the Board has been informed that a fee for the services was not included in the FY08 budget for Empowerment, and

WHEREAS, the Board agrees to remove the fee for FY08 only,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors, that Resolution #07-46 adopted on August 23, 2007, is HEREBY AMENDED, to reflect a change in the agreement as follows:

III. Responsibilities of Fiscal Agent

Paragraph J

“J. Provide services in this section at no cost to the Local Board.”

All other aspects of Resolution #07-46 and the fiscal agent agreement set forth in said resolution remain in full force and effect.

Dated this 30th day of August 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

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Ronald Buch

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to allow Waypoint Service to use the courthouse lawn on October 15, 2007, for the entire day to promote the awareness of domestic abuse. All members voting aye thereon. Motion carried.

David Happel and Barb Smith introduced Eric Jensen as the new director of the Cedar Valley Ranch.

Moved by Vermedahl, seconded by Buch, to set the wage of township officials at \$15.00 per hour, with a minimum of \$25.00 per meeting, effective immediately. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Robert Condry and Harvey McNeal as part-time transportation drivers, effective August 30, 2007, at a rate of \$10.57 per hour. All members voting aye thereon. Motion carried.

Jill Marlow, Benton County Auditor, recommended the following wages be set for election officials, stating that election officials have a tremendous amount of responsibility and are constantly having to adapt to new legislative changes and sophisticated election equipment. Additionally, election workers are under a tremendous amount of scrutiny for the service they perform. Marlow added that by compensating these officials at a more competitive rate may result in more people being willing to serve as election officials as well. Marlow stated that election workers work a minimum of sixteen hours a day during general and primary elections and many times much more. Workers are required to be at the polling places one hour prior to opening and must remain at the polls until all results are transmitted and tallied. The recommendations were as follows:

Official. Elections with the polls opening at 7:00 a.m. and closing at 9:00 p.m.: \$325.00-Chairperson, \$250.00 – Election

Official. Elections with the polls opening at 7:00 a.m. and closing at 8:00 p.m.: \$300.00-Chairperson, \$250.00 Election

Official. Elections with the polls opening at noon and closing at 8:00 p.m.: \$225.00 – Chairperson, \$150.00 – Election

School of Instruction to be paid at \$25.00 per school.

Mileage reimbursement at the amount allowed by the Internal Revenue Service, and only reimbursed for five miles or more. There will be no reimbursement for mileage under five.

Supervisor Buch stated that he believed the increase to be too much and recommended \$275.00 for chairperson and \$200.00 for election officials. Supervisor Vermedahl stated that he believed that the changes occurring in elections over the past few years has created a lot more responsibilities for election officials and he was not objectionable to the recommendations.

Moved by Vermedahl, seconded by Buch, to approve the recommendations. Supervisor Sanders stated that he had concerns with that large of an increase but this was money being paid to Benton County residents and would probably be spent in Benton County. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

September 4, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 30, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set September 27, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by John and Kathy Beck, on a parcel located in the SE1/4 of the NW1/4 of 36-82-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-49, RESOLUTION CANCELLING OUTSTANDING CHECKS. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-49

RESOLUTION CANCELLING OUTSTANDING CHECKS

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

WHEREAS, the Benton County Auditor has requested that outstanding checks issued prior to August 1, 2005, 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.

Co-Insurance Fund

3781027 \$	0.90
3781142 \$	2.68
3781215 \$	1.72

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3781236 \$	0.32
3781239 \$	0.01
3781240 \$	0.23
3781248 \$	0.50
3781300 \$	1.77
3781351 \$	0.50
3781352 \$	0.50
3781431 \$	2.07
3781433 \$	1.17
3781435 \$	0.50
3781436 \$	7.03
3781437 \$	1.20
3781515 \$	0.09
3781540 \$	17.62
3781714 \$	0.77
3781754 \$	3.85
3781755 \$	0.10
3781778 \$	1.96
3781779 \$	0.59
3781780 \$	0.59
3781781 \$	0.76
3781845 \$	0.55
3781858 \$	0.25
3781859 \$	0.76
3781860 \$	0.50
3781861 \$	0.50
3781870 \$	2.36
3781877 \$	0.45
3781878 \$	1.06
3781880 \$	0.50
3781896 \$	1.00
3782089 \$	126.40
Grand Total	\$ 181.76

This resolution adopted on the 4th day of September 2007.

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Jill Marlow, Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

September 6, 2007

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

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Moved by Buch, seconded by Sanders, to set September 27, 2007, at 9:30 a.m., as the time and date for a public hearing on a land use change requested by Rob and Tina Cromer on a parcel located in the SW1/4 of the SE1/4 of 3-84-9. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of September 4, 2007. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the hire of Mark Tharp as a part-time correctional officer at the sheriff's department, retroactive to September 5, 2007, at a starting wage of \$10.66 per hour, with step increases during training to a maximum of \$12.66 per hour upon successful completion of all training and certification. Both members voting aye thereon. Motion carried.

The Board did not receive information from the sheriff on the requested hire of Brad Bergmeier and therefore no action was taken.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plan update submitted by Ritscher Farms at 1826 73rd Street, Van Horne, Iowa. 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 Kyle and Kim Kline, 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 land use change from an agricultural use to a commercial purpose in Eden Township. Greenlee explained that the applicant would like to place a screen-printing business in an existing building on his property. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on approximately 1 acre generally described as being a part the South 545 feet of the east 400 feet of the SE1/4 of the SW1/4 of 33-84-10 for the specific intended use of a screen-printing business. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 11, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 6, 2007. All members voting aye thereon. Motion carried.

Renee Becker provided an update on the activities being done by Benton Development Group. Becker advised that she is trying to establish a method to track visitors to different sites within the county. Becker also discussed the status of the new county maps and the number of advertisements needed to pay for its production. The Board stated that they would prefer that local vendors be given preference for the production of the maps.

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 Steve and Connie Graveman, the board took up the matter for consideration. The applicants and Charles Patten were present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. This parcel already has a single-family residence located on it and the applicants would like to add a mobile home to the parcel for occupation by their parents. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately one acre generally described as being located in the SE1/4 SE1/4 of 14-86-11 (Cedar Township) for an additional single residential purpose restricted to occupation by the applicants' family. All members voting aye thereon. Motion carried.

The Board discussed the request for a sewer variance submitted by River Valley 1st Addition. Rick and Barb Osterkamp, Engineer Dick Ransom, Attorney John Fischer and Steve Speidel were present. Vermedahl stated that he had met with the county attorney, who advised that procedurally the Board could reconsider the request. The applicants have stated that the requirement for a central sewer system will require the installation of sewage pumps on several lots, which creates a hardship, stating that the pumps are required due the unusual topography of the ground. Vermedahl stated that the issue comes down to whether a hardship exists by requiring strict adherence to the ordinance, adding that many other pumps currently exist in the county. Sanders commented that he does not believe that a hardship exists by requiring the installation of pumps for the sewer, stating that pumps can be purchased at Menards. Ransom responded that some people are required to put in pumps for their septic systems, but those homeowners have a choice and can modify the placement of their home, but the lot owners in River Valley 1st Addition will not have a choice and will be forced to install a pump. Ransom stated that the lack of choice makes this situation different than other homes with pumps. Vermedahl questioned if the ordinance creates that situation or the geology of the land. Ransom stated that it is caused by both, adding that in the past under the old ordinance individual systems could have been installed. Ransom added that if it was just the collective system and all could be gravity flowed then that would be different, but the topography and geology coupled with the ordinance's requirements cause the hardship. Rick Osterkamp reiterated that the county's ordinance states that hardships can be caused by unusual topography and added that this proposal is a very low-density. Buch stated that the county knows the topography is different, but questioned if the hardship was only that it was going to cost more money. The engineer responded that the long-term maintenance and its on-going costs also contribute to the hardship, although there are some upfront costs with the pump system. Sanders stated that it is a unique situation but each situation can be unique. Marc Greenlee added that Lot 6 might require a pump regardless. Greenlee also stated that this boils down to the ordinance and what the ordinance says – is it an extraordinary hardship to the developers and is it a minimal easing of the requirements? Greenlee went on to say that when the zoning commission drafted the ordinance they wanted central sewer systems. B. Osterkamp stated that there is no definition of minimal and this is only for 3 lots and that the requirements create more upfront costs between individual septic systems and pumps and it is a hardship to the future homeowners. Vermedahl responded that the ordinance does not refer to the hardship on future homeowners. Steve Speidel questioned how septic systems could be placed in towns with the county's ordinance. The

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supervisors advised that the county has no authority over the cities and the central sewer requirement is a part of a county ordinance affecting the unincorporated areas of the county. R. Osterkamp stated that the zoning commission was appointed by the supervisors and that a zero-discharge sand filter is superior to a leach system and the supervisors could tell the voters that they required a more restrictive system than necessary if they allowed individual sand filter systems. Buch stated that he must go by the current ordinance whether he agrees with it or not and the county has to go by it. Fischer questioned Greenlee as to if he believed a hardship exists. Greenlee responded that he has stated what the ordinance says and that the county is installing more and more systems with pumps. Greenlee stated that his isn't sure if this is a hardship. Greenlee added that perhaps one large pump could be installed instead of three individual pumps. Ransom stated if the houses were closer together that may be viable but due to the large lots it isn't viable to put in one pump. Sanders stated that the board needs to make a decision and called for a motion. Moved by Vermedahl, seconded by Buch, to deny the variance to the central sewer requirement. All members voting aye thereon. Motion carried.

Ransom stated that the developers still have the issue of water to be resolved. Vermedahl responded that the water, land use change, and preliminary plat would still need to be approved at a future meeting.

The Board discussed their position on the local option sales tax election. Andy Lent, City of Vinton, and three representatives from the City of Belle Plaine were present. Bill Daily, Belle Plaine, spoke to the Board about the proposition for the local option sales tax. Daily reviewed the amount of tax revenue Belle Plaine has received from the local option sales tax in the past and where they used the additional revenue. Daily commented that the State continues to cut into local government funding and speak about property tax reform. Daily stated that Belle Plaine would like the proposition to go back to the voters in January of 2008 so that the city can do long range planning. Daily stated that Belle Plaine has been in the planning stages for three years and needs to go forward, adding that Belle Plaine is an integral part of the county. Daily commented that Walford, Blairstown, Atkins and the unincorporated area is not being counted on to reach the 50% requirement to call for the special election; however if all remaining communities pass the resolution then there will be 53.3% of the population. Lent stated that Vinton has passed a resolution requesting the referendum with the understanding that the election will be held in January or February. Lent stated that Vinton's property tax has declined over the past several years due to the property base being primarily residential and the increased rollback on residential property. Lent stated that the council will be discussing the timing of the election at their next meeting, but in Lent's opinion the January/February election would allow for budgeting consideration. Buch stated that since he has been in office that the State has talked about property tax reform but it hasn't happened yet. Buch added that there are some projects coming up that funding may not be available for in Benton County. Vermedahl stated that the supervisors are not opposed to the election, but would prefer that the election be held in conjunction with the November 2008 general election due to the approximate \$33,000.00 cost to the taxpayers for conducting a special election. Daily stated that the supervisors should be aware that there is a "Mason-Dixon line" feeling in Belle Plaine where Belle Plaine residents feel they are ignored and that by the county supporting the special election that would help alleviate that feeling. Sanders stated that he agreed with Vermedahl in that the supervisors supported the election, but the timing was an issue. The Board did not take any action on the local option sales tax issue.

Tammy Wetjen-Kesterson met with the Board to provide an update on Decat activities and obtain approval for a state billing. Moved by Buch, seconded by Vermedahl, to approve the DeCategorization state billing for August 2007 and authorize the chair to sign the same. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blairstown landfill account on August 31, 2007, was \$18,400.44.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in section 5 and 6 of St Clair Township. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 12, 2007

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Sanders called the meeting to order at 9:15 a.m. The meeting was held for the sole purpose of giving formal approval for the payment of claims. It was impractical for the supervisors to attend the meeting in person and therefore the meeting was held electronically as provided under Iowa Code 21.8. The meeting was conducted via a conference call originating from the supervisors room through a speakerphone. Notice of the meeting had been posted in accordance with Chapter 20 of the Iowa Code and the public was allowed to participate. There were no members of the public present.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 94520 through 94824, and ACH payments numbered 1213 through 1306, for payment. All members voting aye thereon. Motion carried.

The Board discussed whether to hold a formal meeting and attend a meeting being held by Hawkeye Renewables, LLC on September 13, 2007, regarding the construction of an ethanol plant in Benton County. The Board believed that a meeting of the supervisors should not be held and that only one member would attend said meeting.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 14, 2007

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

Moved by Vermedahl, seconded by Buch, to receive the 2008-2009 initial contract negotiations proposal from the PPME Union, Local 2003, Representing County Workers in the Secondary Roads Department. All members voting aye thereon. Motion carried.

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The time of 9:00 a.m. having arrived, the Board proceeded with canvassing the results of the Regular School Election held on September 11, 2007. Moved by Vermedahl, seconded by Buch to approve said canvass and that the canvass be filed in the records of the auditor's office. The following persons are declared elected:

Belle Plaine Community School District: At Large-Joyce Livermore

Benton Community School District: District 1-Brenda Schanbacher, District 3-Dan Voss, District 5-Tricia L. Schutterlee

Vinton-Shellsburg School District: District 1-Pat Lyons, At Large-Gerald E. Horst

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to confirm the understanding of audit services to be provided by EideBailly for the fiscal year ending June 30, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a native wine permit requested by Bloomsbury Farms, Inc. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 11, 2007. All members voting aye thereon. Motion carried.

The Board met with county department heads regarding various management issues. The Board discussed the request by the treasurer to close the courthouse at noon on December 24, 2007. No action was taken on the request. The Board also asked that all appointed department heads notify the Board either directly or through the auditor's office when they would be out of their offices. The courthouse alarm system was discussed, as well as parking issues and smoke detectors in other facilities.

Alberta Reifenhahl and Dale Schmidt with the Benton County Historical Society and Doug Mehlhaus, Chairman of the Monroe Township Trustees, met with the Board regarding the donation of the Monroe Township Hall to the Save Our Country Schools, an organization within the Benton County Historical Society. Monroe Township had agreed to donate their township hall, an old one-room schoolhouse, to Save Our Country Schools, however state law provides that a township may only donate property to another governmental entity. The county can donate to private entities if it is found to be in the best interest of the public or for a public purpose. Therefore, Monroe Township has asked Benton County to accept the donation of the building, and then in turn donate the building to the Benton County Historical Society. Moved by Buch, seconded by Vermedahl, to accept the donation of the Monroe Township hall with the understanding that the building will in turn be donated to the Benton County Historical Society upon the finding of a public purpose. All members voting aye thereon. Motion carried.

County Engineer Parizek spoke to the Board about the purchase of a trash compactor for the landfill. Parizek advised that he has located a used 2001 Caterpillar 816F compactor in Colorado for \$155,000. Parizek stated that the vendor advised that another party had offered to purchase the equipment, and that Benton County has to make an immediate decision as to whether they will purchase the compactor or not. The old compactor could be retained as a back up or sold. Moved by Buch, seconded by Vermedahl, to authorize the engineer to purchase a 2001 Caterpillar 816F compactor from Chaffee County, Colorado at \$155,000.00, not including transportation costs. Action regarding a budget amendment or interfund loan will be taken, in the event it is necessary. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 18, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 14, 2007. All members voting aye thereon. Motion carried.

The Board discussed their thoughts on the proposed land use policies for Benton County. Marc Greenlee, Steve Speidel and Rick Osterkamp were present. Vermedahl stated that Greenlee has stated that the LESA plan will be more difficult to administer and leave more open-ended questions open to challenge. Sanders stated that quantitative values could be argued. Vermedahl stated that there is no flexibility for commercial development. Vermedahl further commented that he spoke with the county attorney as well. Vermedahl stated that he would suggest that the county needs to go through the LESA system and see if it is actually doing what you want it to do. The county could develop zoning from there. Greenlee stated that the interesting point that it would be an experiment in advance to come up with zoning, but that CSR will always play a vital role. Sanders commented that the development within ¼ mile and the hard surfaced road could always change dependent upon how things developed in an area and may encourage sprawl. Vermedahl stated that the Board is currently promoting sprawl. The possibility of implementing zoning was discussed. Supervisor Buch questioned if commercial development could occur in areas regardless of the corn suitability rating. Speidel commented that rural growth provided jobs for plumbers, cement workers, carpenters, etc and those things should be considered when the Board takes action on controlling growth. Osterkamp stated that he has driven through areas in other counties where individual wells and septic systems are allowed on each lot. Osterkamp also commented that the individual who developed the LESA system said it was subject to interpretation. Supervisor Buch stated that he has never been in favor of central sewer systems, but it was passed before he took office. Greenlee stated that he has had several inquiries made to him about water and sewer. Greenlee stated he was asked why those provisions were put into the ordinance originally and Greenlee explained it was an attempt to control growth. Greenlee then was questioned about how many environmental problems the county has had since we allowed individual septic systems and Greenlee was not aware of any. Greenlee stated that the county is taking steps to try to avoid creating environmental concerns. Osterkamp added that by keeping the hard surface road requirement in the subdivision ordinance it would separate the serious developers from those that are not. Supervisor Vermedahl suggested that the supervisors meet with the zoning commission and discuss the proposals and the items the supervisors agree with and/or disagree. However, after further discussion it was determined that the supervisors needed to discuss the land use policies in more detail prior to meeting with the zoning commission.

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Moved by Vermedahl, seconded by Buch, to approve a salary increase for Lisa Epp, attorney in the county attorney's office at \$50,000.00, effective this date. All members voting aye thereon. Motion carried.

Mary McLaughlin requested approval to purchase software that provides the capabilities to produce mailing labels through GIS. The one-time cost of the software is \$1000.00 from Schneider Corporation and is an extension to the GIS software. The software may be usable for the Census 2010 as well. Moved by Buch, seconded by Vermedahl, to approve the purchase of Mailing Label generator for the GIS. All members voting aye thereon. Motion carried.

Renee Becker requested release of \$5000.00 from the economic development fund for payment of the second half of the Highway 30 Impact Study costs. Moved by Buch, seconded by Vermedahl, to release \$5,000 to Benton Development Group for economic development activities. All members voting aye thereon. Motion carried.

The Board discussed providing notice to the county engineer regarding review and renegotiation of his employment contract. The county attorney advised that the current contract does not provide a renegotiation clause without termination of the current contract. The Board discussed the need for an annual employment review of the engineer. The engineer commented that there is a 90-day clause providing for written notice. Parizek stated he has no issues with the current contract, but if the Board wishes to review the contract he understood. Moved by Buch, seconded by Sanders, to give written notice to the engineer of county's intent to terminate the current employment contract. Voting aye were Sanders and Buch. Vermedahl voting nay. Motion carried. The Board stressed that the termination is not due to job performance but that the current contract has been in effect for approximately ten years and should be reviewed.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

September 18, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 14, 2007. All members voting aye thereon. Motion carried.

The Board discussed their thoughts on the proposed land use policies for Benton County. Marc Greenlee, Steve Speidel and Rick Osterkamp were present. Vermedahl stated that Greenlee has stated that the LESA plan will be more difficult to administer and leave more open-ended questions open to challenge. Sanders stated that quantitative values could be argued. Vermedahl stated that there is no flexibility for commercial development. Vermedahl further commented that he spoke with the county attorney as well. Vermedahl stated that he would suggest that the county needs to go through the LESA system and see if it is actually doing what you want it to do. The county could develop zoning from there. Greenlee stated that the interesting point that it would be an experiment in advance to come up with zoning, but that CSR will always play a vital role. Sanders commented that the development within ¼ mile and the hard surfaced road could always change dependent upon how things developed in an area and may encourage sprawl. Vermedahl stated that the Board is currently promoting sprawl. The possibility of implementing zoning was discussed. Supervisor Buch questioned if commercial development could occur in areas regardless of the corn suitability rating. Speidel commented that rural growth provided jobs for plumbers, cement workers, carpenters, etc and those things should be considered when the Board takes action on controlling growth. Osterkamp stated that he has driven through areas in other counties where individual wells and septic systems are allowed on each lot. Osterkamp also commented that the individual who developed the LESA system said it was subject to interpretation. Supervisor Buch stated that he has never been in favor of central sewer systems, but it was passed before he took office. Greenlee stated that he has had several inquiries made to him about water and sewer. Greenlee stated he was asked why those provisions were put into the ordinance originally and Greenlee explained it was an attempt to control growth. Greenlee then was questioned about how many environmental problems the county has had since we allowed individual septic systems and Greenlee was not aware of any. Greenlee stated that the county is taking steps to try to avoid creating environmental concerns. Osterkamp added that by keeping the hard surface road requirement in the subdivision ordinance it would separate the serious developers from those that are not. Supervisor Vermedahl suggested that the supervisors meet with the zoning commission and discuss the proposals and the items the supervisors agree with and/or disagree. However, after further discussion it was determined that the supervisors needed to discuss the land use policies in more detail prior to meeting with the zoning commission.

Moved by Vermedahl, seconded by Buch, to approve a salary increase for Lisa Epp, attorney in the county attorney's office at \$50,000.00, effective this date. All members voting aye thereon. Motion carried.

Mary McLaughlin requested approval to purchase software that provides the capabilities to produce mailing labels through GIS. The one-time cost of the software is \$1000.00 from Schneider Corporation and is an extension to the GIS software. The software may be usable for the Census 2010 as well. Moved by Buch, seconded by Vermedahl, to approve the purchase of Mailing Label generator for the GIS. All members voting aye thereon. Motion carried.

Renee Becker requested release of \$5000.00 from the economic development fund for payment of the second half of the Highway 30 Impact Study costs. Moved by Buch, seconded by Vermedahl, to release \$5,000 to Benton Development Group for economic development activities. All members voting aye thereon. Motion carried.

The Board discussed providing notice to the county engineer regarding review and renegotiation of his employment contract. The county attorney advised that the current contract does not provide a renegotiation clause without termination of the current contract. The Board discussed the need for an annual employment review of the engineer. The engineer commented that there is a 90-day clause providing for written notice. Parizek stated he has no issues with the current contract, but if the Board wishes to review the contract he understood. Moved by Buch, seconded by Sanders, to give written notice to the engineer of county's intent to terminate the current employment contract. Voting aye were Sanders and Buch. Vermedahl voting nay. Motion carried. The Board stressed that the termination is not due to job performance but that the current contract has been in effect for approximately ten years and should be reviewed.

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

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Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 20, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 18, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Artie Fowler, as a part-time correctional officer in the sheriff's department, effective September 21, 2007, at a starting wage of \$10.66 per hour with step raises in training up to \$12.66 per hour upon successful completion of training. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a request for a utility permit by Qwest Communications to place utility lines in the county's right-of-way along 22nd Avenue Drive in Section 7 of Taylor Township. All members voting aye thereon. Motion carried.

The Board discussed the status of the courthouse repair project and the request for proposals. Supervisor Vermedahl commented that Durant Engineering has not submitted their proposal as of this date. Supervisor Vermedahl is to contact Durant and advise that their proposal will only be accepted through September 26, 2007.

Supervisor Buch discussed the county's position on owning farmland. Buch believes that the county should sell the farm ground adjacent to the Cedar Valley Ranch. Buch stated that the county should not necessarily own land that they aren't going to use or have a plan to use, adding that the land is not producing tax income and puts the county in competition with local farmers. Buch stated that the ground could be offered for sale, but if the land did not bring enough, the Board could continue to rent. Buch also stated that he would consider selling the building currently housing the Cedar Valley Ranch and have the county simply pay for clients placed there by the county. Buch stated that he questioned Benton County subsidizing other counties who have clients placed there through maintenance of the facility. Supervisor Sanders stated that the Ranch does pay rent, however Buch responded that the rent does not cover Benton County's expenses in maintaining the facility. Supervisor Vermedahl commented that if the buildings sold the same way that the Vinton-Shellsburg school buildings did recently, then the county shouldn't bother trying to sell it. Buch and Sanders stated that there is going to be major expenses with the facility in the future, i.e. roof and boiler replacement. Supervisor Sanders stated that the issue comes down to philosophy. Supervisor Vermedahl stated that the county is in the landlord capacity and did not want to sell an asset to put money into maintenance operations. Vermedahl added that the county would lose the rental income. Supervisor Buch stated that government should not be in the business to make money. Supervisor Vermedahl stated that he is not so much opposed to selling the land, but more so as to what the money would be used for. The Board requested that the issue be researched further as to the actual amount of acres and the status of the lagoons.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 25, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 20, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve claims numbered 93589 through 95124, and ACH checks numbered 1307 through 1400, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Marian Janss. Greenlee reported that Janss is purchasing seventy-eight acres, which will be used in the production of food and fiber. Moved by Buch, seconded by Vermedahl, to approve a farm exemption as authorized by the Benton Agricultural Land Use Preservation Ordinance on a parcel located in the E1/2 of the NE1/4 of 29-82-12, for a single residential purpose. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the filing of a new manure management plan submitted by Katouc Hog Farm in 20-85-11. All members voting aye thereon. Motion carried.

The time of 6:30 having arrived, and this being the time and date set for a public hearing on a land use change submitted by Hawkeye Renewables, LLC, the Board took up the matter for consideration. Marc Greenlee, Land Use Administrator, reported that they had received a written request from the applicants to withdraw the application. Several people asked about the county's land use procedures. There being no need for consideration of a land use change, the chair declared the public hearing closed.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 27, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 20, 2007. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Vermedahl, seconded by Buch, to approve the following law enforcement contracts between Benton County Sheriff: Van Horne – 780 hours annually at \$15,600; Norway – 520 hours annually at \$10,400; Garrison – 156 hours annually at \$2,808; and Blairstown – 780 hours annually at \$14,040. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set the following dates for consideration on a proposed ordinance titled Watkins Sewer Service Systems: October 9, 2007, October 11, 2007, and October 16, 2007, at 9:15 a.m. Further, language should be included allowing the board to waive readings due to time constraints with the targeted operational date of the sewer system. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John and Kathy Beck, the board took up the matter for consideration. There were no persons present for the hearing. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a single residential use in Benton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Part of the SE1/4 of the NW1/4 of 36-82-12 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 Rob and Tina Cromer, the board took up the matter for consideration. The applicant was present for the hearing. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a single residential use in Benton Township. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a land use change on approximately two and one-half acres generally described as being a Part of the SW1/4 of the SE1/4 of 3-84-9 for a single residential use. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-50. ABATEMENT OF INTEREST AND PENALTY. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-50
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$3,231.25 is hereby abated on parcels numbered 270-15652, 370-01551, and 380-10301 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 27th day of September 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

The Board provided the county's 2008-2009 initial contract negotiations proposal to the PPME Union, Local 2003 representing county workers in the secondary roads department to Mark Kelty, union representative.

The Board discussed tiling the farm ground around the landfill. Supervisor Buch is to do further research before any action is taken.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-51, CLOSING ROAD FOR CONSTRUCTION. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-51

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from September 26, 2007, through the completion of the project.

From the NW corner of Section 22-T85N-R12W thence east approximately 2.0 miles to the NE corner of Section 23-T85N-R12W
along 59th Street in Monroe Township.

Signed this 27th day of September, 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

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

Jason Sanders, Chairman

ATTEST: _____

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Jill Marlow, Benton County Auditor

October 2, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 27, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, that Benton County provide a letter of support for the City of Belle Plaine's Housing Rehabilitation grant application. All members voting aye thereon. Motion carried.

Renee Becker, Benton Development Group, and Amy Lasack with Skills Advantage, met with the Board to request that the county become a Skills Advantage employer. The program utilizes Kirkwood Community College to administer skills assessment testing to be used by the employer in the hiring process. The Board requested that Lasack return at a later date to speak with the county's department heads prior to the county taking formal action joining the program.

Moved by Vermedahl, seconded by Buch, to approve the quarterly reports for the period ending September 30, 2007, for the sheriff and auditor. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the original manure management plan filed by McKinley Swine, LLC located in the SW1/4 of the NW1/4 of 35-87-9 (Buchanan County) with application on areas in Benton County. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the Blirstown bank account for the landfill on September 30, 2007, was \$29,450.10.

The engineer discussed an issue that has arisen on the Linn Benton Road described as being from the northwest corner of Section 31-83-8, thence North 8.5 miles to the W1/4 Corner of Section 18-84-8. The engineer advised that the road is in dire need of rock; however under an agreement entered into between Benton County and Linn County on December 22, 1999, Linn County is required to provide maintenance on that portion of the roadway, adding that maintenance is defined in part as including "routine maintenance, such as rock surfacing,..." Supervisor Buch is to follow-up with the Linn County Board of Supervisors as to the need for immediate action on the road and if necessary schedule a meeting with the Linn County Board of Supervisors.

Supervisor Buch commented that he had been asked that a dirt road be considered for upgrading to rock on 25th Avenue north of 73rd Street or 72nd Street west of 25th Avenue.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

October 9, 2007

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

Moved by Vermedahl, seconded by Buch, to set November 1, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by David Wiebbecke on a parcel located in the 22-85-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 2, 2007. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Kyle Deaton on a parcel located in the SW1/4 of Section 22-82-12. The applicant currently owns 67.67 acres, which has 45 acres in a corn-soybean crop rotation and is requesting to have a single residential use added. Greenlee advised that the request conforms to the requirements of the Benton County Agricultural Land Use Preservation Ordinance. Moved by Buch, seconded by Vermedahl, to approve a farm exemption requested by Kyle Deaton on a parcel located in the SW1/4 of section 22 of Iowa Township, for a single residential use. All members voting aye thereon. Motion carried.

The Board discussed the proposals received for engineering services for the courthouse repair project. Proposals were received from Durrant Engineering, Howard R. Green, and IIW Engineers & Surveyors. The Board reviewed the proposals and compared the various services. The board called references and also requested that the county engineer review the proposals as well.

The time of 9:15 a.m., and this being the time and date for the first consideration on proposed Ordinance #55, Watkins Sewer Service Systems, the Board took up the matter for consideration. Notice of the considerations had been published in the official newspapers and copies were available in the auditor's office. The auditor reported that no one has asked for a copy of the ordinance or had she received any comments or questions regarding the same. There was no one present for the hearing. Hearing no comment either for or against the proposed ordinance, it was moved by Vermedahl, seconded by Buch, to approve the first consideration of Ordinance #55, Watkins Sewer Service Systems. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve claims numbered 95125 through 95466, and ACH checks numbered 1401 through 1494, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the final Iowa Department of Transportation progress voucher for Project #FM-CO06(73)—HMA Resurfacing on D65. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Section 29 of Iowa Township, along 11th Avenue Trail. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into closed session to discuss pending litigation in accordance with Iowa Code 21.5(1)(c). All members voting aye thereon. Motion carried at 10:15 a.m.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

Moved by Buch, seconded by Vermedahl, to return to open session at 11:05 a.m. The Board did not take action relative to the closed session.

The board discussed the disposition of various parcels of county-owned real property. The Board discussed the disposition of the farmland by the Cedar Valley Ranch, and several small parcels adjacent to the Department of Natural Resource's property. Supervisor Buch is to speak with the county engineer about the status of the lagoons at the Cedar Valley Ranch and the requirements needed to close them prior to the board taking any action.

The auditor requested that the Board consider a policy that would automatically terminate employees who have not worked for a period of one year or greater. The auditor advised that certain notices must still be given to employees even though they haven't worked. The board agreed to discuss the matter with the department heads.

The auditor discussed the need for a new resolution governing the Benton County Historic Preservation Commission with the board. The auditor stated that the current resolution is outdated and should be revised and that she has received a sample resolution from the Iowa State Historical Society. The Board agreed that a new resolution should be adopted and asked the auditor to bring a proposed resolution back for consideration. Supervisor Sanders is to obtain a list of current commission members so that they may be notified as well.

The auditor asked the Board for approval to begin switching the lighting in the rotunda areas of the courthouse to compact fluorescent bulbs. The auditor advised that it would require that globe shaped shades be purchased for some of the fixtures, which would be representative of the original fixtures. The auditor advised that compact fluorescent bulbs use less energy and have a longer life. The Board directed the auditor to begin making the necessary change. The Board also requested that research be done on restoring or replacing the lamppost fixtures at the stairways to their original design.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 11, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 9, 2007. All members voting aye thereon. Motion carried.

The time of 9:15 a.m., and this being the time and date for the second consideration on proposed Ordinance #55, Watkins Sewer Service Systems, and the Board took up the matter for consideration. There were no members of the Public present. One member of the media was present. Hearing no comment either for or against said ordinance, the Chair announced the public hearing closed. Moved by Vermedahl, seconded by Buch to approve the second consideration of Ordinance #55. Vermedahl, Buch and Sanders vote aye. Nays none. Motion carried.

The Board then discussed waiving the third consideration of Ordinance #55. It was discussed that it is important to the citizens of Watkins and Poweshiek Water that time is of the essence to waive the third consideration. Further there has not been any public input regarding Ordinance #55 at the first or second consideration. Fully discussing the waiving of the third consideration, it was moved by Buch, seconded by Sanders, to waive the third consideration of Ordinance #55, Watkins Sewer Service Systems for the reason discussed. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-52. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #07-52

WHEREAS, the Benton County Board of Supervisors published notice of hearings on a proposed ordinance #55 Watkins Sewer Service Systems and

WHEREAS, the Benton County Board of Supervisors has held two public hearings on the proposed ordinance, and

WHEREAS, the Board believes it is important for the Citizens of Watkins and Poweshiek Water to approve the Ordinance as soon as possible,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #55, Watkins Sewer Service Systems, should be and is hereby adopted. The auditor is directed to make publication in accordance with Iowa law.

Dated this 11th Day of October, 2007

Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Delane Kalina, Deputy Auditor

Bill Daily, Belle Plaine City Administrator, met with the Board to discuss the Local Option Sales Tax. He was instructed that the papers needed to be filed in the Auditor's office and not the Board of Supervisor's Office.

Moved by Vermedahl, seconded by Buch, to approve the utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Sections 30 and 31 in Benton Twp along 61st St Ln. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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Moved by Vermedahl, seconded by Buch, to approve the utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Section 21, Harrison Twp along 24th Ave Dr. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____

Delane Kalina, Deputy Auditor

October 16, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 11, 2007. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to request approval of provider clients. Moved by Buch, seconded by Vermedahl, to enter into the following provider contracts:

Area Substance Abuse Council- \$0.70 rate increase.

Associated for Behavioral Health-no increases for commitment related costs.

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Steve Payne as a part-time bus driver for the transportation department effective October 11, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to direct the chair to sign a request for an extension to the CDBG contract for community development block grant funds for the Watkins wastewater treatment project. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to allow Waypoint Service to use the courthouse lawn on October 22nd, 2007, for the entire day to promote the awareness of domestic abuse. It was previously scheduled for October 15, 2007 but due to rain, it was rescheduled. All members voting aye thereon. Motion carried

The time of 9:05 a.m., and this being the time and date for discussion of the county's current land use policies. Supervisor Vermedahl started out the discussion by asking the question if we agree with the goals. Do we want to preserve farmground? Because he is under the impression that this policy is bent towards more economic developments. If this is part of our goal then we need to make plans to do that. Steve Speidel was also present for the discussion. The two main requirements in the policy he said that is of concern to him is the sewer system and paved roads. He said he was never in favor of the community sewer as mentioned in the current policy. They cause more problems then good. He doesn't seem to think that we have problems with individual septic systems. Vermedahl questioned Speidel if more houses use one well does it affect the water supply. Speidel said that it didn't matter if there were 8 individual wells or all 8 using 1, its still going to use the same amount of water. If something goes wrong with one common well all 8 houses are affected as opposed to one house per well. Sanders questioned who would maintain these community spaces in the developments? Speidel also stated that there are plenty of people who rely on these developments for their income. In this plan we will eliminate some of these people from doing that. You are never going to be able to please everyone he said.

Vermedahl asked if the goal was to push development toward the communities so they could hook into the services of the community. Sanders asked if that goal conflicts with maintaining our farm ground. Why do we want to push people to the towns. He understands its important for emergency protection and to be within a certain distance from those services. Vermedahl stated that the intent is to make developments contiguous to the towns. Supervisor Buch commented that sometimes the ground is more suitable for developing in the rural areas then it is in the urban areas due to the CSR. A big concern for Buch is along HWY 30. For example how can we have a gas station along there if there are no towns along the way. How do you say yes to one land owner and no to another. Sanders said we know what the people want, it is their land to do it with. Buch said he doesn't have a problem if the farmstead is already there, go ahead and build. Or if there is evidence showing a foundation existed at one time and it meets the requirements in the mentioned plan. Supervisor Buch stated this is by far the toughest part of his job as a supervisor. He also commented about the LESA program. Vermedahl asked how they would approach this program. He said there are 4 main things they need to look at. 1) Comp Plan 2) Zoning Ordinance 3) Fringe area agreements 4) sub-division ordinance. We need to consider what the goal is and what we want to achieve. The board tabled action and put this discussion back on the agenda for Tuesday October 23rd at 9:05 a.m. to allow more time for consideration.

Discussion was had about the three bids for the courthouse repair projects. Vermedahl stated that he thought Durant had the experience in the area and provided plenty of information about the people who will be doing the work. Buch questioned their interest in applying for grants for historical preservation. Sanders added that they all three do basically the same work and that Durrant was the least expensive of the three. Motion by Vermedahl, seconded by Buch to hire Durrant Engineering Firm for the courthouse repair project. No Further Discussion, all members voting aye thereon. Motion Carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-53. Voting aye was Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #07-53

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from October 16, 2007, through the completion of the project.

From 33rd Avenue Drive thence east approximately 0.75 mile to Benton-Linn Road along 52nd Street Drive in Section 14, Polk Township.

Signed this 16th Day of October, 2007

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Benton County Board of Supervisors

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

Hayley Rippel, Deputy Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Hayley Rippel, Deputy Auditor

October 23, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 16, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 95467 through 95733, and ACH checks numbered 1495 through 1589, for payment. All members voting aye thereon. Motion carried.

The Board discussed land use policies for Benton County. Supervisor Sanders stated that the policies will be reviewed one by one. Supervisor Vermedahl stated that he did not have a difference in the goals with the Zoning Commission in maintaining the rural lifestyle; however he would like to see more emphasis on economic development. The economic development should not be out in the "middle of no where", except industries that create odors, etc. you would not want near the communities. Economic development should be viewed as commercial and residential. Vermedahl continued to state that he would like to see more emphasis on the commercial development and relative to the residential development; the supervisors need to decide about rural subdivisions and whether they should be allowed. Vermedahl stated that his is not opposed to rural subdivisions, but does not believe they should be allowed anywhere. Vermedahl stated that he did not have problems with subdivisions like Beau Chene, but doesn't want to see developments up and down the Cedar River. Sup. Buch stated that population is dictating where the development occurs. The demand is in the eastern half of the county and that land suitable for development is located in the eastern third of the county as opposed to the western two-thirds. Buch stated that every time commercial development tries to come to Benton County that the people are against it. Buch questioned how commercial development could be allowed, because then you would have to tell one-person yes and the other person no. Buch stated that this is one of the toughest things to be done by supervisors. Buch stated that Benton Development Group is the contact person for development and we (the board) tie their hands. Buch added that Tama County spends \$90,000 a year for economic development, but questioned if there been anything actually happen there. Becker responded that Tama County has a lot in the works. Buch responded that still nothing ever seems to develop. Buch questioned what Benton County has to offer commercial development, for example the ethanol plant, although Buch stated that that development stopped due to other reasons and not Benton County. Buch stated that the biggest growth in Benton County will be from people living here and working elsewhere. Buch stated that Belle Plaine has pretty much determined that they will be a bedroom community and are planning as such. Buch stated that if you have a good business district and people support it, the downtown will survive, but there is no industrial business. Vermedahl stated that Benton Commerce Village has developed well. Buch stated that is because of the location next to I-380. Vermedahl stated that the county should consider that when determining where commercial growth can occur. Becker stated that it would make her job easier if there were areas for economic development. Supervisor Sanders stated that the proposed comprehensive plan does not include economic development and if adopted that Benton County, as the county, would not have a goal for economic development and that it would be up to the cities. Vermedahl then questioned if the county should list economic development as a goal and then establish areas for economic development. Buch stated that unless you stated development along the railway, then the project near Mt Auburn could never occur. Steve Speidel commented that there used to be a junkyard, gas station, and motel along Highway 30, so the county should consider development along that highway. Speidel stated that rural water was available and as another reason for commercial growth along the Highway 30 corridor. Speidel also added that the Vinton airport should be an area for commercial growth as well. Ron Donald, Van Horne mayor, stated that the Highway 30 corridor would make sense to allow commercial development from the Linn Benton line west to Grovert Chevrolet. Donald stated that the whole corridor would be a potential area for development. Donald stated that he was told several years ago that someone was denied development on the 218 and 30 corner because of the county's land use policies. Buch asked who should decide what is developed and what isn't. Donald responded that you would get different answers from different people and the decision needs to be made as to whether Benton County wants to grow or not. Speidel stated that no matter where development occurs, farm ground would be taken out of production because there are no areas available in the cities for redevelopment. Becker stated that she attended the public hearings held by the zoning commission when the comprehensive plan was developed. Becker stated that preserving farm ground was just as important as economic development, but the people drafting the proposal only heard preserving farm ground and economic development was lost somewhere along the line. Sanders stated that the plan does address growth related to economic development, but is not listed as a goal. Becker stated that she went to one meeting and economic development was in the plans and then the next meeting it was gone. Becker stated that a few key people took it out. Buch stated that there is no reason to have an economic development board if we aren't going to allow economic

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

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development. Buch stated that the county could designate the area along Highway 30, along I-380, and along the railroad for economic development as an option. Becker stated that she has no areas to actively promote in Benton County for development or redevelopment. Becker stated that Benton County has a lot to offer as far as quality of life and good schools, but if Benton County makes it difficult to locate here then businesses will locate elsewhere. Buch stated that Benton County is much better than Linn County to work with as far as regulations. Vermedahl commented that the county should basically just say certain areas are available for commercial development, i.e. railroads, etc., or if the LESA system is used then provide additional points for the location along railroads, etc. Vermedahl stated that you could take a LESA program and zone the entire county using that tool, except that areas may change, i.e. a new road paved. Vermedahl stated that he believes the board has reached a consensus to at least expand the current plan to include the goal to include economic development. Sanders also commented on the positive qualities to be maintained as stated in the plan, including the small town atmosphere. Sanders stated that in no other place in the plan does it state that all residential growth needs to be near cities. Sanders stated that the proposed land use plan is at odds with itself as it states to maintain prime farm ground while pushing growth towards cities where prime farm ground may be located. Sanders stated that the county needed to be concerned where growth in the county should occur. Vermedahl questioned if a city annexes in land if the city must provide services within so many years. Donald replied that he is not aware of any law requiring services be provided within a time frame. Andy Lent, Vinton City Coordinator, responded that if the annexation is involuntary, his understanding that services must be provided within three years. Vermedahl stated that fringe area agreements should be developed with the cities. Donald stated that economic development drives the community. If people drive to Cedar Rapids to work, they will shop there as well. Donald continued that if the jobs are in the community then people will stay and shop there promoting more retail businesses in the communities. Vermedahl asked Donald and Lent what the cities might like to see in fringe area agreements. Lent responded that there was a lot of opportunity available with fringe area agreements. Buch reiterated that the county should set areas, i.e. along Highway 30, the railroad, and I-380, for commercial development. Becker stated that she attended the zoning meetings, but all of sudden was no longer made aware of them. Donald stated that he attended one meeting and left with the impression that the decisions were already made and it didn't matter about other input. The Board placed the matter on a future agenda for additional discussion.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Qwest to place utility lines in the county's right-of-way along 55th Street in Harrison Township in Sections 29 and 32. All members voting aye thereon. Motion carried.

The Board discussed the local option sales tax issue being proposed. Jill Marlow, county auditor, advised that she received sufficient motions from governments representing fifty percent of the population, which triggers the election process. The auditor advised that Iowa law required the auditor to set the date of the election in consultation with the board of supervisors and the city councils. Marlow said that the law further set a minimum and maximum number of days before the date of the election. Marlow stated that she was considering holding the election on January 29, 2007, which was the earliest date possible. Marlow advised that she had notified all of the cities of the date and heard no comments either for or against it. The supervisors did not have any objections to the date proposed by the auditor.

The auditor advised that the Board of Supervisors had the authority to set a sunset clause on the local option sales tax should it pass; however if a sunset clause was to be imposed then it would need to be included in the required notices and on the ballot. Supervisor Buch stated that if the county puts a sunset clause on the issue then it might shut it down. Supervisor Vermedahl added that the public file petition to repeal the tax; however Bill Daily (Belle Plaine) advised that the only way the tax could be repealed was by council or supervisor action and that the citizens could not just file a petition that would require repeal. Mayor Jim Daily (Belle Plaine) stated that the county was concerned about the cost of the election and if there was no sunset clause there would never have to be another local option sales tax election, adding that the tax would just go on and on. Bill Daily stated that the majority of the cities with local option sales tax do not have a sunset clause because the municipalities are accountable to their citizens. Supervisor Buch stated that the resolutions filed with the auditor did not have sunset clauses. Supervisor Vermedahl added that the issue could be put to the voters without a sunset clause and the voters can vote it down if they don't like it. Supervisor Sanders commented that he is struggling with not having a sunset on the tax. Sanders stated that the accountability bothers him, that the long range planning used as an argument for no sunset is only as good as the city councils since the tax can be repealed by motion of the council/board. Jim Daily responded that if long-term debt is done with the payments being guaranteed by local option sales tax revenue then the council cannot repeal it. Sanders questioned if there would be a time that would be comfortable for sunset. Jim Daily replied twenty-five years adding that the local option sales tax is property tax relief as well. Moved by Buch, seconded by Vermedahl, that the county not impose a sunset date on the local option sales tax being put to the voters on January 29, 2008. Voting aye were Buch and Vermedahl. Sanders voting nay. Motion carried.

The auditor advised that the law required that notice of the election published not less than sixty days prior to the election and that the supervisors had to determine the use of the tax should it be passed to be included in the notice. The Board then discussed various uses of the tax including road use and culvert replacement, ambulance, fire, libraries, and courthouse repair and conservation vertical structures. The Board also discussed property tax relief to the general fund, the rural fund, or the mental health fund. Supervisor Sanders stated that it would not be appropriate to use the tax relief for the general fund as it is paid by both rural and urban property owners and the county's portion of the local option sales tax is being paid by the rural residents. Marlow stated that she did not believe that the tax relief could not be used for the mental health fund due to legal restrictions as well as the rural residents paying a disproportionate share of the mental health costs. The Board asked the city representatives present if they had suggestions. The cities responded that the county could use the local option sales tax revenue for animal control, economic development, and landfill or conservation purposes such as trails. The Board asked how soon a decision needed to be made and the auditor responded by November 8th. The auditor advised that if no decision was made then she would have to proceed with the tax being used as one hundred percent property tax relief. The Board asked that the matter be discussed further at a future meeting.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

October 30, 2007

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

Mike Ruden of Durrant Group met with the Board to discuss the courthouse repair project. Ruden asked the supervisors how the county wanted to proceed with the project, i.e. the project as a whole or separate projects within the whole project. Ruden advised that if the project is bid out project by project that the estimated cost will increase by approximately 15 percent. After talking with the supervisors, Ruden determined that the project documents should be divided into three projects. Vermedahl stated that he had hoped that the engineers would research the structure and determine how the repairs needed to be done and the estimate cost. Ruden advised that his company's proposal did not include cost estimates, only the preparation of the bid documents. Vermedahl stated that he understood that by hiring Durrant that the county would receive documents stating exactly what work needed to be done and cost estimates be completed for each project so that the county could plan. Ruden advised that the company would determine the work that needed to be done, but the proposal did not include the cost to figure cost estimates. Ruden asked if the Board planned to use the cheapest windows possible. The Board did not give an indication as to the direction with the quality of the window. Moved by Buch, seconded by Vermedahl, that the engineer proceed with development of the project documents excluding cost estimates with the understanding that bid documents will include the statement that all bids may be rejected. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 23, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-54. ABATEMENT OF INTEREST AND PENALTY. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-54
ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$4,366.31 is hereby abated on parcels numbered 380-10301, 390-10301, and 870-17001 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 30th day of October 2007.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Ronald Buch

David Vermedahl

ATTEST: _____
Jill Marlow, Auditor

The Board continued discussing the proposed land use policies. Vermedahl stated that Chad Sands of East Central Iowa Council of Governments has agreed to meet with the Board regarding the submitted proposals. Vermedahl stated that a conflict between the land use policy wherein subdivisions may be located on seal coated roads and in the subdivision ordinance seal coated roads are excluded as a hard surface road. The Board discussed commercial and industrial development as well as rural residential subdivisions.

The sheriff asked that part-time correctional employees be given shift differential. Moved by Buch, seconded by Vermedahl, to grant shift differential to part-time correctional employees effective November 1st, 2007. All members voting aye thereon. Motion carried.

The sheriff advised that officers left to pick up the two drug dogs for an initial acquaintance period and then leave for training with the dogs next week.

Moved by Buch, seconded by Vermedahl, to approve the change in employment classification for Mark Tharp from part-time correctional officer to full-time correctional officer, effective November 1, 2007, at a starting wage of \$12.66 per hour. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Tara Pattee as a part-time communications officer, effective November 1, 2007, at a wage of \$10.66 per hour and up to \$12.66 per hour after completing all training and certification. Both members voting aye thereon. Motion carried.

The sheriff spoke to the Board about hiring an additional full-time communications officer. The sheriff advised that he is having difficulty finding part-time people to fill the positions. The sheriff also stated that he has an employee retiring in the next year. Deputy Ferguson stated that it takes a minimum of six months to train a communications officer. The sheriff stated that another full-time communications officer would be the total at six and he only has approval for five. Additionally, a sixth person was not budgeted in the current budget; however the sheriff stated that he has not filled the position that was budgeted for in the kitchen and the office and money could be shifted to cover the increased costs. Ferguson stated that people no longer want to work nights, weekends, and holidays without benefits. Moved by Buch, seconded by Vermedahl, to authorize and additional communications officer for the sheriff's department. Both members voting aye thereon. Motion carried.

The Board discussed the local option sales tax uses should the issue pass in January. Bob Mahood and Brad Johnson, Conservation Board members, requested that a portion of the sales tax revenue be used to fund capital improvements such as housing, playground equipment, and other projects. Supervisor Buch stated that conservation was

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discussed last week, as well as secondary roads, Benton Development Group. The auditor reminded the supervisors that the discussion last week was economic development and conservation vertical infrastructure and not to include land purchases, etc. Johnson stated that the conservation's infrastructure is in dire need of repair and specifically spoke to the Hannen Park ranger house. An office is not available for the director of the conservation department. Renee Becker, Benton Development Group, asked that economic development be included and asked that the Benton County Community Foundation. The Board also discussed seal coating roads, emergency services, reduce landfill tipping fees, courthouse renovation, libraries, city recreation departments, law enforcement. The Board will continue discussing the issue and invite Farm Bureau to attend.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 1, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 30, 2007. Both members voting aye thereon. Motion carried.

Mary McLaughlin updated the Board on the plans for the employee in-service day. The training will be on Friday, December 7, 2007, at 1:30 p.m. in the courtroom. Employees will be notified through a notice placed in their paychecks. Plans also include a presentation by the Iowa Public Employees Retirement Service

Moved by Buch, seconded by Vermedahl, to approve the hire of Beth Zelle as a part-time communications officer, effective November 1, 2007, at a wage of \$11.16 per hour and up to \$12.66 per hour after completing all training and certification. 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 Dave Wiebbecke, the Board took up the matter for consideration. David Thompson, county attorney, Dave Wiebbecke, and Ken Dolezal, attorney for Wiebbecke, were present. Marc Greenlee, Land Use Administrator, presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change to allow the construction of a pole building to be used solely for storage on a parcel located in the NE1/4 of the SE1/4 of section 22 of Benton Township. Greenlee reminded the board that a prior land use hearing was held on February of 2005 on this same parcel and was denied due to the corn suitability ratio (CSR). Greenlee advised that there will be no need for well or septic for this type of structure. The poles have already been placed in the ground, which was a violation of the land use ordinance. However, the county attorney commented that after the investigation of the matter, it was his belief that it was a simple misunderstanding by Wiebbecke. Thompson stated that Wiebbecke was denied residency and since he was changing the use of the land for the purpose of a storage building, Wiebbecke did not realize that he should re-apply for the change in land use. Dolezal commented that his client had no desire to create difficulties in the community, but that he wanted to make improvements and put his belongings in storage with no intent to use the building as a residence. Thompson reminded the board that there is a pending appeal with the Supreme Court on the prior denial of a land use change. But referred to topographical conditions he could qualify for a variance per Iowa code section 7:4.32. Dolezal added that this particular piece of ground has a significant amount of trees and is along a slope and in his opinion it was not good for agricultural use. Supervisor Vermedahl questioned if the decision today would affect the appeal to the Supreme Court. Dolezal responded that the property's been taxed as residential for 20 plus years and will continue its current use. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately a 40' X 54' area located on a two acre parcel generally described as being a part of NE1/4 SE1/4 of 22-85-9. The change is to allow for a pole building to be constructed for use as storage only. Thompson questioned Wiebbecke if once the building is constructed if the property would get cleaned up and all of his belongings placed inside. Wiebbecke agreed it would. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve vacation carryover of 56-hours for Carol Zander. Said carry-over is to be used by April 1st, 2008. Both 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 amending the Benton County MH/MR/DD Management Plan, and finding that notice of the hearing had been published in accordance with law, the chair opened the public hearing. There were no members of the public present. Mary Williams, Director of Benton County Social Services, detailed the various changes being proposed to the board. Hearing no further comment, the public hearing was closed. It was moved by Buch, seconded by Vermedahl, to approve and amend the MH/MR/DD Management Plan as presented. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Section 3 of Canton Township. Both members voting aye thereon. Motion carried.

The Board discussed the seasonal lighting of the courthouse and an offer from the city to buy additional lighting. The Board requested that the matter be put back on the agenda when all three supervisors are present and the county auditor to make the final decision.

The Board discussed the possible uses for the local option sales tax should the issue pass in January. Supervisor Buch asked the county engineer to consider what uses for the money he might have and then discuss it further at the next meeting. The Board will continue discussing the issue and has invited a Farm Bureau representative to attend.

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

David Vermedahl, Vice-Chairman

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ATTEST: _____
Hayley Rippel, Deputy County Auditor

November 6, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 1, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-55, AMENDING THE FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-55

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 FY2008 county budget is hereby amended within the following service area: Service Area 8. The auditor is directed and authorized to amend said service area as needed.

Dated this 6th day of November 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Vermedahl updated the board on the seasonal lighting on the courthouse lawn. The City of Vinton Electric Utility had suggested placing permanent lighting on the two large evergreens on the south lawn. The utility advised that after researching the cost, determined it to be expensive. The utility also determined that the other trees on the south corners of the courthouse lawn are too large to consider lighting.

Scott Hansen, EMA, met with the Board to request approval of the Hazard Mitigation Plan Grant Application. Hansen reviewed the grant application with the Board. Auditor Marlow questioned the language requiring participation in the National Flood Insurance Program (NFIP). Hansen advised that he researched the question briefly and understood that the county would be required to join the NFIP prior to be awarded the grant. The auditor reported that the application included language that the county would incorporate the Hazard Mitigation Plan into the comprehensive plan, zoning ordinances, etc as well as require the county. Marlow also questioned language that stated that recipients located in special flood hazard area would be required to purchase flood insurance. Marlow asked if that would require property owners with structures located in the flood plan to purchase flood insurance. Supervisor Vermedahl asked that the matter be placed on the next agenda for action.

Mary Williams, Social Services Director, and Jackie Michael met with the Board regarding emergency committals. Williams and Michael explained that it is becoming increasingly more difficult to find placements. Williams stated that Benton County no longer has a contract with St. Luke's hospital, and that she has contacted Allen Hospital but has not been able to negotiate a contract at this time. Williams asked that a meeting be held between the county attorney, sheriff, magistrate, supervisors, clerk of court and herself to discuss the various issues involved with committals and try to resolve the issues. Michaels questioned what the liability to the county was when a placement cannot be found. Williams stated that a contract with St. Luke's was not pursued because of payment issues, although they probably have the most beds available. The Board agreed that a meeting should be conducted. Williams was directed to coordinate a meeting of the affected parties.

Mary Williams also discussed procedures for her department notifying committals that they may be responsible for some of the financial liability. Williams also discussed the legislation that allows transfers into the mental health fund this year from other sources, including Decategorization money. Williams also provided the responses from a survey her office recently conducted regarding services being provided. Williams also advised that a hearing has been scheduled regarding a client and the county may be able to recoup \$19,000.00.

The Board continued their discussion on land use policies. Chad Sands, Planner with ECICOG stated that a map of future land use was discussed; however the zoning commission was not in favor of including a map. Sanders questioned what the difference between the map and zoning. Sands stated that the map would not carry any weight of law as zoning did. Vermedahl questioned if the map could take the place of the LESA (Land Evaluation & Site Assessment) system. Sands stated that the map does not have legal weight and that an ordinance would need to be adopted to give the county the authority to enforce the land use plan map. Sands added that a LESA system may not be required. Sands stated that the Zoning Commission did not want zoning and therefore the LESA system was developed. Vermedahl commented that the advantage of LESA is flexible so that change can easily be incorporated, i.e. hard surfacing a road would change the points in a certain area where a zoning map would have to be changed. Vermedahl questioned if the zoning commission considered allowing growth in certain areas, i.e. Highway 30. Sands stated that the zoning commission did not want zoning or a land use map. The commission's primary goal was to protect agricultural land and the committee determined that the land along Highway 30 was prime agricultural land and therefore should not be developed. Sanders stated that enforces the supervisors' interpretation that the plans do not include economic development. Sands stated that the LESA system could be changed to allow for economic development, but reiterated that the commission's primary goal was to protect good agricultural land. Steve Speidel stated that the supervisors have to go back to the beginning and change Benton County from being 100% agricultural. Sands added that Benton County is

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currently zoned agricultural and any changes must go through the land use change process. Sands stated that if the county has an area for future growth and the remainder is left to agricultural land, it allows the county to direct growth, which ultimately then preserves the agricultural land. The Board directed Sands to reconvene the zoning commission and ask that they address economic development and the creation of a future land use map using the LESA system. Sands stated that it would probably be two months before he could return with updated documents.

The Board continued discussions on the use of local option sales tax generated by the rural area of the county. Representatives of Farm Bureau were in attendance for the discussion. Al Schafbuch stated that he believed that property tax relief should be a part of the use. Schafbuch stated that use should include secondary roads so that the roads would be better maintained and snow removed. Sanders stated that he believed that the revenue should be used for services in the rural area, as these are funds being derived from the rural residents. The matter is on the November 8th agenda for further discussion and action.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by East Central Rural Electric Cooperative to place utility lines in the county's right-of-way in Section 20 of Kane Township, along 12th Avenue. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by East Central Rural Electric Cooperative to place utility lines in the county's right-of-way in Polk and Benton Townships along 30th Avenue, 56th Street Trail, 32nd Avenue, and 58th Street Drive. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on October 31, 2007, was \$37,865.21.

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

November 8, 2007

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

William Heber, newly appointed conservation director, introduced himself to the board of supervisors. Heber started his position on Wednesday, November 7, 2007. Bob Mahood, chairman of the Benton County Conservation Board, also gave an update on the progress of the ranger's residence at Hannen Park. Mahood advised that work is being done on the plumbing and the conservation board estimates that the residence will be ready for the Hannen Park ranger to move into the house by the first of 2008. Heber spoke about the need for an office for the executive director, as well as storage space. It was suggested that the conservation board look into room availability at the Department of Human Services building for a temporary solution. Mahood, Heber, and Nancy Beckman will return to the board of supervisors to discuss further details.

It was also agreed that Heber would continue to meet with the supervisors after the monthly conservation board meetings and to update the supervisors on activities within his department.

Scott Hansen, Emergency Management Agency coordinator, met with the Board to request that they not approve the Hazard Mitigation Plan Grant at this time, due to the requirement that the county be a participant in the National Flood Insurance Program (NFIP), which Benton County does not. Hansen advised that the county should invite an (NFIP) representative to a meeting to discuss the advantages and disadvantages of participating in this program.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-56, A RESOLUTION FOR A PUBLIC REFERENDUM TO AUTHORIZE THE IMPOSITION OF A LOCAL SALES AND SERVICES TAX IN THE UNINCORPORATED AREA OF BENTON COUNTY, IOWA AT THE RATE OF 1%. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-56

A RESOLUTION FOR A PUBLIC REFERENDUM TO AUTHORIZE THE IMPOSITION OF A LOCAL SALES AND SERVICES TAX IN THE UNINCORPORATED AREA OF BENTON COUNTY, IOWA AT THE RATE OF 1%

WHEREAS, Chapter 423B of the Code of Iowa, authorizes the imposition of a certain local option sales and services tax after an election in which the majority of the electors vote in the affirmative, and

WHEREAS, a special county-wide election is scheduled for January 29, 2008, wherein the question of imposing a local option sales tax shall be put before the electors of the unincorporated area of Benton County; and

WHEREAS, the board of supervisors must take action requesting that the proposition be placed on the ballot for said special election,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the County Commissioner of Elections be requested to submit to the voters in Benton County a proposition authorizing the imposition of a local sales and service tax to the unincorporated area of Benton County as follows:

Section 1. The detailed proposition shall be:

A local sales and services tax shall be imposed in the unincorporated area of the county of Benton at the rate of one percent (1%) to be effective on July 1, 2008.

Revenues from the sales and services tax shall be allocated as follows:

25% for property tax relief

The specific purposes for which the revenues shall otherwise be expended are:

75% for Secondary Roads, Benton County Conservation parks, libraries, emergency services and any other lawful purpose.

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Section 2. A summary of the above proposition shall be as follows:

"To authorize the imposition of a local sales and services tax in the unincorporated area county of Benton, at the rate of one percent (1%) to be effective on July 1, 2008."

Dated this 8th day of November 2008.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Buch, seconded by Vermedahl to approve the Veteran's Quarterly Report for the period ending September 30, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

November 13, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 6, 2007 and November 8, 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 95821 through 96148, and payroll numbered 95734 through 95820, and ACH checks numbered 1590 through 1682, for payment. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, the board took up the action of canvassing the results of the regular city elections held on November 6, 2007. Having reviewed the tally lists and the total votes cast, it was moved by Buch, seconded by Vermedahl, to approve and certify the election results for the November 6, 2007, Regular City Elections. The results of the canvass are to be recorded in the official records of the Benton County auditor. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign an amendment to the Community Development Block Grant contract #03-WS-040. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the agreements with The Durrant Group, Inc. for engineering services relative to the Benton County courthouse rehabilitation. The scope of the work is to include window replacement, plexiglass removal/replacement in clock tower, complete roof removal and installation of new roofing, painting of dome at clock tower, structural repairs to clock tower including floor slabs, stairs and railings, steel beams, tuck pointing of clock tower, damaged roof flashing replacement, and repair/replace wood face of clock in clock tower. All members voting aye thereon. Motion carried.

Kevin Paulsen, RSM McGladrey, met with the Board to provide an update on the evaluation process being developed. Paulsen reviewed the results of a survey completed by department heads regarding employee evaluations, a timetable for training, and a proposed evaluation form. Paulsen reviewed the evaluation form extensively and responded to the supervisors' questions. A meeting with department heads regarding the evaluation process is scheduled for November 20, 2007.

Kenny Krug met with the board under public participation. Krug spoke to the board about the need for dust control on gravel roads, and specifically 32nd Avenue south of Highway 30. Krug provided statistics about the amount of dust being generated by traffic on gravel roads. Krug stated that he has lived at his residence for over fifty years and had no idea that the dust would be the problem that it has become. Krug stated that he should not have to pay for dust control by his residence when he does not create it. Krug added that the amount of dust has created health concerns for him. Krug asked that the board consider the problem with dust be created in the rural area.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Section 23 of Benton Township, along 59th Street Trail. All members voting aye thereon. Motion carried.

The engineer spoke to the board about the cost to charge for sand/salt mixture for the 2007 winter season. Last year the cost of sand/salt was \$22.00/ton for cities and \$25.00/ton to private businesses. The engineer requested that the price be increased to \$22.50 per ton for cities and \$26.00 per ton for private businesses. Supervisor Buch questioned why the difference in cost. Buch questioned if the \$22.50 covered the county's cost, and if so, why was there and additional cost for the private sector. The engineer stated that the difference amounted to the amount of sales tax; however the county does not charge sales tax. Moved by Vermedahl, seconded by Buch, to increase the price of salt/sand mixtures to \$22.50 per ton for cities and \$26.00 per ton for private businesses for the 2007/2008-winter season. All members voting aye thereon. Motion carried.

Supervisor Buch spoke to the board about adding a security switch to the cameras in the treasurer's office. Buch is to research the cost of the switch and the matter is to be discussed at a future meeting.

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

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Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 15, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 13, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 13.5 hours of vacation carry-over requested by Delane Kalina, said carry-over is to be used no later than April 1, 2008. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:15 a.m.

The Board discussed the treasurer's request to be able to view cameras located in the treasurer's north office from the treasurer's desk located in the south office. Roger Witt reported on the costs of installation of the switch. Witt advised that a multiplexer could be installed that will allow the cameras to automatically scroll and be displayed all at once. Witt reported that the cost of a multiplexer unit is \$721.00 plus \$400 installation. The other switch allows only one camera to be displayed at a time and would require the treasurer to manually select cameras for viewing at a cost of \$209.00 plus \$400 installation. Witt reported that the treasurer would like to be able to view all cameras at one time, which would require the more expensive unit. Supervisor Buch stated that he would like to see the multiplexer unit installed as well. Buch advised that the treasurer stated that she could not pay for the camera switch from her budget. Moved by Buch, seconded by Vermedahl, to approve the installation of a multiplex camera switch in the treasurer's office. All members voting aye thereon. Motion carried.

The board discussed the zoning commission membership and whether to reduce it to seven or leave it at nine members. The matter is to be placed on a future agenda for additional consideration.

The board discussed emergency committals with interested parties and the problems being faced with emergency placements. Representatives from the sheriff's office, social services, judicial system, and the county attorney were present. The discussion is summarized that the lack of space available for emergency placements is a statewide problem and the issue needs to be addressed legislatively.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 20, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of November 15, 2007. All members voting aye thereon. Motion carried.

The Board briefly discussed the fiscal year 2009 budgets, the potential increases and/or decreases in funds, and directions for county officers. This discussion was to prepare the board for a meeting later in the meeting with department heads.

Moved by Vermedahl, seconded by Buch, to approve 37.5 hours of vacation carry-over requested by Mary Ann Blumer with the carry-over to be used no later than May 1, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint the following persons to fill the vacancies on the Benton County Zoning Commission with terms expiring Dec. 31, 2007: Ranae Becker of Vinton and Diane Pickart of Keystone. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to order a recount of the ballots cast in the Regular Belle Plaine city election for the position of mayor pursuant to a request filed by Jack Clement. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan update for Cedar Valley Farms located at 2188 78th Street, Blairstown, Iowa. All members voting aye thereon. Motion carried.

The Board met with the department heads to discuss the employee performance appraisal process being developed by RSM McGladrey, Skills Advantage, fiscal year 2009 budgets, and various employee management and handbook policies.

Moved by Buch, seconded by Vermedahl, to approve and sign the final Iowa Department of Transportation progress voucher for the project #FM-CO06 (72)—55-06 for the Shellsburg resurfacing. Buch and Vermedahl voting aye. Sanders absent. Motion carried.

The engineer on the status of the Luzerne bridge, which he hopes to be open the week of November 26, 2007; the bridge project located northwest of Garrison, which should be accessible to the traveling public on November 21, 2007 after the final dirt work is done; and the bridge northeast of Urbana, which still needs side railing but should be open sometime the week of November 26, 2007.

Moved by Buch, seconded by Vermedahl, to approve utility permits requested by East Central Iowa REC to place utility lines in the county's right-of-way in Section 30 of Benton Township along 28th Avenue and in Sections 29/32 of Benton Township along 61st Street. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Section 23 of Iowa Township along 77th Street Drive. All members voting aye thereon. Motion carried.

The Board received the final results of the recount board in regard to the recount of ballots cast for the mayor's race in the City of Belle Plaine at the regular city election held on November 6, 2007. The auditor's office reported that the recount board hand tallied the ballots with a result of James Daily – 275 votes and Jack Clement – 256 votes. Members

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of the recount board were Marge O'Brien (Daily's representative), Becky Douglas (Clement's representative) and Jeff Tilson (chosen by the other two members of the recount board). The Board found that the results of the recount board did not change the winner of the race declared at the canvass on November 13, 2007. Moved by Buch, seconded by Vermedahl, that the records maintained in the auditor's office be changed to reflect the results of the recount board and to restate that James Daily remains the winner of the Belle Plaine mayor's race voted on at the regular city election held on November 6, 2007, and canvassed on November 13, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

November 27, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 20, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 96149 through 96480, and ACH checks numbered 1683 through 1870, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set December 20, 2007, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Mike and Kathy Becker, on a parcel located in the SW1/4 of the SW1/4 of 26-83-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, that Benton County utilize the Skills Advantage program available through Kirkwood Community College for use when considering future applicants for county employment by encouraging applicants to take the Skills Advantage testing to demonstrate their skills in certain areas. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of a new manure management plan filed by Rick Selk at 65th Street, Dysart, located in NE/14 of the NW1/4 of 21-84-12. All members voting aye thereon. Motion carried.

The Board discussed the hours for non-bargaining employees on December 24, 2007. The county treasurer had brought the matter to the board for consideration at an earlier meeting. Supervisor Vermedahl conferred with the county's union negotiator, who stated that there were no issues with giving non-bargaining employees time off. Supervisor Buch stated that there was very little activity at the county offices during the afternoon on December 24th. Moved by Buch, seconded by Vermedahl, that all non-bargaining county employees be allowed to leave on December 24, 2007, at 1:00 p.m., with pay. All members voting aye thereon. Motion carried. Further discussion then ensued resulting in Vermedahl moving to rescind his second and Buch rescinding his motion. All members voting aye to rescind the prior motion.

Moved by Buch, seconded by Vermedahl, to allow all full-time non-bargaining county employees to take 3-1/2 hours of paid leave on December 24th with offices closing at noon. All members voting aye thereon. Motion carried.

The Board briefly discussed the strategy being taken relative to the union negotiations with secondary roads. This matter is exempt from Chapter 21 pursuant to Iowa Code 20.17(3).

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-57, Benton-Iowa County Line Road Agreement. Voting aye was Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-57

Insert 28E Agreement

Dated this 27th day of November 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

The Board discussed the problem of the lack of enforcement of the recycling ban at the landfill. The board discussed the imposition of a zero tolerance ban and its potential affect on haulers and users. The Board spoke about enforcement of the current ordinance and determined that this matter needed further discussion at a future meeting.

Moved by Vermedahl, seconded by Buch, to state that it is in the best interest of the county that an annual event is held, which provides employee in-service training and recognition as it educates employees, increase morale, and increases employee safety, productivity, and better public service. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to begin development of a policy on post-offer pre-employment drug screening of all county employees. The county auditor is to provide a draft policy for consideration. All members voting aye thereon. Motion carried.

Discussion on the Internal Revenue Service guidance regarding the taxability of cell phone usage was discussed. The Board advised that the county currently has a policy prohibiting the use of county equipment for personal use and that any violation of the policy is the department head's responsibility to enforce. Therefore, the personal use of

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cell phones exceeding incidental use would be the department head's responsibility to notify the auditor's office regarding the taxable fringe benefit being included in the employee's taxable income as well as any other action necessary.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-58, AMENDING THE BENTON COUNTY EMPLOYEE HANDBOOK, SECTION . MILEAGE AND EXPENSE REIMBURSEMENT. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-58

WHEREAS, Benton County adopted a Benton County Employee Handbook in December 1998, and WHEREAS, the Board desires to amend Section II-M, Titled Mileage and Expense Reimbursement NOW THEREFORE BE IT RESOLVED that the Benton County Employee Handbook, Section II-M, MILEAGE AND EXPENSE is amended to as follows:

1. The current language contained in said section is stricken.
2. The following language is inserted in lieu thereof:

MILEAGE AND EXPENSES

Officials and employees shall be granted reasonable expenses while attending meetings pertaining to county government as follows:

1. Mileage: Benton County will compensate an employee at the rate set forth by the IRS on a per mile basis when the employee is required to provide his or her own transportation in order to perform their job function.
2. Lodging: Reimbursement for all lodging expenses regardless of the location requires corresponding receipts.
3. Meals & Incidentals:

A.) Travel within the State of Iowa: Employees may be reimbursed on a per diem basis at the rate of \$30.00 per day for meals and incidentals when traveling within the State of Iowa, *except when traveling to and in the following counties: Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk, and Buchanan*. No receipts are required when an employee is being reimbursed on the per diem basis.

B.) Travel to and in Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk, and Buchanan Counties: Employees shall be reimbursed a maximum of \$20.00 per day for meals and incidentals when traveling to and in Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk and Buchanan counties. Receipts for all meals and incidentals are required for reimbursement on a non-taxable basis. Reimbursement without corresponding receipts shall be subject to withholding tax according to IRS regulations.

C.) Exception: Meals and incidentals are not eligible for reimbursement regardless of location when included in meeting registration fees. A copy of the meeting registration form or meeting agenda indicating if meals are included should be attached to claims for reimbursement whenever possible.

4. Travel outside of the State of Iowa: Employees traveling outside of the State of Iowa shall be reimbursed in the same manner as set forth in Paragraph 3, Section A, above, unless otherwise approved by the Board of Supervisors in advance.
5. Parking Fees: Parking fees are allowable only when validation or free parking is not available. Receipts are required for reimbursement. Employees may claim reimbursement for their actual expense for metered parking and/or when a parking receipt is not provided, however the amount may be reported as taxable income on the employee's wages unless the expense is minimal and a reasonable explanation of the expense is provided and approved by the department head.
6. No compensation will be allowed for expenses of anyone other than the county employee.
7. Parking tickets or moving traffic violations are the responsibility of the employee and will not be reimbursed by the county.
8. For alternative transportation, i.e. airline transportation, employees should refer to Section II-X, TRANSPORTATION.

This policy is deemed to be an accountable plan in accordance with IRS regulations.

This policy is effective this 27th day of November 2007.

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

Jason Sanders, Chairman

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ATTEST: _____
Jill Marlow, Benton County Auditor

December 4, 2007

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

Moved by Buch, seconded by Vermedahl, to set January 2, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Mike and Tami Stephens on a parcel located in the NW1/4 of the SW1/4 of 3-84-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 27, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl that all future advertisements for county conservation board members allow persons to apply at-large instead of by area. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #07-59, PERTAINING TO THE USE OF SECONDARY ROADS IN BENTON COUNTY, IOWA BY RAGBRAI AND BY CYCLISTS IN GENERAL. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION NO. 07-59

PERTAINING TO THE USE OF SECONDARY ROADS IN BENTON COUNTY, IOWA BY RAGBRAI AND BY CYCLISTS IN GENERAL

WHEREAS, the Register's Annual Great Bike Ride Across Iowa (RAGBRAI) is a unique event that draws thousands of visitors to Iowa annually and promotes Iowa tourism; and

WHEREAS, biking in general is an excellent form of exercise enjoyed by millions of Americans, as well as a pollution-free form of transportation that should be encouraged; and

WHEREAS, secondary roads in Iowa are not designed or maintained to meet any specific standards related to bicycle travel; and

WHEREAS, the recent lawsuit against Crawford County involving the death of a RAGBRAI participant demonstrates the need to address the use of the county secondary road system by cyclists in general; and

WHEREAS, the current situation has created an unacceptable exposure to future bicycle-related lawsuits against this County;

NOW THEREFORE, be it resolved by the Board of Supervisors that they respectfully request that the Iowa Legislature address this issue in 2008 on a statewide basis so that the Board of Supervisors does not have to act at the local level to regulate the use by cyclists of secondary roads under the jurisdiction of the County.

Dated this 4th day of December 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Benton County Auditor

Supervisor Vermedahl requested that the Board actively study enacting the National Flood Insurance program.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign rent reimbursement requests for Department of Human Services Targeted Case Management. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignations and/or seasonal terminations of Don Merchant, Bob Beyer, Jackson Tennant and D.J. Mulder. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Marvin Andrews, effective January 4, 2008, due to retirement. All numbers voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a request by Marc Greenlee to carry-over 52.5 hours of vacation, said carry-over is to be used no later than May 1, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 11, 2007

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of December 6, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 96575 through 96808, payroll numbered 96481 through 96574, and ACH checks numbered 1872 through 1965, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-60, AMENDING FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-60

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,

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NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2008 county budget is hereby amended within the following service area: Service Area 1. The auditor is directed and authorized to amend said service area as needed.

Dated this 11th day of December 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Rick Primmer met with the Board to request a variance to the county's subdivision ordinance. Primmer is considering the purchase of property adjacent to the city limits of Urbana. The property is pre-existing and has been foreclosed on and in order to purchase the property, a division is required between two facilities located on the property. The division subjects the property to the county's subdivision ordinance. Primmer has received approval from the health department relative to the sewer and water on the properties. Primmer has also received preliminary approval from the city regarding the division. Primmer stated that the county's subdivision ordinance requires that roads be paved and was requesting a variance to that requirement. Having fully discussed the matter, it was moved by Buch, seconded by Sanders, to grant a variance to the Benton County Subdivision Ordinance relative to the requirement for a hard surfaced road due as strict compliance would result in an extraordinary hardship to the subdivider. The variance does not have the effect of nullifying the intent and purpose of the ordinance, the property has gone through foreclosure and the variance will insure that the property can continue to be used for a commercial purpose which is in the best interest of Benton County and the City of Urbana does not object to the subdivision. Voting aye were Sanders and Buch. Vermedahl abstained. Motion carried.

Will Heber, Executive Director of Benton County Conservation, met with the Board regarding the issue of illegal dumping in the county parks. Heber asked if the tipping fee at the landfill could be waived when dumped items are taken to the landfill. Supervisor Sanders questioned if secondary roads paid the tipping fee did when they took items left in county ditches to the landfill. Supervisor Buch advised that secondary roads does not get charged when they take items to the landfill and didn't believe that conservation should have to pay either. Supervisor Vermedahl stated that disposal of white goods cost the county and there would be an impact. Engineer Parizek commented that he believes that the matter can be worked out between conservation and the landfill, and that tipping fees for items left at county parks can be waived provided that the items are not generated by conservation. Waste items created through the operation of conservation should be charged to that department as well as any other department.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Iowa Telecom to place utility lines in the county's right-of-way in Section 36 of Iowa Township. All members voting aye thereon. Motion carried.

The engineer reported that the balance of the landfill account in Blairstown on November 30, 2007, was \$45,733.96.

Moved by, seconded by, to approve 37.75 hours of vacation carry-over requested by Elaine Bolton. Said carry-over is to be used by May 1, 2008. All members voting aye thereon. Motion carried.

Les Moore met with the Board to discuss the status of closing a segment on the old E36 going straight south of the Oak Grove Church. The road right-of-way in question is not being used by the county, but does provide access to an adjoining residence. The engineer stated that it was his intention to tie the closing of the segment in when he worked on easement purchases for the Oak Grove road project.

The engineer spoke to the board regarding the extension of a Family Medical Leave Act (FMLA) qualifying leave. The engineer stated that he spoke with a consultant last week, which advised that the county could extend a FMLA leave; however his advice was to have a policy similar to Benton County's. The engineer stated that he has received a request from an employee for an extension to his leave until January 1st. Parizek stated that the labor contract with secondary roads allows for a leave absence; however the employee cannot be eligible for fringe benefits, including that health insurance premiums shall be paid by the employee during a leave of absence. Parizek stated that if an employee is on FMLA the county is required to continue paying the county's portion of the health insurance premium. Supervisor Vermedahl stated that by allowing an extension, the county is making a policy decision that could affect future actions. Vermedahl stated that the union has negotiated language for a leave of absence and that the county should not veer from the policy as negotiated. Moved by Vermedahl, seconded by Buch, that the county is not considering any changes to leave policies at this time. All members voting aye thereon. Motion carried.

The board discussed the request by sheriff's deputy Michael Ferguson to make an exception to the Benton County Employee Handbook, relative to his request to convert unused sick leave to pay. The Handbook requires that employees submit in writing their requests for conversion by June 1st and December 1st of each year. Ferguson did not make his request timely and is requesting that the conversion be granted anyway. The county engineer advised that he also failed to make his request for conversion on a timely basis and will be asking for the same consideration. Moved by Vermedahl, seconded by Buch, to grant the request to make exceptions to the handbook regarding the deadlines

Moved by Vermedahl, seconded by Buch, to grant the exception to the deadline provided the request is made within fifteen days of the deadline and the employee is allowed to miss the deadline one time. All members voting aye thereon. Motion carried.

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

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Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 18, 2007

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of December 11, 2007. All members voting aye thereon. Motion carried.

Will Heber, Executive Director of Benton County Conservation, met with the Board to provide each supervisor with a folder of concerns that he has within the county parks with photos and descriptions pertaining to each concern. He also gave an update on the progress of the remodeling of the Hannen Park Ranger's house.

Moved by Vermedahl, seconded by Buch, to agree with the County Conservation Board's recommendation for 3-½ hours holiday pay for full-time employees to use on Friday December 21, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 21.50 hours of vacation carry-over requested by Hayley Rippel. Said carry-over will be used by January 31, 2008. All members voting aye thereon. Motion carried.

Michael Ruden of Durrant Group met with the Board to discuss the courthouse repair project. Ruden stated that they are in the constructing documents phase and he needs some answers as to which way to proceed. Sanders said they do have some questions and need some clarifications of the contract. He thought there would be preliminary cost estimates for the different phases. Ruden said he would remove that wording from the contract because he is not providing that.

Ruden brought with him samples of different roofing materials, artificial slate as opposed to real and the pros and cons to both. The artificial cost about half as much as the real, but only lasts about 40 years instead of 100 years for the real slate. But if properly cared for the artificial should last a lot longer. They also discussed the replacement of windows and costs of double pane vs. pour and de-bridge. The double pane will cost 15% more but will last a lot longer and be much easier to care for. Supervisor Vermedahl said he thinks the priority at this time should be the roof and start there and then work their way down, as the budget will allow. The Board still has a few things they want to discuss before moving further so they are putting it back on the agenda for Thursday December 20th and will let Durrant know by phone after the meeting. Ruden reminded them about the intent was to have the documents completed by January 12th in order to allow over 30 days for the bidding process, so the sooner they decide the better.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-61, Bridge Embargo Removal for 2007 Bridge Replacements. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #07-61

WHEREAS, the structures at these locations have been replaced by new structures and

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

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on these structures be removed. The structures are located as follows:

- MO-4530 0.5 miles east of the NW corner of section 23-85-12 (Monroe Township) on 59th Street.
- PO-5625 0.6 miles east of the E¼ corner of section 13-86-9 (Polk Township) on 52nd Street Drive.
- LE-0031 0.1 miles south of the NW corner of section 19-82-11 (Leroy Township) on 16th Avenue.
- MO-0004 0.4 miles south of the NW corner of section 6-85-12 (Monroe Township) on Hwy V37.

Dated this 18th day of December 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____

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Hayley Rippel, Deputy Benton County Auditor

The supervisors discussed the renting of county owned farm ground. Buch mentioned the tiling that needs done by the landfill and how that will interfere with the seeding process this spring. Maybe not renting this ground out this year or possibly making it a 5-year lease with that in mind. He also advised that other counties request proof of credit along with their bids. That maybe Benton County should do this and have the leases longer then one year. They will discuss it further with the auditor before advertising in the paper.

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

Jason Sanders, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

December 20, 2007

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

Moved by Buch, seconded by Vermedahl, to approve 37.5 hours of vacation carry-over requested by Barbara Greenlee, said carry-over to be used by June 1, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Veterans' Affairs Quarterly Report for the period ending December 2007. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, approve a Class C Beer Permit for Kimm's Mini Mart. 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 Mike and Kathy Becker, the board took up the matter for consideration. There were five persons present for the hearing. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a new use on a pre-existing non-agricultural use in Fremont Township to allow for a golf cart repair service in an existing building located on the property. Becker explained that he will service golf carts for one client and does not intend to solicit additional business. Becker also stated that he may do some classic/antique care repair as well, but that would not include in body work, but only brake lines, wheel bearings, etc. Persons present held discussion that the one-acre was currently in agricultural use and adjacent property owners had been told they could not get land use changes or prosecuted for storing car bodies on agricultural ground. That Becker is currently storing golf carts on the north acre of his property. The Board explained that the request is not to change the use of the acre lying to the north and adjacent to his property. Greenlee explained that Becker currently has semi trailers parked on the ground that are being used as storage for his own personal belongings. Greenlee stated that storage of golf carts on that acre would constitute a commercial use and would be a violation. Curt Duffield and Fred Reiner stated that they would be storing personal property on their adjoining farm ground as well. It was clarified that the today's change request was not for the north acre owned by the applicant but only for the acre where the buildings were located. Duffield stated that if the change did not include the north acre owned by Becker, then the golf carts, etc. currently being stored there should be removed and that he will file the necessary papers to begin the procedure to have them removed. Both Duffield and Reiner stated that they did not oppose the applicant's request, only that laws should be applied equally to everyone. Hearing all comment, it was moved by Vermedahl, seconded by Buch, to approve a new non-agricultural land use change on approximately one acre generally described as being the south acre owned by the applicant located in a Part of the SW1/4 of 26-83-9 for a commercial use, and specifically excludes the north acre of the parcel owned by the applicant. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss the following matters: Williams requested that a wage increase be granted to John Delaney for snow removal services and janitorial services being performed. Williams advised that Delaney has not received an increase for several years. Williams requested that Delaney be given a wage of \$15.00 per occurrence for snow removal and \$8.15 per hour for janitorial services. Moved by Buch, seconded by Vermedahl, to adopt Resolution #07-62, AMENDING JANITORIAL/SNOW REMOVAL AGREEMENT BETWEEN BENTONCOUNTY AND JOHN DELANEY. Voting aye were Sanders, Vermedahl, and Buch. Nays none.

RESOLUTION #07-62
AMENDING JANITORIAL/SNOW REMOVAL AGREEMENT BETWEEN BENTON COUNTY AND JOHN DELANEY

WHEREAS, cost of services have increased, and
WHEREAS, the parties wish to continue in the Agreement signed April 13, 2001, it is
THEREFORE RESOLVED that the cost for snow removal and janitorial services listed in Section II, items 1 and 2 of the Agreement be amended by agreement effective January 1, 2008.

Janitorial Services \$8.10 per hour
Snow Removal \$15.00 per occurrence, per location

Dated this 20th day of December 2007.

Jason Sanders, Chairman

David H. Vermedahl

Ronald R. Buch

ATTEST: _____
Jill Marlow, Benton County Auditor

Williams updated the Board on the need to decide whether a transfer would be made into the Mental Health fund. Iowa law provides that the county can transfer funds into mental health but it must be done during this fiscal year.

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Williams spoke about changes to the community services website for data collection, which is replacing the current system.

Williams also spoke about the goals set for her position for the performance evaluation process being developed. Williams reviewed the goals that she developed and asked for input from the supervisors. Sanders advised that the board was reviewing the goals, but that she could submit the plan as she developed.

Moved by Vermedahl, seconded by Buch, to approve the minutes of December 18, 2007. All members voting aye thereon. Motion carried.

The county engineer discussed the status of his employment contract. The engineer advised that his current contract expired yesterday, at the direction of the supervisors. The board advised that there were several areas that the board wished to address, but added that no other appointed position had employment contracts. The engineer stated that some counties have contracts with their engineer and some do not. The Board asked that the matter be placed on the January 8, 2008, agenda for more in-depth discussion.

The Board continued discussion on the contract between Benton County and Durant Engineering for the courthouse repair project. The county attorney provided advice on the legalities of certain contract conditions and recommended that a new contract be entered into with specific changes. Supervisor Vermedahl is to contact Durrant and request a revised contract be created.

Moved by Buch, seconded by Vermedahl, to approve the minutes of December 18, 2007. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 24, 2007

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

Supervisors Sanders and Buch attended the meeting by telephone as the only agenda item was approval of the claims and holding the meeting by telephone provided a cost savings to the county by eliminating mileage expense. Claims had been mailed to the members prior to the meeting for review and the meeting was held by speakerphone so that the public could participate.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 96809 through 96977, and payroll numbered 96978 through 97072, and ACH payments 1966 through 2059, for payment. All members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 27, 2007

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

Moved by Vermedahl, seconded by Buch to approve the minutes of December 20, 2007 and December 24, 2007. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the updated manure management plan submitted by Christensen Farms Midwest, LLC in Section 2 of Jackson Township. All members voting aye thereon. Motion carried.

The Board discussed the listing of persons to be appointed January 1, 2008 to the various boards and commissions in Benton County and made several calls to possible appointees.

Brian Gruhn met with the Board of Supervisors to present the labor contract with Secondary Roads PPME Union. Moved by Vermedahl, seconded by Buch, to approve the tentative agreement between Benton County and the Secondary Roads Union PPME Local 2003 providing for a one-year contract beginning July 1, 2008 and ending June 30, 2009. Both members voting aye thereon. Motion carried. The tentative agreement provides for 50-cent wage increase, with no change in health insurance. There was an agreement of a one-time paid holiday of one-half day on December 24, 2007 and a one-time paid holiday of December 26, 2008.

Moved by Vermedahl, seconded by Buch to adjourn the meeting at 11:30 a.m. All members voting aye thereon. Motion carried

Jason Sanders, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor