

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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January 2, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, and Sanders present. Supervisor Buch was absent. The chair called the meeting to order at 9:30 a.m.

The time of 9:30 a.m. having arrived, and the time of 9:15 a.m. being the time and today being the date set for a public hearing on a land use change requested by Mike and Tami Stephens, 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 land use change from an agricultural use to a single residential use in Canton 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 a parcel located in the NW1/4 SW1/4 of 3-84-9 (Canton Township) for single residence. Both members voting aye thereon. Motion carried. Supervisor Vermedahl reminded the applicants that they would be living on a gravel road and that there would be dust and that the county has no plans to upgrade the road and that dust control is at the applicants' expense.

Moved by Vermedahl, seconded by Sanders, to appoint Dave Vermedahl as the Board Chairman for 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Ron Buch as the Vice-Chairman for 2008. Both members voting aye thereon. Motion carried.

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

Moved by Sanders, seconded by Vermedahl, to appoint John Lindaman as a Second Deputy in the sheriff's department, a non-bargaining position, effective January 1, 2008, at a wage that is 80% of the sheriff's wage, and is not eligible for shift differential or longevity pay. Lindaman is a current employee of the sheriff's department. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to designate the official newspapers for Benton County for 2008 as The South Benton Star Press, The Belle Plaine Union, and The Vinton Eagle. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to the Benton County Eminent Domain for 2008. Both 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  
Todd Hennings

### Owners of City or Town Property

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

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-1. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

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## **RESOLUTION #08-1**

**WHEREAS:** Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of checks; and  
**WHEREAS:** Iowa Code §331.506 allows the auditor to issue checks under the authority of the Board of Supervisors without prior approval,  
**NOW BE IT RESOLVED** that the Board of Supervisors hereby authorizes the auditor to issue checks in accordance with Iowa Code Section 331.506.  
Signed this 2nd day of January 2008.  
BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Jason Sanders, Chairman

\_\_\_\_\_  
David H. Vermedahl

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

Jill Marlow  
Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to appoint the following members to the respective boards for 2008. Both 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

6<sup>th</sup> Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate  
Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

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

Two applications were received to fill two positions on the Benton County Health Board. Moved by Buch, seconded by Sanders, to appoint David Kelty and Paula Happel to the Benton County Public Health Board for a three-year term ending December 31, 2011. All members voting aye thereon. Motion carried.

Two applications were received for the position of Benton County Conservation Board member. The Board requested that the two applicants attend a board meeting before making a decision.

Moved by Sanders, seconded by Vermedahl, to appoint Renae Becker, Diane Pickart and Jim Hodges to the Benton County Zoning Commission for 3-year terms. Both members voting aye thereon. Motion carried.

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

Moved by Sanders, seconded by Vermedahl, to appoint Connie Jacobsen to the Benton County Foundation for a three-year period. Both members voting aye thereon. Motion carried.

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

Moved by Sanders, seconded by Vermedahl, to appoint Mary Williams to the MH/MR/DD Advisory Board, and Dave Vermedahl, alternate. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Mary Williams to the FEMA/EFSP Board. Both members voting aye thereon. Motion carried.

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

### **EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS**

Dave Vermedahl  
Jason Sanders, Alternate

### **REGION 10 TRANSPORTATION POLICY COMMITTEE**

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Dave Vermedahl

## **REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE**

Rick Erickson

Moved by Sanders, seconded by Vermedahl, to appoint Will Heber, Dan Higdon, Mark Phippen, and Roger Witt as Safety Coordinators. Both members voting aye thereon. Motion carried.

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

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

Van Horne Benefited #1 – Edward Fry

Keystone Benefited #2 – Dan Busch

Newhall Benefited #4 – Roy Becker

Ben-Linn Benefited #3-#5 – Mike Deklotz

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-02. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #08-02 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, 2008 and January 31, 2009 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 2008.

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

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

ATTEST:

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

Moved by Sanders, seconded by Vermedahl to table appointment of members to the Pioneer Cemetery Commission. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-03. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-03**

### **A RESOLUTION AMENDING RESOLUTION #89-89 ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR BENTON COUNTY, IOWA; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION.**

BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS that the language contained in resolution #89-89 adopted on November 17, 1989, is hereby stricken and the following language adopted in lieu thereof:

Section 1: Purpose and Intent

The purpose of this resolution is to:

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- a. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
- b. Safeguard the County's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;
- c. Stabilize and improve property values;
- d. Foster pride in the legacy of beauty and achievements of the past;
- e. Protect and enhance the County's attractions to tourists and visitors and the support and stimulus to business thereby provided;
- f. Strengthen the economy of the County;
- g. Promote the use of landmarks and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the County.

## Section 2: Definitions

- a. Commission. The Benton County Historic Preservation Commission, as established by this resolution.
- b. Historic District. An area which contains a significant portion of sites including archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
  - 1. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
  - 2. is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
  - 3. possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
  - 4. is associated with the lives of persons significant in our past; or
  - 5. have yielded, or may be likely to yield, information important in prehistory or history.
- c. Historic Landmark. A site including archaeological sites, object, structure or building which,
  - 1. is associated with events that have made a significant contribution to the broad patterns of our history; or
  - 2. is associated with the lives of persons significant in our past; or
  - 3. embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
  - 4. have yielded, or may be likely to yield, information important in prehistory or history.

## Section 3: Benton County Historic Preservation Commission

- a. The Commission shall initially consist of five members and one alternate who shall be residents of the County.
- b. The Board of Supervisors shall appoint members of the Commission. The Board may select members from a list of nominations provided to the Board. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, planning, building rehabilitation, conservation in general or real estate, history, archaeology, or closely related disciplines.
- c. The original appointment of the members of the Commission shall be through June 30, 1990. Beginning July 1, 1990, two members and the alternate shall be appointed to serve two-year terms, and three members to serve three-year terms. Terms shall be three years in length. Effective January 1, 2008, terms shall commence on the first day of the calendar year.
- d. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
- e. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- f. Vacancies shall be filled by the County according to the original selection as aforesaid.
- g. Members shall serve without compensation.

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- h. A simple majority of the commission shall constitute a quorum for the transaction of business.
- i. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings.
- j. The Commission shall meet at least four (4) times a year and all meetings are public meetings subject to Iowa Code Chapter 21.

## Section 4: Powers of the Commission

- a. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this resolution. The commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
- b. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
- c. Provide information for the purpose of historic preservation to the governing body.
- d. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
- e. Other Powers. In addition to those duties and powers specified above, the Commission may, with Board of Supervisor approval:
  - 1. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
  - 2. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
  - 3. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
  - 4. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
  - 5. Contract, with the approval of the governing body, with the state or the federal government or other organizations.
  - 6. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

## Section 5: Severability

Should any section or provision of this resolution be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

## Section 6: Amendatory Provisions

The County may amend this resolution to meet any unforeseen circumstances, which may affect the duties and responsibilities of the Commission.

## Section 7: Effective Date

This resolution shall take effect immediately upon passage and publication as required by law.

Passed, adopted and approved this 2nd day of January, 2008 by the Benton County Board of Supervisors.

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David H. Vermedahl, Chairman

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

ATTEST:

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

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to three-year terms on the Benton County Historic Preservation Commission: Bob LaGrange, Dick Schild. Further, Martha Long is appointed to fill an unexpired term ending 12-31-2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to reappoint Richard Scheer to the Benton County Civil Service Commission, for a three-year term. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to reappoint Edmund Landuyt to the Benton County Veterans Affairs Commission to a term ending June 30, 2010. Both members voting aye thereon. Motion carried.

The auditor advised that the City of Vinton is increasing the county's share of the animal shelter by approximately 26% for FY09. Marlow questioned if the total expense should continue to be paid for the rural services fund noting that the only city that funds the animal shelter currently is Vinton. Supervisor Vermedahl stated he would speak with the City of Vinton about the matter. Marlow reminded the Board that if they are going to ask for financial support from other cities that those cities should be notified immediately as they are in the budget process.

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Moved by Sanders, seconded by Vermedahl, to dissolve the Benton County 100<sup>th</sup> Anniversary Committee with gratitude for their dedication and commitment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into a three-year contract for fiscal years 2008, 2009, and 2010, between Benton County and Cost Advisory Services for cost allocation services. The terms of the contract are the same as the current contract, which is an annual amount not to exceed \$3,850 and is based on the amount of federal reimbursement to the county. Both members voting aye thereon. Motion carried.

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

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Jason Sanders, Chairman

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

Jill Marlow, Auditor

January 8, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 2, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 97076 through 97226, and payroll numbered 97073, 97074, 97075, and 97277 through 97312, and ACH checks numbered 2060 through 2153, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application submitted by Vince Krause for a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance. The request is to construct a residence in a Part of the SE1/4 of the 13-84-9 (Canton Township). The application states that Krause is actively engaged in farming through a corn soybean rotation. Moved by Sanders, seconded by Buch, to approve the farm exemption requested by Vince Krause on a parcel located in a Part of the SE1/4 of the 13-84-9, for a residential purpose. All members voting aye thereon. Motion carried.

The librarians of Benton County met with the supervisors to request that county funding for libraries remain the same for fiscal year 2009, and would welcome an increase. Discussion also included the use of local option sales tax money should the issue pass in the unincorporated areas of Benton County. The librarians also explained a new program available to patrons that allows them to download books onto their computers, MP3 players, etc and provides the capability to burn some to computer discs. They explained that local funding helps to pay for these types of additional services.

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

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

Tammy Wetjen-Kestersen, DeCat Coordinator, met with the Board to request approval of bills for September, October, and November. Wetjen-Kestersen also updated the supervisors on current projects and additional funding awarded to Benton-Iowa DeCat program. Wetjen-Kestersen explained that the additional funding would provide a new program for after-school programs is in the initial planning stages. Moved by Buch, seconded by Sanders, that due to the hard copy of the bill being unable to be produced due to a computer issue, that the board approve the bills submitted by Wetjen-Kestersen contingent upon the chairman's review and approval. All members voting aye thereon. Motion carried.

Representatives of the Cedar Valley Ranch and Mary Williams, Social Services Director, met with the Board regarding the rates for client services for FY09. There is a one percent increase proposed. Moved by Buch, seconded by Sanders, to approve the Service Definitions and Rates for the Cedar Valley Ranch for FY09, and to authorize the chair to sign the same. All members voting aye thereon. Motion carried.

The engineer reported that the balance at the landfill bank was \$47,755.02 on December 31, 2007.

Moved by Sanders, seconded by Buch, to approve 32.25 hours of vacation carry-over requested by Dan Higdon. Said carry-over to be used no later than June 1, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 76 hours of vacation carry-over requested by Morris Higgins. Said carry-over is to be used no later than June 1, 2008. All members voting aye thereon. Motion carried.

The Board reviewed the engineer's contract with the engineer and county attorney for the purposes of developing a new employment contract. The Board reviewed the old contract paragraph by paragraph to discuss possible additions, modifications, or deletions.

The Board briefly discussed rental of county-owned farm ground. The farm ground located near the Cedar Valley Ranch is to be advertised; however a part of the landfill property is to be tiled with seeding to be done this year.

The county auditor asked the board if there was interest in requesting that ISAC create an advisory committee from among the counties who are in the group health insurance. The Board stated that they would talk to other counties at the winter meeting on January 18<sup>th</sup>.

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

\_\_\_\_\_  
Jason Sanders, Chairman

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

Jill Marlow, Benton County Auditor

January 10, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 8, 2008. All members voting aye thereon. Motion carried.

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Mary Lou Erlacher provided an update on the Workplace Learning Connection. Erlacher stated that six career speakers were brought to the schools, eleven worksite tours, and forty-four internships were completed in the prior year as well as numerous other activities. Erlacher stated that she received some funding from the Benton County Foundation last year and she would be requesting funding again this year. Erlacher also asked the supervisors to provide a letter of support for the Workplace Learning Connection to assist in acquiring private business funding. Moved by Sanders, seconded by Buch, to direct the chair to draft a letter of support for the Iowa Workplace Connection to garner funding from private businesses. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, provided an update on transportation services within her department. Halstead reported on the number of trips for 2007 including the number of miles and hours that produced revenue. Halstead reviewed the current transportation fleet including years and mileage of each vehicle. Halstead spoke about her current staffing levels and the duties being performed.

The Board received two applications for appointment to the Benton County Conservation Board. Moved by Sanders, seconded by Buch, to table appointment until the Board has an opportunity to meet with the applicants. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the treasurer's semi-annual report for the period ending December 31, 2007. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 75 hours of vacation carry-over requested by Myron Parizek, said carry-over is to be used no later than June 1, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 65 hours of vacation payout for Myron Parizek. All members voting aye thereon. Motion carried.

The Board worked on the development of a strategic plan for Benton County for 2008. Items the Board discussed for implementation and/or finalization in 2008 were: major progress towards the Oak Grove Road project, completion and implementation of employee evaluations, completion of land use ordinance revisions, mental health funding, emergency road closing procedures, central sand/salt locations within the county, creating a program for sealcoating secondary roads, courthouse restoration project, election equipment, periodic meetings around the county, local option sales tax, landfill upgrades, review county employee handbook, meeting with departments on a regular basis, and a monthly news column. The Board will consider these items during the coming months.

Durant Engineering stopped by the Boardroom to report on potential issues with the courthouse repair project including rusting I-beams in the tower structure, possible use of caulk containing asbestos from thirty plus years ago, and stone in the tower is not attached to the steel structure underneath. Durant explained that addressing the rust issue is going to be impossible to bid for the contractors as it cannot be determined the amount of work until the stone is actually removed and the steel inspected.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

January 15, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 10, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Larry Meyer as a supervisor representative to the Benton County Compensation Board for a four-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Don Krug, Fremont Township Trustee, as a township representative to the Benton County Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

The Board discussed the request from the Cedar Valley Times that the county reconsider the appointments of the official newspapers for Benton County and include them in the consideration. Dean Close, an employee with the Cedar Valley Times, was present and advised that historically the Times had provided a written request in December of each year, but due to an employee illness, the matter was overlooked. Supervisors Sanders and Buch stated that they were not interested in appointing a fourth official newspapers due to the cost to the taxpayers when only three is required. Moved by Buch, seconded by Sanders, that Benton County deny the request submitted by the Cedar Valley Times to reconsider the appointment of the county's official newspapers for 2009. All members voting aye thereon. Motion carried.

Representatives of the Benton County Zoning Commission and various members of the public met with the Board to review the status of the Benton County Land Use development plans. Chad Sands, Land Use Planner with East Central Iowa Council of Governments, provided a brief review of the steps taken to date in the development of the proposed land use documents. The Board of Supervisors had most recently requested that the zoning commission create a map of Benton County showing the future use of land based on the Land Evaluation & Site Assessment (LESA) system; however the zoning commission disagreed with producing the map. Jim Hodgson, a zoning commissioner, stated that the commission believed that the documents submitted by the commission could be used to develop a map, but the supervisors should accomplish that task. Hodgson stated that the supervisors could tweak the proposed plans to achieve their goals for development. Hodgson stated that the LESA program provided the ground rules and if everyone played by the rules then the LESA system would work. Hodgson further stated that public hearings were conducted and the commission tried to follow those directives and that the commission is taken aback that the direction is now being changed by the supervisors. Renae Becker stated that the LESA plan as it stands, would not allow development along Highway 30 to occur and that she was in favor of a map or some type of area designation to compliment the LESA plan, reiterating that there were places that could be developed but cannot if the current plan remains. Supervisor Buch stated that the proposed plans do not encourage development along development corridors, i.e. Highway 30. Dave Wrage questioned how the LESA points were assigned. Supervisor Sanders stated that commercial development is awarded

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extra points, which would not be adequate when the CSR is in the 90's. Hodgson stated that is the problem when such a high point value is assigned on high CSR land. Sands stated that whenever a business locates in an area they want a very defined plan, such as zoning, to provide protection to them as well. Supervisor Vermedahl commented that the supervisors wanted the map to make administration easier. Steve Spiedel questioned why the maps had not been compiled by now stating that supervisors had directed Sands to reconvene the zoning commission to accomplish that task. Sands stated that there are two issues involved – growth and maintaining the current quality of life in Benton County including preservation of farm ground, wildlife, the rural character, etc. Duffield questioned why progress should be stopped simply based on the fact that land is currently agricultural and what was the reasoning back in 1996 when the current plan was last approved, adding that growth should be allowed along primary corridors. Al Schabuch responded that Benton County is an agricultural county and protection of that was the purpose for the current policy. Supervisor Vermedahl stated that the supervisors and the commission are not at odds, but are close to accomplishing the goals of land use development. Vermedahl commented that the county will not be able to make everyone happy. Duffield suggested that a 2400-foot corridor (40 acres on each side) along Highway 30 be set out for development. Steve Thompson stated that a map of what the LESA establishes might be beneficial, but the project would be time-consuming and questioned who would do it. Sanders cautioned that the supervisors cannot just look at the amount of revenue generated from a specific development when considering land use plans. Schabuch stated that the current plans do allow development in certain areas. MS. Duffield stated that zoning should be created, which provides specific development in specific areas. Duffield reiterated that consideration for development along main corridors should be considered. The zoning commission agreed to develop a land use map incorporating the current land uses and the LESA system and to meet on February 13<sup>th</sup> at 6:30 p.m. for that purpose.

The Board discussed the request from Black Hawk County regarding the possibility of sharing a county engineer, staff, and equipment. The logistics of such an arrangement were discussed with the engineer and it was the consensus of the supervisors that a sharing arrangement would not be in the best interest of the county at this time. Moved by Buch, seconded by Sanders, to direct the chair to communicate to the Black Hawk County Board of Supervisors that Benton County is not interested in a sharing agreement at this time. All members voting aye thereon. Motion carried.

The engineer discussed the financial situation at the county's landfill and the necessity to increase per-capita fees for FY09. The engineer proposed increasing fees from \$17.00 to \$20.00 per capita for cities, and from \$21.00 to \$24.00 per capita for rural residents. The auditor questioned the difference between urban and rural, which the engineer responded that the difference was for recycling. The auditor also questioned why the fees being assessed to rural residents was not adjusted due to fewer recycling trailers being offered for rural residents to use. Moved by Buch, seconded by Sanders, to set the per-capita landfill fee at \$20.00 for urban residents and \$24.00 for rural residents beginning in FY09. All members voting aye thereon. Motion carried.

The Board met with Erin Monaghan regarding appointment to the Benton County Conservation Board. Monaghan explained her interest in the position and responded to various questions posed by the supervisors.

The Board recessed from 12:15 p.m. for lunch and the meeting was reconvened at 1:15 p.m.

The Board began work on the FY09 budget.

The Board met with Tracy Davis regarding appointment to the Benton County Conservation Board. Davis responded to various questions and explained his interest in the position.

Moved by Buch, seconded by Sanders, to appoint Erin Monaghan to the Benton County Conservation Board to a five-year term ending December 31, 2012, and further to appoint Tracy Davis to the Benton County Conservation Board to fill the term vacated by Tony Geary ending on December 31, 2008. Davis will be eligible to apply for two additional five-year terms at the expiration of his current term in accordance with Benton County's policy governing conservation board appointments. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 5:15 p.m.

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

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

Jill Marlow, Auditor

January 17, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 15, 2008. All members voting aye thereon. Motion carried.

Weed Commissioner Mike Beumer updated the supervisors on a new program on controlling invasive weeds as well as other activities being undertaken in his department.

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

The board continued discussion on the FY09 budget and reviewed departmental requests.

The board, county engineer, and county attorney, reviewed a proposed employment contract between Benton County and the county engineer. Discussion primarily centered on language involving termination of the contract, notice requirements, severance packages, and salary. The county attorney advised that the contract should not include a severance package, adding that did not preclude the board from negotiating such if the need arises; however it also did not obligate the county to provide one. The engineer proposed an initial contract salary as well as termination language; however the board was not in agreement. Supervisor Vermedahl questioned if there was actually a need for an employment contract. The county attorney responded that the termination language was not covered under the county's handbook. Vermedahl stated that the engineer and the county would not agree on the termination and severance packages and did not want these issues to become an issue in the future relationship with the engineer. The engineer stated that he has questioned the need for an employment contract, adding the new engineers generally request some

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type of protection but tenured engineers have established an employment relationship with their boards and the need may not be as important. The board asked the engineer to consider the option of having no employment contract and advise the board.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

January 21, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 17, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 97313 through 97513, payroll numbered 97514 through 97611, and ACH numbered 2154 through 2246, for payment. All members voting aye thereon. Motion carried.

Mary Williams and Roger Witt met with the board regarding a security system at the Governor Sherman Building. Witt explained that panic buttons could be installed at a cost of \$1104.85, not including the actual panic button (the county currently has panic buttons that could be used). Installation of a camera system would cost approximately \$4,800.00 for four cameras and monitor. The Board stated that this was not a budgeted expenditure and investigation as to whether funds are available would have to be done, but perhaps could be included in the FY09 budget.

Williams also spoke to the board about a new computer system for her office. Williams advised that she has included the costs in her FY09 budget; however Witt explained that if she waits until FY09, she may not be able to obtain an operating system with Windows Office XP as all new systems have Windows Vista. Witt explained that many of the state programs interface with Office XP and it does not appear that they will be changing to Vista anytime soon. The Board questioned if the funds were available in William's budget and she replied they were not.

Moved by Buch, seconded by Sanders, to approve a utility permit requested by Farmers Mutual Phone Telephone to place utility lines in the county's right-of-way in Section 25 of Harrison Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-04. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **NOTICE TO ACCEPT BIDS AND NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN REAL PROPERTY BY LEASE RESOLUTION #08-04**

**WHEREAS**, Benton County, Iowa owns certain real estate described as:

BENTON COUNTY LANDFILL: PARCEL 1: A Part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35-T82N-R11W (Leroy Township). Approximately 27.6 tillable acres. .

BENTON COUNTY LANDFILL: PARCEL 2: 30 Acres more or less in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 82 North, Range 11, West of the 5<sup>th</sup> P.M. (Leroy Township). Approximately 30.7 tillable acres.

**WHEREAS**, the Board of Supervisors considers it is in the best interest of the County to dispose of the interest in the real estate by LEASE of the same for a period of more than three years; and

**WHEREAS**, the Board of Supervisors proposes to accept bids on said property, and following a public hearing, lease said real estate for a period of five years,

**NOW, THEREFORE BE IT RESOLVED** that sealed bids will be accepted on said property until 4:30 p.m. on the 1st day of February, 2008, in the office of the County Auditor as evidenced by the auditor's file stamp. Persons submitting a bid shall have the opportunity to increase said bid at a meeting of the Board of Supervisors on February 5, 2008, at 9:00 a.m.

**BE IT FURTHER RESOLVED**, that in accordance with Section 331.361, Iowa Code, a public hearing on said proposed LEASE of real estate is hereby fixed for the 5th day of February, 2008, at 9:00 o'clock A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa, for the purpose of leasing said real estate. Said hearing shall be immediately following the opening and review of said bids.

**BE IT FURTHER RESOLVED** that the Benton County Board of Supervisors reserves the right to accept or reject any and/or all bids.

**BE IT FURTHER RESOLVED** that the notice of this hearing be published pursuant to Section 331.305, the Code.

Dated this 21<sup>st</sup> day of January, 2008.

Benton County Board of Supervisors

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

\_\_\_\_\_  
Ron Buch

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

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Jill Marlow, Auditor

## **NOTICE OF PUBLIC HEARING AND ACCEPTANCE OF SEALED BIDS**

The Benton County Board of Supervisors will hold a public hearing on disposing of an interest in the below stated real property on February 5, 2008, at 9:00 a.m., at the Benton County Board of Supervisors room, Benton County Courthouse. The interest will be disposed of by entering into a lease agreement for a period of five years. The hearing will be held immediately following the receiving of bids for the lease of said property.

### **BENTON COUNTY LANDFILL FARM LAND FOR RENT**

Parcel #1  
27 Acres Tillable More or Less  
TERMS: CASH

A Part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35-T82N-R11W (Leroy Township). Approximately 27.6 tillable acres. Lease is for five years and is restricted to forage crops only.

Bids shall be received in the office of the county auditor until 4:30 p.m. on February 1, 2007. Persons submitting a bid shall have the opportunity to increase said bid at a meeting of the Board of Supervisors on February 5, 2008, at 9:00 a.m. Payment of 50% to be paid by March 15, 2008 and remaining balance by November 1, 2008. The Board reserves the right to reject any or all bids.

### **BENTON COUNTY LANDFILL FARM LAND FOR RENT**

Parcel #2  
30 Acres Tillable More or Less  
TERMS: CASH

30 Acres more or less in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 82 North, Range 11, West of the 5<sup>th</sup> P.M. (Leroy Township). Approximately 30.7 tillable acres. Lease is for five years and is restricted to forage crops only. Benton County reserves the right to use an additional one and one-half acres for spreading yard waste. Approximately five acres is scheduled for field tiling in the spring of 2008 and will not be available for seeding on March 1, 2008.

Bids shall be received in the office of the county auditor until 4:30 p.m. on February 1, 2007. Persons submitting a bid shall have the opportunity to increase said bid at a meeting of the Board of Supervisors on February 5, 2008, at 9:00 a.m. Payment of 50% to be paid by March 15, 2008 and remaining balance by November 1, 2008. The Board reserves the right to reject any or all bids.

INTERESTED PERSONS MAY BID ON ONE OR BOTH PARCELS. BIDS SHOULD STATE WHICH PARCEL.

Questions may be directed to Ron Buch, Benton County Supervisor, at 319-444-2930 or 319-560-9729.

Bids should be submitted to the Benton County Auditor, P.O. Box 549, Vinton, Iowa 52349 no later than 4:30 p.m. on February 1, 2008.

**Benton County reserves the right to accept or reject any or all bids. Therefore, though you may be the highest bidder, or indeed the only bidder, if the Board does not accept your bid, the lease does not become final. All bids are subject to approval by the Benton County Board of Supervisors at said public hearing.**

The Board continued with work on the FY09 county budget.

Moved by Sanders, seconded by Buch, to recess until 7:00 p.m. at the US Bank Building in Vinton. All members voting aye thereon. Motion carried at 3:20 p.m.

Chairman Vermedahl reconvened the meeting at 7:00 p.m. at the US Bank Building with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent.

The Board met with the conservation board for the purposes of reviewing the FY09 budget request from conservation.

Moved by Sanders, seconded by Vermedahl, to adjourn. Motion carried at 8:35 p.m.

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

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

January 24, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 21, 2008. All members voting aye thereon. Motion carried.

Supervisor Vermedahl advised that a pre-bid meeting will be held on February 5, 2008, on courthouse window and roof replacement. Durant is preparing a cost estimate on repairing the clock tower. The board discussed the need to complete tower repairs prior to any other work and directed the chair to contact Durant about the same.

The Board met with the sheriff, treasurer, and recorder regarding their FY09 budget request. Reductions were made to the recorder's budget.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

January 28, 2008

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

The primary purpose of the special session was to meet with the Emergency Management Commission to discuss budget issues.

The board listened to Emergency Management Coordinator Scott Hansen explain the current status of the Emergency Management Planning Grant, the amount of funds being received and the amount of work involved in applying for those funds. Benton County currently receives about \$20,000, which takes Hansen approximately four weeks to complete the required paperwork.

Supervisor Vermedahl arrived at 7:28 p.m.

The Emergency Management Commission proceeded with a public hearing on their FY09 budget. After closing the hearing, and receiving a motion to adopt the budget as presented, the commission heard discussion on the proposed motion. Supervisor Buch requested that a six-month budget report be provided next year indicating the current spending of the department. Supervisor Vermedahl stated that Hansen did a terrific job on his budget and thanked him. Supervisor Sanders reminded the commission that the supervisors had not determined the FY09 level of funding for emergency management as of this date. The commission voted on the motion, which was passed.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

January 29, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of January 24, 2008. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption requested by Benjamin Dudley on a parcel located in the SW1/4 of the NW1/4 of 3-84-9. Greenlee advised that the applicant is actively involved in an agricultural activity as required. Moved by Sanders, seconded by Buch, to approve the farm exemption requested by Benjamin Dudley on a parcel in the SW1/4 of the NW1/4 of 3-84-9 pursuant to the Benton County Agricultural Land Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a rate increase to \$34.91 for Echo Plus for client services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the resignation of Sally Ollinger from Benton County Social Services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual update of the manure management plan submitted by Rinderknecht located in the SE1/4 of the SE1/4 of 8-83-10. All members voting aye thereon. Motion carried.

Will Heber, Conservation Director, met with the Board regarding a vehicle replacement schedule for conservation vehicles and mowers. The purpose is to allow financial planning for the department.

The Board tabled any action concerning establishment of the number of employees in the sheriff's, auditor's, treasurer's, and recorder's offices.

Moved by Buch, seconded by Sanders, to provide a letter of support for the Norway Fire Department for a grant application for a fire truck. All members voting aye thereon. Motion carried.

The board continued with work on the FY09 budget by meeting with the sanitarian/land use, data processing, and county attorney.

The board recessed at 12:00.

The board reconvened at 1:00 p.m. and continued with FY09 budget work by meeting with the weed commissioner, maintenance department, and county engineer.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

January 31, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of January 28, 2008 and January 29, 2008. All members voting aye thereon. Motion carried.

The weed commissioner did not appear before the board to discuss the Memorandum of Understanding re: Iowa River Corridor Weed Management Area.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Renae Becker and David Coulter of Benton Development Group met with the Board to present their FY09 budget request. BDG is requesting an increase of \$2,500 (6.67%). Becker and Coulter also reviewed the activities done by BDG over the past year.

The Board met with Mary Halstead, Transportation Director, and reviewed her FY09 budget request.

The Board discussed the uses for the local option sales and services tax that was recently passed in the unincorporated area of the county. Discussion included secondary roads, property tax relief, emergency services and other possible uses.

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

\_\_\_\_\_  
Ronald Buch, Vice-Chair

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

Jill Marlow, Auditor

February 5, 2008

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

The Board canvassed the Special Election held on January 29, 2008. Moved by Buch, seconded by Sanders, to approve the canvass of the January 29, 2008, Local Option Sales and Services Tax. The results reflect that the tax passed in all jurisdictions except the City of Walford. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of January 31, 2008. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived and this being the time and date for opening bids, accepting oral bids on rental of the county's farm ground, and holding a public hearing on disposing of the county's interest in real property through a lease of five years, the Board took up the matter for consideration. There were eight bids received for the county care facility farm ground, which were opened, and read aloud. The high bid being \$16,000 per year. Supervisor Buch asked if any bidders wished to raise their bids. Hearing none, the bidding was closed. Moved by Sanders, seconded by Buch, to award the bid for renting the county care facility farm ground for three years to Robert McNeil at the rate of \$16,000 per year. A lease agreement is to be entered at a later date. All members voting aye thereon. Motion carried.

There were nine bids received for Parcel #1 of the landfill ground. The bids were opened and read aloud. The high bid was \$165.00 per acre. Supervisor Buch asked if any bidders wished to raise their bids. Oral bids were submitted by Duane Andrews and Tim Sage, with Tim Sage submitting a final bid of \$199.00 per acre.

There were nine bids received for Parcel #2 of the landfill ground. The bids were opened and read aloud. The high bid was \$165.00 per acre. Supervisor Buch asked if any bidders wished to raise their bids. Oral bids were submitted by Duane Andrews and Tim Sage, with Tim Sage submitting a final bid of \$199.00 per acre.

The Board discussed the bids and believed it in the best interest of the county to lease the landfill farm ground for a five-year period as advertised. There was no public comment heard for or against the five-year lease.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-5. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-5**

**WHEREAS**, by the authority of the Board of Supervisors, public bids were received on February 5, 2008, on two parcels of real estate described as

**Parcel #1:** A Part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35-T82N-R11W (Leroy Township). Approximately 27.6 tillable acres; **and**

**Parcel #2:** 30 Acres more or less in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 82 North, Range 11, West of the 5<sup>th</sup> P.M. (Leroy Township). Approximately 30.7 tillable acres

**WHEREAS**, Tim Sage has submitted a high bid of \$199.00 per acre; **and**

**WHEREAS**, a public hearing was conducted on February 5, 2008, on whether to lease said property to the high bidder; **and**

**WHEREAS**, the Board considers it is in the best interest of the Benton County to dispose of the county's interest in the real estate by the lease of the same for a period of 5 years; **and**

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that it is in the best interest of the County to lease the following described real estate and that the bid of \$199.00 submitted by Tim Sage for lease of said property be accepted:

Parcel #1: A Part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35-T82N-R11W (Leroy Township). Approximately 27.6 tillable acres. Lease is for five years and is restricted to forage crops only; and

Parcel #2: 30 Acres more or less in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 35, Township 82 North, Range 11, West of the 5<sup>th</sup> P.M. (Leroy Township). Approximately 30.7 tillable acres. Lease is for five years and is restricted to forage crops only. Benton County reserves the right to use an additional one and one-half acres for spreading yard waste. Approximately five acres is scheduled for field tiling in the spring of 2008 and will not be available for seeding on March 1, 2008.

**BE IT FURTHER RESOLVED** that a lease agreement is to be executed at a later date for the real property set forth above.

Dated this 5th day of February 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Ronald Buch

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

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

Mary Williams, Social Services Director, and Julie Jetter, Department of Human Services, met with the board regarding mental health funding. Jetter explained step-by-step the process for obtaining additional state funding. Jetter stated that in order for the county to obtain an additional \$449,000 in state funds, the state requires that the county raise property taxes to the maximum allowable.

Williams also spoke to the board about the need to amend her substance abuse budget. Moved by Sanders, seconded by Buch, to adopt Resolution #08-06, AMENDING THE FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #08-06

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 3. The auditor is directed and authorized to amend said service area as needed.

Dated this 5<sup>th</sup> day of February 2008.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Ronald Buch

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

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

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Federal-Aid Agreement for the County Highway Bridge Program Project BROS-CO06 (74)—SF-06, for the bridge replacement on 68<sup>th</sup> Street over Prairie Creek. All members voting aye thereon. Motion carried.

The engineer spoke to the board about the staffing levels in his department. The engineer spoke about the open position of engineering technician and open positions due to retirement. There are thirty-three total positions in the bargaining unit, including the sanitary disposal units, and seven non-bargaining positions including the technician.

Moved by Sanders, seconded by Buch, to make the annual appointment of Michael Beumer and Bruce Anderson as the Benton County Weed Commissioner and Assistant Weed Commissioner, respectively. All members voting aye thereon. Motion carried.

The Board worked on the FY09 budget for the remainder of the meeting.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 7, 2008

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

Jerry Petermeier and Eric Jensen representing the Cedar Valley Ranch spoke to the board about the current boiler situation at the Cedar Valley Ranch. The current boilers are no longer manufactured and replacement parts are no longer available. The matter was just being brought to the board's attention for future budgeting purposes, although it was pointed out that the boilers will only fail when being used and that would only be during the heating season and replacement will be critical at that time. The estimated cost to replace the boilers is \$40,000. It was also mentioned that the roof on the white storage shed needed to be replaced and that a steel roof may be the best option.

Moved by Buch, seconded by Sanders, to approve the minutes of February 5, 2008. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account on January 31, 2008 was \$50,961.70.

Moved by Sanders, seconded by Buch, to terminate the employment of Steven DeWitt, effective immediately, upon the recommendation of the county engineer and in accordance with the labor agreement between Benton County and the PPME, Local 2003 (Secondary Roads). All members voting aye thereon. Motion carried.

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Sanders, seconded by Buch, to repeal the action taken on November 13, 2007, wherein the county entered into a contract with Durrant for engineering services for the courthouse renovation project, and to enter into a new contract with Durrant for the same engineering services and authorize the chair to sign the same. All members voting aye thereon. Motion carried.

The Board continued with work on the FY09 budget.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 11, 2008

The Benton County Board of Supervisors met in special session with Supervisors Buch, Vermedahl, and Sanders present, for the purpose of working on the FY09 budget. Chairman Vermedahl called the meeting to order at 9:00 a.m.

The Board continued working on the FY09 budget.

Supervisor Sanders left the meeting at approximately 11:30 a.m.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 12, 2008

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

Moved by Buch, seconded by Sanders, to approve checks numbered 97612 through 98002, including ACH deposits numbered 2247 through 2338, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize and direct the chair to sign the title sheet of the plans for the bridge replacement on 68<sup>th</sup> Street over Prairie Creek. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize and direct the chair to sign the Certified Local Government annual report for the Benton County Historical Preservation Commission. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set the employee share of health insurance premiums for non-bargaining unit employees and elected officials for FY09 at \$0 for a single plan and \$140 for a family plan, which coincides with the secondary road bargaining employees. All members voting aye thereon. Motion carried.

The finalized work on the FY09 budget and prepared for the meeting this evening with Farm Bureau.

Discussion also took place on the recommendations of the compensation board.

Moved by Buch, seconded by Sanders, to set March 6, 2008, at 9:15 a.m. as the time and date for a public hearing on the county's FY09 budget. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plan filed by Swine Design (Jeff Kromminga). All members voting aye thereon. Motion carried.

The Board recessed until their meeting with Farm Bureau.

The Board reconvened at 6:00 p.m. at the Farm Bureau Building.

The supervisors discussed the FY09 budget proposal, the use of the local option sales and services tax, mental health funding issues, and answered various questions presented by Farm Bureau members.

The Board adjourned at 8:00 p.m.

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 14, 2008

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

The engineer asked the board about the creation of an engineering technician position. Supervisor Vermedahl questioned if additional staff would insure that the Oak Grove Road project would be completed. The engineer responded that it would, as he does not have adequate staff to oversee the project. The engineer presented data regarding past staffing levels of the engineer's office indicating that the department had additional staff in past years. The engineer explained that federal funding is requiring much more staff review, which is increasingly difficult to complete with current staff. Supervisor Vermedahl questioned if a technician would have the necessary knowledge and certification to oversee projects. The engineer advised that there are classes available to provide the necessary training. The position would perform in-house surveying and assist with creation of plans and documents. The position will require computer aided design experience. Vermedahl questioned how this would assist the engineer administrate his department. The engineer stated that it would provide more time for him to review and redraft ordinances, etc and other administrative functions. It will also provide additional time for the engineer to address landfill issues. Vermedahl questioned if this would provide more time for the engineer to address personnel management. Sanders questioned the level of education the position

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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would require. The engineer advised the person would hold an associate degree in civil engineering or equivalent, with construction knowledge, surveying, and CAD application experience. Supervisor Vermedahl stated that he was supportive of the position. Supervisor Sanders stated that he wanted current staff utilized to their maximum potential before adding staff, but was not opposed to the new position. Sanders stated that the supervisors has been told in the past that the engineer's office had adequate staff to perform certain projects, and now they are being told the staff is inadequate. Sanders stated that he is struggling with supporting the position, but if approved he wants to see projects completed and that the engineer will be held to the completion of those projects. Sanders stated that the Oak Grove project was allowed to slide again last year and that he wants to see the management go in a different direction towards completing those projects if this position is allowed. Supervisor Vermedahl agreed with Sanders comments. Sanders added that the supervisors should meet with the engineer and discuss specific goals for that department. Moved by Sanders, seconded by Vermedahl, to allow the creation of the engineering technician in the secondary roads departments effective this date. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of a Manure Management Plan by Prairieview Hog Farm, Inc. located in the NE1/4 of the NE1/4 of Kane Township, Section 33. Both members voting aye thereon. Motion carried.

The Board discussed the FY09 budget and employee wages. Discussion included the consumer price index and various wage scenarios. No decision was reached.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 19, 2008

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 7, 11, 12, and 14, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan filed by Cedar Valley Egg Farm located in the NE1/4 of section 12 of Cedar Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into an agreement with Ellsworth Municipal Hospital for substance abuse committals, effective immediately, at a rate \$592.00 per day including doctor fees. Both members voting aye thereon. Motion carried.

Mary Ann Blumer with the county's attorney's office met with the Board regarding holiday pay for part-time employees. Blumer explained that originally a trial was set for February 18, 2008, which was a county holiday, and a part-time employee would have been required to work. Blumer's concern was that if a part-time employee is required to work a holiday that the employee should be compensated accordingly at time and a half. Blumer stated that part-time employees in the sheriff's department received additional compensation when working holidays and questioned if the same benefits are awarded to all employees. Supervisor Vermedahl stated that consideration should be given to Blumer's comments; however he was not willing to make a decision in haste. Supervisor Sanders concurred. The Board stated that they would research the matter.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 22, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 19, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 66 hours of vacation carry-over requested by Bruce Anderson, and 23 hours of vacation carry-over requested by Mike Beumer, both employees of the Weed Department. Said carry-over to be used by July 1, 2008. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set dates for consideration of ordinances #56 and #57 as follows: March 4, 2008 at 10:00 a.m., March 6, 2008 at 10:00 a.m., and March 11, 2008 at 9:15 a.m. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:20 a.m.

Moved by Sanders, seconded by Buch, to release \$5,000 of the economic development appropriation to Benton Development Group for the IBSSS Incubator. Buch and Sanders voting aye thereon. Vermedahl abstained due to a conflict of interest. Motion carried.

The Board met with the Grand Jury and discussed various issues affecting the county, including the FY09 budget, taking bids on replacing the courthouse windows and roof, county is obtaining a cost estimate on clock tower repair, location of the veteran's affairs office, board meeting times and hours, maintaining the historic atmosphere of the courthouse, and security.

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

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Representatives of AFLAC met with the Board to request that the county sponsor an employee meeting and allow them to speak to the employees about AFLAC. The Board stated that the policy is to allow a payroll staffer informing employees of a vendor scheduled meeting that is to be held outside of county work time and off premise.

Supervisor Sanders left the meeting.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by South Slope Telephone Cooperative to place utility lines in the county's right-of-way on 75<sup>th</sup> Street between 28<sup>th</sup> and 30<sup>th</sup> Ave., Section 5,6,7,8 of Florence Township. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Federal Aid Agreement for the pavement rehabilitation project on W24. All members voting aye thereon.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

February 26, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of February 21, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the checks numbered 98003 through 98247, and ACH payments numbered 2339 through 2432. All members voting aye thereon. Motion carried.

Durrant Engineering did not appear at the meeting due to weather conditions. The board did speak with Mike Ruden by telephone to schedule another meeting date. Durrant will attend the bid opening on March 4, 2008 at 2:00 p.m. and discuss the courthouse tower renovation costs at that time.

The Board discussed the hire of Chris Wion as an engineering technician. The Board questioned if the appropriate background checks had been completed. The engineer advised that he completed a background check on the person's driving record and motor vehicle license. The engineer is to advise whether the employee's regular workday will be 7.5 hours or 8.0 hours. Moved by Buch, seconded by Sanders, to adopt Resolution #08-07, HIRE OF CHRIS WION AS ENGINEERING TECHNICIAN. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

**RESOLUTION #08-07  
HIRE OF CHRIS WION AS ENGINEERING TECHNICIAN**

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

WHEREAS, this position is an Engineering Technician, and

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

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Chris Wion be hired to fill the position at a wage of \$16.75 per hour starting on March 5, 2008, and

BE IT FURTHER RESOLVED that the wage increases to \$17.10 per hour on July 1, 2008 and to \$17.50 per hour on January 1, 2009.

Signed this 26<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
Chairman, Board of Supervisors  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Benton County Auditor

The engineer discussed the current road conditions and snow removal occurring in various areas of the county. The Board also discussed the county's emergency snow removal policy and priority routes. The county's current policy states that secondary road crews will only provide road-clearing assistance outside of their normal working hours or off of their daily scheduled route in emergency situations. The auditor questioned what constituted an emergency situation and the engineer stated that the county's ordinance defines an emergency as a situation where loss of life or property is eminent. The auditor asked if electrical crews would be eligible for emergency assistance from secondary roads when trying to restore electrical power to residents, if needed. It was the board and sheriff's opinion that power outages and restoration of electricity did not constitute an emergency situation and secondary roads would not assist. Discussion also included clearing roads for individual problems, i.e. vet calls, feed trucks, etc. It was determined that the county would not go out and clear roads in individual circumstances. The sheriff stated that the only emergencies that should get emergency assistance from secondary roads are ambulance and fire calls. The sheriff further stated that people traveling and getting stuck did not constitute an emergency. Supervisor Buch stated that people should be prepared in case they are stranded and carry supplies in their vehicles, such as blankets, food and water. The sheriff stated that his department

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usually tells callers that if they are stranded that no county personnel will respond, but advises the caller to call back if their situation changes and it becomes life threatening. Supervisor Vermedahl stated that this is Iowa and the reality is that the county is not going to be able to respond to every situation. The Board also discussed the possibility of closing roads when they became impassible or posting warning signs that the road may be impassible during snowstorms.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

March 4, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of February 26, 2008. All members voting aye thereon. Motion carried.

The engineer reported that the landfill balance was \$51,702.37 on February 29, 2008.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-8, CHANGE IN CLASSIFICATION AND WAGE FOR MIKE GARDEMANN. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-8

WHEREAS: A posting for the position of Equipment Operator II has been completed, and

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

WHEREAS: Two present employees have signed the posting, and

WHEREAS: One of these employees is more qualified than the other,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that Mike Gardemann be the Equipment Operator II with a Labor Grade Classification IVC. The base wage will be \$16.66. The effective date will be April 14, 2008.

Signed this 4<sup>th</sup> day of March 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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

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

The time of 10:00 a.m. having arrived and this being the time and date for the first consideration of Ordinances #56 and #57, Local Option Sales and Services Tax, the chair declared the public hearing open. There was no one present for the consideration. The chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to approve the first consideration of Ordinances #56 and #57, Local Option Sales and Services Tax. All members voting aye thereon. Motion carried.

The Board discussed the FY09 wages and heard from the county treasurer and county attorney regarding staff salaries. The treasurer is requesting that her clerical employees receive \$2000.00 increases and the county attorney requested that his office manager receive \$46,000 but ultimately reduced it to \$41,520.00. The Board did not take action on any wage requests.

Moved by Buch, seconded by Sanders, to recess until 1:45 p.m. All members voting aye thereon. Motion carried.

The board was convened at 1:45 p.m.

The time of 2:00 p.m. having arrived, and this being the time and date set for a public bid letting, the board proceeded with opening the bids as follows:

### **Courthouse window replacement (3 bids received only 2 had 5% bid bond):**

VIS, LTD of Marshalltown, Iowa - \$898,000

National Glass, Center Point, Iowa - NO BID SECURITY - NOT READ COVER LETTER STATED NOT POSSIBLE DUE TO SHORT TIME REQUIREMENT

Zephyr Aluminum Products, Inc., Dubuque, Iowa - \$429,476.00

### **Courthouse Roof Replacement (2 bids received with 5% bid bond):**

VIS, LTD of Marshalltown, Iowa - \$419,000.00; Alternate: \$10,000 (per representative is a deduct)

Renaissance Roofing, Belvidere, IL - \$363,700; Alternate: Add \$12,000

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Moved by Sanders, seconded by Buch, to acknowledge the receipt of the bids for roofing and window replacement. That no action is to be taken accepting or rejecting any or all bids pending review by Durrant Engineering and consultation with the county attorney. All members voting aye thereon. Motion carried.

Mike Ruden, Engineer with Durrant Engineering, explained the bell tower restoration project and associated costs and the options available to the county. The estimated cost of repairing the tower is \$339,255. Moved by Buch, seconded by Sanders, to authorize Durrant Engineering to hire a hazardous material tester and to complete the bid documents for repairing the tower structure. All members voting aye thereon. Motion carried.

Representatives of the East Central Iowa REC (the “REC”) met with the supervisors regarding emergency road assistance for the REC’s electrical crews. Harry Ruth, Chief Executive Officer for the REC, stated that last week the REC needed to replace a pole along a road that had not been cleared. Ruth stated that the engineer’s office was called for assistance; however the request was declined. Ruth added that subsequent to that event he was made aware of a discussion that occurred at the supervisors’ meeting culminating in a county position that secondary road crews would not assist REC crews when the REC was trying to restore electricity. Ruth continued that the REC recently contacted several other counties regarding the level of assistance available to the REC in this type of situation (when roads needed cleared) and all of the counties contacted were willing to assist at all times. Ruth added that the REC only requests help when they really need it. Supervisor Vermedahl stated that the conversations at the prior supervisors’ meeting did not involve situations when county plows were out during the day, but only about emergency situations when the road crew would go out after hours. Vermedahl added the county’s policy is the crews will only go out if there will be loss of life and/or property damage. Vermedahl continued to state that the supervisors’ discussion focused mainly on what would happen in the evening and that Benton County does not have manpower for a 24-hour operation, adding that secondary roads has gone out and assisted after dark for ambulances. The auditor stated that the daytime issue discussed by the supervisors was the issue of pulling someone off a regularly scheduled route to go clear another route. Vermedahl stated that last week a judge tried to order the county to clear a road for a juror. Vermedahl added that it was necessary that the county plow roads in a coordinated effort and not jump around from situation to situation. Vermedahl advised however that the main conversation by the supervisors was sending road crews out in the middle of the night and whether restoring electricity was a life and death situation. Supervisor Buch stated that the REC’s policy and the county’s policy are two different things, clarifying that the REC goes out no matter what time of day and the county only goes out if the situation is life threatening. Buch added that the supervisors talked about whether it was life threatening if people are out of power in the middle of night or if restoration of power could wait until the next day. Gary Marlow, REC Operations Supervisor, stated that calling the county for assistance is always the last resort, adding that the REC attempts to find a farmer with a tractor close by to help. Bill Frazier, REC Director, added that the problem also is a lot of rural people don’t have tractors and that is why the REC was at this meeting today – to see if something could be worked out between the REC and the county. Ruth commented that the REC just wants to understand the county’s position, but that being out of power in the middle of winter can be an emergency. Ruth continued that if someone is out of power and has been out of power, they may have no heat, they may have medical problems or have small children. Supervisor Sanders questioned if the REC responds if just one person calls in. Ruth responded that the REC will send out a crew and not wait, as being without power is not acceptable. Ruth stated that the REC is owned by its members and the REC will serve its members. Supervisor Buch stated that it could be an issue for the county if the road crews are out for 16 hours and then we have to call them out again. G. Marlow reiterated that the REC just wants to know what their options are and whether the REC can secondary roads in that extreme situation. Supervisor Sanders stated that after giving more thought to the matter, that he would like to see the county work more with the REC (or other utility) and if assistance is needed during regular working hours, then the county should do what it can to help. County Engineer Myron Parizek commented that the secondary roads department and the REC have worked well together in the past, that there may have been disagreements at times, but in general the relationship has been good. Parizek continued that there may have been miscommunication with regard to the assistance recently requested during the day. G. Marlow responded that the bigger issue was situations more like the Sunday when the REC crew was stuck on a road. Parizek stated that there were whiteout conditions on that day and phenomenal situations and the he (Parizek) didn’t know the REC had a truck out and questioned if the need to restore power met the county’s emergency situation requirements. Parizek added that to ask secondary road crews to go out after working 12-14 hours shift would not be an easy task but the crews would do whatever is asked of them. Ruth again stated that the REC is not going to call secondary roads unless it is important, but questioned if the REC should bother to call at all. Supervisor Vermedahl responded that the county would try to respond to the REC’s needs. G. Marlow asked who should be contacted. Supervisor Buch responded that the REC should contact the county engineer. The engineer added that assistance will still be considered on a case-by-case basis and that there may be instances when no assistance will be provided. Sheriff’s Deputy Mike Ferguson stated that if it is a blizzard no one should be out there “period” and that the REC should take that into consideration before sending their employees out. Ruth responded that the REC will not risk their employees’ lives. Sheriff Forsyth added that if the State pulls in their plows then the conditions are pretty bad. G. Marlow clarified that the situation occurring on the Sunday in question happened when the weather deteriorated while the REC crews were already out and got caught in it. Supervisor Buch stated that the county knows the REC has a policy that the REC will go out. Ruth reiterated that the REC will not risk their employees’ lives. G. Marlow clarified that the county’s position was that the REC could contact the county engineer to request assistance, which will be determined on a case-by-case basis. Supervisor Vermedahl commented that according to the county’s ordinance and to the county’s insurance’s legal counsel, the county should clear roads the same way and plow the same hours all of the time. Vermedahl continued that the county has gone beyond that in the past and we have exceeded it a little this year, but if we have a maintainer that starts here and then has to come down there to deal with another matter and a house catches on fire back on original route that could create a problem, adding that being consistent is a hard thing to do. Vermedahl stated that the county wants to work with the REC. Parizek stated that the maintainers know better what they can do than he, but he doesn’t want to risk people or equipment damage, but if a call comes in the dead of the winter from the REC that they need help, then he will know that the request is the REC’s last resort. Sanders summarized that by helping the REC, the county is also helping taxpayers.

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

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\_\_\_\_\_  
David Vermedahl, Chairman

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

March 6, 2008

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

Chairman Vermedahl opened the public hearing at 9:15 a.m. Farm Bureau representatives Al Schafbuch and Norman Sackett, media representatives Jim Magdefrau and Tom Lundvall, and County Treasurer Kelly Geater were present. The chair began the hearing with discussion on the compensation board's recommendations. Sackett requested clarification on the legalities of accepting or reducing the recommendations. Vermedahl advised that the difference in the recommendations was an attempt by the compensation board to equalize salaries between the county attorney and the county engineer, and the treasurer, auditor and recorder with the county assessor. The recommendations were as follows: County Attorney - \$83,500; Auditor, Treasurer, Recorder - \$57,500; Sheriff - \$70,000; and Supervisors - \$35,500. Supervisor Sanders stated that the conference board set the FY09 wage for the assessor at \$59,176.00. Supervisor Sanders commented that the recommendations were not unfair. Supervisor Buch stated that he would reduce the supervisors if it didn't affect the other elected officials, but added that he cannot argue with the compensation board's reasoning for the recommendations. Supervisor Vermedahl clarified that any reductions would be across the board. Buch stated that he would not jeopardize the salaries by reducing the supervisors. Moved by Sanders, seconded by Buch, to approve the compensation board's recommendations as presented. Schafbuch stated that it didn't seem quite right that union employees would get an approximate 3% increase while people sitting behind desks more would get more. Geater responded that union employees get over-time pay, longevity, and sick leave, while elected officials do not. Sackett told the Board that the county needed to become more efficient in their work. All members voting aye thereon. Motion carried.

The chair continued the public hearing with discussion on the proposed FY09 budget. County Attorney David Thompson and Marc Greenlee as well as the before noted individuals were present. Supervisor Vermedahl reviewed various areas of the budget, including the tax levies, local option sales and services tax relief, mental health revenue; election equipment, software, secondary roads projects, etc. The chair asked if there were any other comment. Hearing none, the chair declared the public hearing closed.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-9, ADOPTION OF THE FY09 COUNTY BUDGET. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-9 ADOPTION OF THE FY09 COUNTY BUDGET**

**BE IT REMEMBERED** that on this, the 6th day of March 2008, 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 2008-09 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 Vinton Eagle, 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 recommendation for FY09 salaries for elected officials was approved as follows:

County Attorney – \$83,500.00  
County Auditor – \$57,500.00  
County Recorder – \$57,500.00  
County Supervisors – \$35,500.00  
County Treasurer – \$57,500.00  
County Sheriff – \$70,000.00

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

General Basic - \$10,000 – Historic Preservation  
General Basic - \$62,000 – Equipment/Vehicle Replacement  
General Basic - \$295,519 – Special Projects (revenue from TIF/BCV- courthouse roof and window replacement)  
General Supplemental - \$50,000.00 – Emergency Response  
General Supplemental - \$25,000.00 – Election equipment  
Rural Services - \$22,000 – Vehicle Replacement  
Other (Closure/Post Closure) - \$1,102,344

**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.

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The budget as adopted will approve the following property taxes for fiscal year 2007-08.

General Basic	\$3,579,152
General Supplemental	\$ 696,477
Mental Health Services	\$ 908,642
Rural Services Basic	\$1,869,625

**IT IS THEREFORE RESOLVED**, by the Benton County Board of Supervisors that the FY09 budget is hereby adopted.

Dated this 6th day of March 2008.

\_\_\_\_\_  
David Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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

The Board discussed wages for non-union employees, who are not deputies. Requests had been made to allow the treasurer and county attorney to set the wages for their employees provided they stayed within their budget. Vermedahl stated he was not opposed to the treasurer's clerks; however he believed that action was taken last year to bring the salary of the secretary in the county attorney's office up. The treasurer stated that she has repeatedly asked that the clerks in her office get a dollar increase rather than a percentage increase as the clerks continually fall further behind when an across-the-board percentage increase is given. The county attorney commented that the supervisors had approved the bottom line of his budget and that he would like to increase Mary Ann Blumer's salary to \$41,520 and will accomplish that by reducing the requested FY09 salaries of the assistant county attorneys. Thompson added that an administrative assistant position has just been budgeted in the sheriff's department at \$34,500 and that person cannot have more responsibility than Mary Ann Blumer. Thompson stated that the salary of Blumer was increased last year to bring her more in line with the deputies in other offices and that the additional increase would help to equalize salaries with the responsibilities. Sanders responded that the sheriff's assistant salary reflects an in-house employee and not a new employee.

The time of 10:00 a.m. having arrived and this being the time and date set for the second consideration of ordinances #56 and #57, Local Option Sales Tax, the board opened the matter for public hearing. There were no comments heard either for or against the ordinances, and hearing none, it was moved by Buch, seconded by Sanders, to approve the second consideration of ordinances #56 & 57. All members voting aye thereon. Motion carried.

The board then discussed waiving the third consideration of ordinances #56 and #57. The public notice contained the necessary language informing the public that considerations could be waived and allowing for the same. Discussion included that the adoption of the ordinances were merely enacting the local option sales and services tax that passed at an election held January 29, 2008. Hearing no objection, it was moved by Sanders, seconded by Buch, to waive the third consideration of ordinances #56 and #57. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-10, ADOPTION OF ORDINANCES #56 AND #57, LOCAL OPTION SALES AND SERVICES TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-10 ADOPTION OF ORDINANCES #56 & #57

### LOCAL OPTION SALES AND SERVICES TAX IN BENTON COUNTY, IOWA

WHEREAS, an election was held on January 29, 2008 wherein the voters passed an initiative to implement and/or extend the local option sales and services tax; and

WHEREAS, two considerations of Ordinances #56 & #57 were held on March 4, 2008 and March 6, 2008; and

WHEREAS, the Board of Supervisors set March 11, 2008, at 9:15 A.M. for final consideration on Ordinances #56 and #57; and

WHEREAS, the Board of Supervisors suspended the requirement that the proposed ordinance be passed at two meetings of the Board prior to the meeting at which it is to be finally passed as authorized in Iowa Code section 33.302 (5); and

WHEREAS, publication of the hearing was made according to Iowa Code; and

WHEREAS, a copy of said Ordinances were available to the public in the Benton County Auditor's office;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ORDINANCE #56, LOCAL OPTION SALES AND SERVICES TAX AND ORDINANCE #57, LOCAL OPTION SALES AND SERVICES TAX are fully adopted. The Benton County Auditor is directed to publish Ordinances #56 and #57 in their entirety in the official newspapers of Benton County.

Dated this 6<sup>th</sup> day of March 2008.

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David Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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

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The Board then continued with discussion on wages for non-union employees. Al Schafbuch stated that as an outsider looking in that there should be a way for the department head to grant wages based on performance and if the bottom line of a budget is not affected, then he has a taxpayer did not object. Thompson reiterated that allowing him to readjust the salaries would not affect the bottom line of his budget. Thompson stated that Blumer's reputation is excellent with persons whom she interacts. Thompson added that if the request is granted he would not ask for salary increases for Blumer in the future other than the cost-of-living. Schafbuch observed that in the event this individual would leave employment that the replacement would not start at the same salary. Vermedahl continued that the Land Use Administrator had requested an increase over 4% for his office staff. Vermedahl also stated that social services had requested larger increases as well. Thompson added that the way the county is set up, that department heads are in the best position to judge the merit of the work being performed within their respective offices. Thompson stated some of the increases requested would not shock the public. Supervisor Buch questioned the treasurer if she would have the money in her budget if more than four percent increases were granted. The treasurer responded that she did not. Vermedahl asked if \$1500 increases versus the \$2000 request would be doable in her budget. The treasurer stated that she would eliminate the part-time expense and move that funding to full-time salaries. The treasurer added that she should have been consulted prior to the board sending the budget to publication and before it was too late to change her bottom line. Marc Greenlee spoke to the Board about the salary of the assistant in his office. Greenlee stated that the assistant has a lot of experience and longevity in his office and with the responsibility of the position is why he recommended \$40,000. Greenlee stated that the same issue arises with his staff as was raised by the treasurer that the gap continues to grow between positions. Greenlee stated that he doesn't believe other positions are overpaid, just that his assistant is underpaid. Greenlee stated that he hoped that a correction in salary could occur for that position.

Moved by Sanders, seconded by Buch, to set the FY09 wages for non-union employees, except deputies, at a 4% increase unless otherwise stated. Additionally, the following persons are approved at the following salaries for FY09: Mary Ann Blumer - \$41,520; Rosemary Sackett - \$26,860; Joy McGowan - \$29,860; Nancy Jorgensen - \$24,200; Barbara Greenlee - \$40,000. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sander, to direct the chair and the auditor to sign the farm lease agreement between Benton County and Tim Sage. All members voting aye thereon. Motion carried.

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

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David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

March 11, 2008

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

Moved by Sanders, seconded by Buch, to approve checks numbered 98248 through 98535, and ACH payments numbered 2433 through 2525, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair and auditor to sign the farm lease agreement between Benton County and Robert McNeill for rental of the farm ground located in the E1/2 of the SE1/4 of 22-85-10. All members voting aye thereon. Motion carried.

Mary McLaughlin met with the Board to discuss an upgrade to the CMS scanning software. McLaughlin reported that research was done as to other software and it was determined that an upgrade to the current software would be the most appropriate. Moved by Buch, seconded by Sanders, to authorize the chair to sign an Agreement between Benton County and Tyler Technologies, Inc. at a cost of \$8010.00 plus maintenance fees of \$1,739.00. All members voting aye thereon. Motion carried.

McLaughlin then spoke with the Board regarding the salary of her assistant, Roger Witt. McLaughlin advised that Witt performs many duties outside of his normal work, including overseeing the remodeling of the third floor restroom, the Courthouse 100<sup>th</sup> Anniversary, helping with sheriff's squad cars, courthouse alarm system, taking care of emergency situations, i.e. the door at the Governor Sherman building when broken at the end of the workday, etc. McLaughlin stated that she knew she would have to stay within her FY09 budget when requesting \$43,000 for Witt's FY09 salary. McLaughlin stated that it is unusual for her department to request additional compensation, and that prior precedence has been taken. McLaughlin also stated with a new phone system being installed in the courthouse, it would require additional work for Witt. Supervisor Vermedahl questioned if Witt earned compensation time every week. McLaughlin responded that Witt is in the office at 6:00 a.m. and that he may take a couple of hours off during the day so as not to incur a great deal of overtime. Supervisor Buch stated that he did not disagree that Witt does do a lot of extra duties, as he is kind of a "go to" person. Buch stated that he did not believe he was taking advantage of Witt when asking him to perform various tasks and always figured that was a part of his normal job duties. Buch stated that he is not aware of Witt's work schedule; but that Buch is aware that Witt maintains a part-time job as well and that he (Buch) has been questioned about that. Vermedahl questioned if the county should look at the compensation time that averages approximately six hours a week, adding that Witt receives approximately 2/3 of a day off every week. Supervisor Sanders stated that he is having difficulty wrapping his mind around all of the duties of Witt. Sanders stated that Witt is not using all of his work time on computer-related duties and how do the supervisors determine the salary of the position. Buch commented that departments were told that if additional wage increases were granted that the departments had to stay within their budget. Buch added that he is concerned that it is easy to say today that the differences in wages can be absorbed in the department's budget; however come next spring those departments may be in trouble. McLaughlin reminded the board that Witt would be asked to do additional duties when the new phone system is installed, as it is a step up in technology. Vermedahl responded that Witt has always taken care of the phone system and that a keeping up in technology is something all employees must do. Sanders added that a cap has to be put on salaries at some point where only cost-of-living increases will be granted unless the employee takes on additional responsibilities or changes positions. Mary Williams was present and stated that county government is a different creature in that there isn't

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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promotional opportunities nor is the boss sitting there everyday for the employee to go to for direction. Buch stated that it is difficult determining wages as it is hard for him to separate the personal relationship with the business relationship. McLaughlin stated that it was very difficult for her to come to the supervisors and ask for the increased salary, as she is aware of the budgets and taxation. Supervisor Buch stated that he did not have a problem with granting the increase if the money was in McLaughlin's budget. Sanders stated that \$43,000 was a little more than he would be comfortable with. McLaughlin stated that some employees received over 8% increases last year and those same employees received larger increases again this year. Moved by Sanders, seconded by Buch, to set the salary of Roger Witt for FY09 at \$41,500. All members voting aye thereon. Motion carried. McLaughlin thanked the board for their consideration and thought given to the issue.

Moved by Buch, seconded by Sanders, to approve the minutes of March 4, 2008, and March 6, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign a letter requesting an extension to the Community Development Block Grant for the Watkins wastewater treatment facility. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into a contract with St. Luke's Hospital for substance abuse and mental health commitments at a rate of \$493.01 per day, plus the following individual costs: admission day - \$156.00, daily care - \$52.00 per day; commitment testimony - \$104.00, and ER medical exam - \$156.00. All members voting aye thereon. Motion carried.

The county engineer spoke with the supervisors regarding a change in work hours for the secondary roads employees. The engineer advised that due to the soft road conditions his employees are working from 5:00 a.m. until 2:00 p.m. on a temporary basis. The Board discussed the plan for addressing the road conditions in the coming months. The engineer stated that it was too early to begin applying rock, but as soon as the conditions improve the department will begin.

Tammy Wetjen-Kestersen requested that the Board approve a bill for the Department of Human Services. Wetjen-Kestersen also updated the Board on the status of grant awards for Decatergorization as well as various projects including the community based family team meetings. Moved by Sanders, seconded by Buch, to authorize submission of a bill for \$4,582.00 to the Department of Human Services for Wetjen-Kestersen's services for January and February 2008. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

March 18, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 11, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, that Benton County continues its affiliation with Abbe Mental Health Center in FY09 for community mental health services. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 1, 2008, at 9:05 a.m., as the time and date for a public hearing on a construction permit application for a confinement feeding operation submitted by Martin Wiley of Wilco Farm LTD on a parcel located in the SW1/4 of the NW1/4 of 31-82-9. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 12-1/2 hours of vacation carry-over requested by Penny Applegarth to be used no later than June 30, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-11. Voting aye were Buch and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-11** **ABATEMENT OF INTEREST AND PENALTY**

**BE IT RESOLVED** by the Benton County Board of Supervisors that interest and penalty in the total amount of \$4,713.16 is hereby abated on parcels numbered 870-17001, 120-01351, 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 18th day of March 2008.

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Ronald R. Buch, Vice-Chairman

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Jason Sanders

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

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

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Ronald R. Buch, Vice-Chairman

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

March 21, 2008

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Sanders, seconded by Buch, to approve the minutes of March 18, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the liquor license including Sunday sales, and outdoor service area submitted by Tara Hills Country Club. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of a new manure management plan submitted by Interstate Swine - Todd Wiley, owner, for Pig Palace, LLC, located in the SW1/4 of the SW1/4 of 9-86-9 (Polk Township). All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to sign the title sheet for the resurfacing project north of Norway, Project # STP-S-CO06 (75)—5E-06, to be paid from farm-to-market funds. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss the difficulty in hiring part-time office staff. Williams questioned if going through a temporary staffing agency would be a possibility. After discussing the issue, Williams advised that she would run another advertisement.

Mary Halstead spoke with the Board about installing new overhead doors in the brown transportation building. The board also discussed putting a cement floor in the building, as well; however, a cement floor would probably not be placed in the entire building. Halstead also spoke about the difficulty finding part-time drivers.

Halstead then spoke to the board regarding her FY09 wage. Halstead advised that after reading the actions of the supervisors relative to other employee salaries, Halstead stated that she believed that she should be compensated similarly. Halstead requested a wage increase to \$42,000.00 based on the fact that she is a department head with numerous employees and responsibilities. Moved by Buch, seconded by Sanders, to set the FY09 salary of Mary Halstead at \$40,000.00 and Dana Burmeister at \$14.00 per hour. Sanders stated that he believed that an 8% increase is too large and would be more in favor of a 6% increase. Sanders questioned if Halstead would have the money in her budget if the additional increase was granted. Halstead responded that she did. Buch cautioned that there would be no budget amendments in FY09 if salaries were granted that were in excess of 4%. Vermedahl and Buch voting aye. Sanders voting nay. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

March 25, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 21, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 98536 through 98836 and ACH payments numbered 2526 through 2619. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to set a land use hearing date on Thursday, April 17, 2008, at 9:15 a.m., for Gregory Mason on a parcel located in the NE ¼ SW ¼ of Section 26, Township 85, Range 12. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to set a land use hearing date on Thursday, April 17, 2008, at 9:30 a.m., for Tom Clemenson on a parcel located in the SE ¼ NE1/4 of Section 15, Township 85, Range 10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the hire of Dick Gaffield at \$9.00 per hour effective April 2, 2008, Les VanFossen at \$9.00 per hour effective April 7, 2008, Ralph Jones at \$9.00 per hour effective April 7, 2008, Zach Parmater at \$9.00 per hour effective April 21, 2008. Luke Mornini at \$8.00 per hour and Tyler Helms at \$9.00 per hour with start dates to be determined later. All are to be considered seasonal part-time employees with Benton County Conservation. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to discuss the FY09 wages in her office. She was asking for an increase to \$50,600 for herself and \$15.40 an hour for her office assistant Carol Zander. Vermedahl said that they've already set the wages at a 4% increase in the budget, and they did open it up for discussion to departments only if they have the funds in their budget for approval. Williams stated that she is very thankful for what she makes but in comparison to others she feels she deserves more as does Carol, and they are both very valuable to this county. Their job is constantly changing and requires them to learn new tasks daily to keep up with these changes. Williams has 17 years experience but she couldn't do it without Carol who puts in 40 hours a week. She stated that she would at least like to see Carol's increased even if hers didn't. Buch stated that he doesn't argue that they aren't valuable to the county, but it is hard to compare departments with others. They are all good people and all do good work. Sanders stated that the 4% increase already granted was above the levels of inflation and that the board had brought her up more then requested in the past. Moved by Buch, seconded by Sanders, to set the FY09 salary of Mary Williams at \$47,000 and Carol Zander at \$14.25 per hour. Vermedahl and Buch voting aye. Sanders voting nay. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the labor contract between Benton County and Public Professional and Maintenance Employees Union representing secondary roads for the period July 1, 2008 through June 30, 2009. All members voting aye thereon. Motion carried.

Supervisor Sanders had to be excused from the meeting at 10:10 A.M. to attend another meeting.

The county engineer spoke with the supervisors regarding an adjustment for the salary of Penny Applegarth. He stated that employees in other engineers' offices average \$30,000 and that he does have it in his budget to give her that amount. Moved by Buch, seconded by Vermedahl to set the FY09 salary of Penny Applegarth at \$27,517.78, an increase of \$2,000. Both members voting aye thereon. Motion carried.

The engineer discussed possible changes to the current driveway policy. Right now the current policy states that property owners are only required to pay for the cost of piping for drainage. He would like the board to consider

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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modifying this resolution and require a permit or driveway fee for the construction costs also. Buch stated he would like more time to discuss this and have Supervisor Sanders present.

The engineer advised that the rock roads are starting to improve and some schools are now starting to do their regular bus routes. His employees are still working from 5:00 a.m. until 2:00 p.m. for the rest of this week and will start working from 7:00 a.m. until 4:30 p.m. next week.

The board discussed the waiver that employees are asked to sign for release of their driving records. It now includes consumer reports, which really isn't necessary. Employees can get this record on their own and provide it to us but there may be a fee involved. One employee is asking to be reimbursed for a fee they paid. No action was taken.

Improvements for the brown transportation building were discussed with the engineer. They will need to coordinate a time where some employees from secondary roads have the time necessary to do some preparation before new overhead doors can be placed on the building. It will need to be done sometime before next winter.

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

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David Vermedahl, Chairman

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

Hayley Rippel, Deputy Benton County Auditor

March 27, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of March 25, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to set a land use hearing date on Tuesday, April 22, 2008, at 9:15 a.m., for Alice Timmerman on a parcel located in the NW ¼ SE ¼ of Section 33, Township 86, Range 10. All members voting aye thereon. Motion carried.

The Board of Supervisors proceeded with a joint meeting with the Benton County Firemen's Association in regards to emergency response services when the county roads are impassable. Supervisor Vermedahl referred to the county's ordinance #43 that establishes the policy and level of service in respect to clearance of snow or ice and maintenance of the county's secondary roads during the winter months. County Engineer Myron Parizek and Sheriff Randy Forsyth were also present to answer questions from the firemen.

Moved By Sanders, seconded by Buch, to adopt Resolution #08-12, ABATEMENT OF INTEREST AND PENALTY. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

## **RESOLUTION #08-12 ABATEMENT OF INTEREST AND PENALTY**

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$3,318.95 is hereby abated on parcels numbered 240-15601 and 270-015652 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 27th day of March, 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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David Vermedahl, Chairman

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Jason Sanders

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Ronald Buch

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

Brenda Sutton, Deputy Auditor

David Coulter met with the Board to update them on the financial status of Benton Development Group. There will be a \$4000 short fall in this year's budget but Coulter was confident that the Group would be able to raise additional funds by the end of this fiscal year. He is concerned about next year's budget and wanted to make the Board of Supervisors aware that Benton Development Group may be \$20,000 short.

Moved by Sanders, seconded by Buch, to acknowledge the filing and receipt of the Manure Management Plan annual update from Derek Vopelak. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the hire of Jodeen Ludden at \$10.00 per hour, effective March 27, 2008. She will be considered a part-time employee with Benton County Social Services. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a claim for payment in the amount of \$2000 to loan funds from General Basic to the Flexible Benefit fund. Said loan is to be paid back before the end of the fiscal year if possible. All members voting aye thereon. Motion carried.

Two members of the public were there to discuss the county looking into establishing flood plains in Benton County. No decision was made.

Moved by Buch, seconded by Sanders, to adjourn at 8:35 p.m. Both members voting aye thereon. Motion carried.

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David Vermedahl, Chairman

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

Brenda Sutton, Deputy Benton County Auditor

April 1, 2008

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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

Moved by Sanders, seconded by Buch, to approve the minutes of March 27, 2008. All members voting aye thereon. Motion carried.

The time of 9:05 a.m. having arrived, and this being the time and date set for a public hearing on a construction permit application for expansion of an existing confinement feeding operation filed by Martin Wiley, Wilco Farms, LTD. Martin Wiley and John Wiley were present. There were no other public present. Marc Greenlee, Sanitarian/Land Use Administrator, presented the information to the board. Notice of this hearing had been published in the official newspapers of Benton County. The proposal does not meet the requirements for a master matrix review; however the board determined to hold a public hearing on the application as allowed by law. The application is for an expansion of an existing swine confinement feeding operation and is the permit application is required as the animal unit capacity for the operation will be 1000 AUCs or more. Greenlee advised that the Department of Natural Resources as well as he did a joint site review. There were no comments received prior to today's hearing, either oral or written. The proposed site is approximately two miles from the nearest city and is located in Section 31 of Florence Township. Hearing no comment, Supervisor Vermedahl closed the public hearing at 9:15 a.m. Moved by Buch, seconded by Sanders, to acknowledge the receipt of the permit application for Wilco Farms, LTD for expansion of an existing confinement feeding operation located in the SW1/4 of the NW1/4 of 31-82-9 (Florence Township) and direct the land use administrator to file the appropriate documents with the Department of Natural Resources. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application submitted by Jess and Heidi Wauters for a farm exemption to the Benton County Land Use Ordinance. The exemption is requested on a parcel located in the SE1/4 of the SE1/4 of 6-82-12 for the purpose of constructing a residence. Greenlee advised that the applicants are actively engaged in a farming activity through an operation with his father on approximately three hundred acres. Moved by Buch, seconded by Sanders, to approve a farm exemption to the Benton County Land Use Agricultural Land Preservation Ordinance on a parcel in the SW1/4 of the SE1/4 of 6-82-12, for a single residential use. All members voting aye thereon. Motion carried.

Kyle Hummel met with the board to discuss property taxes, equalization, and rollbacks for FY09.

Roger Witt met with the Board regarding the public telephone located in the courthouse. The telephone is not compliant with the Americans with Disability Act. Witt advised that with the number of cell phones, the use of the pay phone has dropped dramatically. Witt further stated that he checked with the court system and that they do allow one court-related phone call at state expense. Witt further reported that an ADA issue was raised with the state's computer in the rotunda. Moved by Sanders, seconded by Buch, to remove the public pay telephone from the courthouse rotunda. All members voting aye thereon. Motion carried.

Representatives of Family Nurturing Council met with the Board regarding issuance of a proclamation proclaiming April as the Child Abuse Prevention Month. They also requested that the group be allowed to place pinwheels on the courthouse lawn sometime during the week of April 14<sup>th</sup>. Supervisor Buch stated that the maintenance director should be contacted to coordinate the placement of the pinwheels so that it did not interfere with mowing or weed spray application. Moved by Sanders, seconded by Buch, to allow the Family Nurturing Council to place pinwheels on the

Moved by Buch, seconded by Sanders, to adopt Resolution #08-13, PROCLAIMING APRIL 2008 AS CHILD ABUSE PREVENTION MONTH. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

## **RESOLUTION #08-13**

### **PROCLAIMING APRIL 2008 AS CHILD ABUSE PREVENTION MONTH**

WHEREAS, Iowa's Children are one of the most precious resources in our state and provide the hope for a brighter tomorrow in Iowa;

WHEREAS, protecting children is everyone's business and we can promote and support safe, healthy families in our community through partnering to protect children;

WHEREAS, child abuse is a community issue and finding solutions depends on involvement and partnerships among people throughout the community;

WHEREAS, effective child abuse prevention succeeds because of partnerships created between parents, practitioners, schools, faith communities, health care organizations, law enforcement agencies, community leaders, politicians, and the business community;

WHEREAS, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society;

WHEREAS, public awareness regarding child abuse and neglect is encouraged by Prevent Child Abuse Iowa and the Benton County Supervisors:

THEREFORE, We, the Benton County Supervisors, do hereby proclaim the month of April 2008, as Child Abuse Prevention month in Benton County, Iowa, and urge all citizens, community agencies, religious organizations, medical facilities, and businesses to partner in efforts to prevent child abuse and neglect, thereby strengthening the communities in which we live.

Dated this 1<sup>st</sup> day of April 2008.

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David Vermedahl, Chairman

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Jason Sanders

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

143

Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Mary McLaughlin met with the Board to discuss attendance at the annual conference of the National Association of County Officials being held in Kansas City. McLaughlin stated that she would be interested in attending the conference and that she has received a \$1000 education scholarship to offset the expense. Moved by Buch, seconded by Sanders, to authorize out-of-state travel for Mary McLaughlin to attend the National Association of County Officers annual conference in Kansas City. 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 October 2008 at 2826 74<sup>th</sup> Street, Newhall, Iowa. 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. Kilkenny has been granted a similar variance in previous years with no issues arising and it has been found that she has the ability to control the animals and is well qualified. Moved by Sanders, seconded by Vermedahl, 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. Further said variance is restricted to the specific dates and times for the purposes of attending a dog agility training class at 2826 74<sup>th</sup> Street, Newhall, Iowa. Said classes are to be held once weekly, from now through October, 2008, for approximately two hours each. The animals are to remain crated during travel and at any time when the animals are not on the course itself. All members voting aye thereon. Motion carried.

The Board spoke with the county engineer regarding clearing roads for fire and ambulance departments when responding to an emergency. Supervisor Vermedahl stated that the ordinance states that if a condition is countywide then secondary roads will not respond after hours; however if it is an isolated location then secondary roads may respond after normal working hours. Vermedahl stated that the county should respond when life and/or property is at stake. Vermedahl continued that a protocol should be created for call out procedures and suggested that a committee be formed to develop those procedures. The matter will be discussed further on Tuesday, April 8, 2008.

Supervisor Vermedahl spoke about the flood insurance program (FIP). Vermedahl advised that he spoke with Sandra Cox from the Iowa Department of Natural Resources about the program. Supervisor Buch questioned what impact there would be on existing structures located in the flood plain. Vermedahl responded that he believed they would be grandfathered in unless the structures had incurred damage. The Board will request that Cox attend a future meeting to discuss the flood insurance program.

The engineer spoke to the board about the county's current driveway policy. The engineer requested that the supervisors consider the implementation of a fee for installing driveways. Discussion involved the creation of a tier system of fees depending on the type of installation and location. Parizek stated that there have been occasions where three or four days were required to put in a driveway. The engineer advised that he did not have figures to present to the board regarding the actual costs of building a driveway. The engineer also spoke about modifying the current policy regarding the sight distance requirement when a speed limit is in place.

Moved By Sanders, seconded by Vermedahl, to adopt Resolution #08-14, ABATEMENT OF INTEREST AND PENALTY. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

## **RESOLUTION #08-14**

### **ABATEMENT OF INTEREST AND PENALTY**

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$3,815.33 is hereby abated on parcels numbered 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 1<sup>st</sup> day of April, 2008.

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David Vermedahl, Chairman

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Jason Sanders

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to provide a letter of support to the USDA for a grant application submitted by the Norway fire department for the purchase of equipment. All members voting aye thereon. Motion carried.

The Board discussed the FY09 cost of health insurance to the county departments. Moved by Buch, seconded by Sanders, that the amount being paid by county departments be reduced by \$50.00 per plan. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the auditor's quarterly report for the period ending March 31, 2008. All members voting aye thereon. Motion carried.

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

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David H. Vermedahl, Chairman

ATTEST:

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Jill Marlow, Auditor

April 3, 2008

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 1, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 29, 2008 at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Jake and Michelle Smithart on a parcel located in the NE1/4 of the SE1/4 of 3-84-9. Both members voting aye thereon. Motion carried.

The weed commissioner advised that he only received one quote out of the seven requested for weed control chemicals. Fisher Feeds submitted the quote in the amount of \$75,030.00. Moved by Sanders, seconded by Buch, to purchase the chemicals for weed control from Fisher Feeds for 2008 from Fisher Feeds at a cost not to exceed \$75,030.00. All members voting aye thereon. Motion carried.

The weed commissioner discussed the part-time seasonal driving positions in his department. The positions had been advertised with two persons submitting applications. Moved by Sanders, seconded by Buch, to approve the hire of Bob Byers, effective April 21, 2008, at a wage of \$9.75 per hour, and Donovan Merchant, effective April 14, 2008, at a wage of \$9.50 per hour. Both persons are hired on a part-time seasonal basis. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-15, DESTRUCTION OF NOXIOUS WEEDS. Voting aye were Buch and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-15 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, 2008** 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 3<sup>rd</sup> day of April 2008.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Ron Buch, Chairman

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

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

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to authorize the publication of a notice to organic farms stating that the owners of organic farms must contact the Benton County Weed Commissioner if they wish a specific ditch/area not to be sprayed. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Veterans Affairs quarterly report for the period ending March 31, 2008. Both members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Sanders, seconded by Buch, to approve the sheriff's quarterly report for the period ending March 31, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan submitted by J and S Hogs in section 33 of Kane Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-16, ABATEMENT OF INTEREST AND PENALTY. Voting aye were Buch and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-16 ABATEMENT OF INTEREST AND PENALTY**

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$3,932.80 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 3<sup>rd</sup> day of April 2008.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Ronald R. Buch, Vice-Chairman

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

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

Jill Marlow, Auditor

Tracy Cummings, Sales Manager, and Andy Kukutschka, General Manager, for the Cedar Valley Times (the Times) and the Vinton Livewire met with the Board regarding the publication of legal notices. Kukutschka explained that since the county no longer places legal notices in the Times, that he has received concerns from Times subscribers that they would like to have the legal notices in the paper. Kukutschka stated that he also has concerns that he may lose subscribers because the legals are not published in the Time. Kukutschka asked what the newspaper could do to be considered again. Kukutschka explained that the Times is a daily paper, which allows for more timely publication. Kukutschka said if it is a matter of circulation, the notices are placed in the Livewire as well as the paper, and the Livewire has the largest circulation. Sanders stated that the Code of Iowa states how many official newspapers a county must have and for Benton County that number is three. Sanders stated that the papers are appointed annually at the beginning of the calendar year. It was questioned if there was a problem with the Times or if it was merely a matter of the request to be considered was not sent. Sanders stated that there have been instances when publications have been missed and making deadlines is critical to county government. It was explained that the Iowa Code sets out the procedure for selecting official newspapers and also describes what qualification a newspaper must have to be considered.

The county engineer spoke to the board about the cost for dust control for 2008. The engineer explained that costs have increased to the county for materials by \$57.00 for the oil product, \$16.00 for equipment, and \$2.00 for labor. The engineer recommended that the cost increase to \$975.00 from \$900.00 in 2007. Moved by Sanders, seconded by Buch, to set the cost of MC-70 applied by the county for 2008 at \$975.00 for two applications of 400 feet each. Additional footage will be done in fifty-foot increments at \$2.00 per foot. Both members voting aye thereon. Motion carried.

The engineer reported that the balance at Benton County State Bank for the landfill account on March 31, 2008, was \$54,507.18.

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

\_\_\_\_\_  
Ronald R. Buch, Vice-Chairman

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

Jill Marlow, Benton County Auditor

April 8, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 3, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 98837 through 99151, and ACH payments numbered 2620 through 2713, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 24, 2008, at 9:15 a.m., for a public hearing on the status of funds for the Community Development Block Grant for the Watkins waste water treatment. All members voting aye thereon. Motion carried.

The board discussed the appointment of a civil rights coordinator. The board is going to conduct further research into a possible appointee.

Moved by Buch, seconded by Sanders, to direct the engineer or his designee, to coordinate the replacement of the boiler system at the Cedar Valley Ranch, to be completed in the fiscal year. All members voting aye thereon. Motion carried.

The Board received quotes for the 2008 courthouse lawn care as follows: McKenna Lawn & Landscape - \$155.00 per application + \$185.00 for one time grub control application; O'Grady Lawn & Landscape Specialties - \$541.20 less 10% for 3 applications, \$440.00 less 10% for 2 applications, and \$250.80 for one application plus \$250.80 for one application of grub control; and Christy Lawn Care - \$140.00 per application. Moved by Buch, seconded by Sanders, to contract with McKenna Lawn & Landscape for three applications at \$155.00 each plus one application of grub control at \$185.00. Applications are to be early spring (#1), late spring/early summer (#2) and fall (#4). All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The county engineer spoke with the board about the establishment of fees for driveway entrances being constructed by secondary roads. The engineer stated that due to surface, right-of-way size, ditch depth, and slope he recommended the following costs: entrances on a gravel road - \$400.00 and for a 10 foot extension and addition \$225 (does not include pipe or rock); hard surface roads - \$2000.00 and for a 10 foot extension an additional \$1250.00 (includes one load of rock, does not include pipe). The board requested additional time to consider the recommendation.

Sandra Cox, Iowa Department of Natural Resources, met with the Board regarding the enactment of a floodplain management ordinance. Cox reviewed the need that the ordinance would fill as far as obtaining federal grants and private homeowner flood insurance. Cox reviewed how the program worked and what the county would have to be responsible for administering the program. Cox explained that the county would have to insure that structures are not erected in the flood plain without first going through the DNR permit process. The county would be required to obtain an elevation certificate from the applicant once the structure is completed to determine if it was built according to the requirements. Cox stated that the county is not responsible for determining the base flood elevation.

The county engineer spoke about the sealcoating of 79<sup>th</sup> Street. The engineer stated that the shingle road experiment failed several years ago and two options were available at the time to rectify the situation: to sealcoat or return the road to a gravel surface. The seal coat surface was implemented but that surface also failed. Last fall over 3500 ton of rock was applied to the road along with a calcium chloride application taking it back to a temporary gravel surface. There was a little over \$35,000 spent in renovation costs last fall in material alone. The engineer advised that if a double chip seal coat is applied to the road this spring, the cost would be approximately \$45,500 for material, and approximately \$9000 for labor and equipment. The sealcoat would be on 11000 feet of roadway.

County Engineer Myron Parizek requested that the FY08 budget be amended due to the increased snow removal costs and the purchase of a compactor at the landfill. The engineer advised that snow removal costs was over by approximately \$400,000 including only material costs and wages and was asking for a \$275,000 increase. Parizek also indicated that his cost for fuel has increased significantly as well. The increase in the landfill account would be approximately \$105,000.

The engineer reviewed the Iowa Department of Transportation FY09 budget with the board. Moved by Buch, seconded by Sanders, to approve the IDOT Secondary Road FY09 budget. All members voting aye thereon. Motion carried.

The engineer reviewed the Iowa Department of Transportation Secondary Road Construction Program for 2009-2013. The engineer reviewed the projects that are being proposed for the next five years, including bridges, resurfacing, seal coating, etc. Moved by Sanders, seconded by Buch, to approve the IDOT Secondary Road Construction Program for 2009-2013. All members voting aye thereon. Motion carried.

The Board spoke briefly about the creation of a committee to review the county's emergency snow removal policy and potential appointees.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

April 10, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 8, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the hiring of Dick Gaffield as a regular part-time Conservation employee to be paid \$9 an hour effective April 2, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge vacation carry over for Conservation employees Scott Bahmann, Jon Geiger, and Bob Urbain. Both members voting aye thereon. Motion carried.

Tamara Milton, representative of Senator Harkin's office, met with the Board regarding the county's federal infrastructure needs and problems. Myron Parizek, County Engineer was also present to discuss such needs. Parizek stated that the county has over 300 bridges and only about 30 of those have weight restrictions. And of those none are currently closed for unsafe reasons. If there is any damage, it is from age itself. Milton asked about the cost for such repairs and how many get replaced annually. The county goal is to replace 7-8 but over the last few years it has been on average about 3 per year. Milton asked where the funding comes from and what the costs were for the replacement of those bridges. Parizek stated that it mostly comes from our local road use tax and some is federal money. But for an example to replace a 100-foot bridge today compared to 5 years ago, the cost has nearly doubled and that is why fewer bridges get replaced each year.

Supervisor Buch stated that as a county supervisor, he feels as though the roads are our biggest issue. Using HWY 30 as its top priority. He thinks HWY 30 will help Interstate 80 and it makes sense to finish this project. Benton County is a feedback off of Linn County. Sanders stated that with the completion of the 4 lanes on HWY 30, it would be a big benefit for economic growth. Milton said she would definitely bring these issues up to Senator Harkin and asked for any more final concerns she should take back to him. That being said, Sanders added the issue of the continual rise in gas prices and although it is out of our control, it is still a main concern for all citizens these days.

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. The main issue he discussed with the board was the cash flow and budget problems. December is always a bad month but things are slowly starting to stable back out.

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Ronald Buch, Co- Chairman

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

April 15, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Vermedahl called the meeting to order at 3:00 p.m.

Moved by Buch, seconded by Sanders, to approve the minutes of April 10, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-17, HIRING KEVIN ATKINSON AS MAINTAINER OPERATOR. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-17**

WHEREAS: Benton County Secondary Roads Department has a Maintainer Operator to fill at the Newhall Shed and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED By The Benton County Board of Supervisors that Kevin Atkinson be hired to fill the position as Maintainer Operator at a starting wage of \$15.20 per hour starting April 28, 2008. This is an Equipment Operator II classification with a Labor Grade IVA.

Signed this 15<sup>th</sup> day of April 2008.

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Jason Sanders, Chairman

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David H. Vermedahl

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to state the rate for COBRA and retirees' health insurance for FY09 at \$395.47 for a single plan and \$937.52 for a family plan. All members voting aye thereon.

Lacie Litton with Wellmark met with the Board regarding the county's health insurance plan. Moved by Buch, seconded by Sanders, to renew the contract with Wellmark for FY09 health insurance services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to recess until 7:00 p.m. at the Wayne Siela residence at 5757 22<sup>nd</sup> Ave. Dr., Vinton, Iowa. Motion carried at 4:30 p.m.

The meeting was reconvened at 7:00 p.m. at 5757 22<sup>nd</sup> Ave. Dr., Vinton, Iowa.

The Board met with residents concerning the surface of roads around Rodger's Park, specifically the possibility of sealcoating 22<sup>nd</sup> Ave. Drive from Hwy 218, north to 57<sup>th</sup> Street Trail. Wayne Siela served as the primary spokesman for the group of individuals representing residents along 22<sup>nd</sup> Ave. Drive. Kyle Hummel was also present to speak about surfacing 20<sup>th</sup> Ave. Dr to 57<sup>th</sup> Street Trail. Siela explained that the residents had held a meeting and would propose a special assessment being placed on their properties for a permanent hard surface road. Supervisor Vermedahl stated that the county had not created a special assessment of upgrading roads and that additional research would be done and directed Siela to contact him in regards to the assessment issue. Discussion was held on the possible costs of the road improvement with costs of anywhere from \$75,000 to \$1,000,000 depending upon the type of surface constructed. The distribution of the costs between the county and the property owners included various percentages of participation with a final determination dependent upon the costs.

Discussion also included when the project could begin and the group questioned if the road could be upgraded as early as this summer. Supervisor Vermedahl indicated that the board would like to see the county try to begin addressing the problem this year; however, Supervisor Buch stated that the Oak Grove Road project was the county's first priority. The county engineer stated that he did not have funds available in his FY08 budget, but believed that a sealcoat could be paid from his FY09 budget for the area of 22<sup>nd</sup> Ave Dr beginning at Hwy 218 and ending at 57<sup>th</sup> Street Trail, which begins on July 1, 2008. The engineer indicated that grading and construction could begin sometime this summer, but that the actual sealcoat may have to wait until next year to be applied depending on how the road material settled. The base for the road would be from asphalt milling from an earlier project with two sealcoat applications on top. The engineer stated that by using the asphalt milling the costs for the improvement would be greatly reduced and estimated the cost to be around \$76,500.00 while upgrading the road with a macadam base rock would be over \$100,000. Siela questioned what the group needed to do to insure that the project was considered. Parizek stated that Chapter 311 of the Iowa Code puts the burden on the residents to present a signed petition containing specific requirements.

Kyle Hummel questioned how a special assessment would be determined stating that this is much different than a special assessment in a city due to the large amount of agricultural land adjacent to the road, adding that the assessment would be key and could be problematic. The group questioned if Benton County Conservation could be a partner in the costs. Supervisor Sanders stated that the money was still "county money" whether it came from conservation or secondary roads and that the conservation board did not budget for participation in the project. Kyle Hummel suggested that if 20<sup>th</sup> Ave. Dr. was not included in the surfacing project then the signage for Rodger's Park should be moved to 22<sup>nd</sup> Ave. Dr., adding that the residents on 20<sup>th</sup> Ave. Dr. will be less than jubilant if that road is not included.

It was questioned what the maintenance costs for a sealcoated road were in comparison to a gravel road. The engineer stated that maintenance of a sealcoated road were greater with an estimate of \$3,000 more per mile stated. Parizek stated that part of the increased costs is due to the need to reseal the surface every five years and the increase in

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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winter maintenance costs. Parizek stated that over a twenty year period it would be further ahead to blacktop a road, but the problem is the high up front costs of blacktopping a road.

It was also asked if the county would participate in the cost of dust control this year if the road were not upgraded since the road is a "park road". Parizek stated that county participation was a board decision and added that the cost of county applied dust control is the county's cost and that other cheaper products were available. Parizek commented that the issues with county participation in dust control on park roads are: what parks are included, increased costs to the county, and what roads are designated as park roads as more than one road can be taken to the parks. It was suggested that camping fees be increased by \$5.00 to help offset the costs.

Hummel stated to the board that the issue of upgrading the road to a hard surface is more than an issue of dust control for the local residents. That it is a safety issue due to the amount of road dust generated by the traffic and the amount of slow moving farm equipment. Hummel stated that he has had to sit at the end of his driveway for up to five minutes waiting for the dust to clear in order to enter onto the roadway safely and reiterated that this matter is a safety issue.

The board agreed that a project to upgrade the road to a hard surface beginning at Hwy 218, north on 22<sup>nd</sup> Ave. Dr. to 57<sup>th</sup> Street Trail, could be initiated in FY09. The county will research a special assessment with approximately 50% of the costs of the upgrade being borne by the residents along the roadway. The residents requested that the cost be distributed equally between them and not based on the value of the property. The board agreed to discuss the matter further on Tuesday, April 22, 2008, during their regular board meeting.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 8:50 p.m.

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David Vermedahl, Chairman

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

April 17, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of April 15, 2008. 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 Greg Mason, the board took up the matter for consideration. There were four members of the public present. Supervisor Vermedahl opened the public hearing by stating that he must abstain due to his position on the Virginia Gay Hospital Board of Directors; however, it was his position that the matter not be decided upon today to allow the supervisors the opportunity to view the site. 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 to a new commercial use for a salvage yard in Monroe Township. Greenlee reported that a land use change had been granted to the applicant in 1995 for restoring antique and classic cars. The 1995 change stipulated that the creation of a junkyard was prohibited. Greenlee reported that approximately four to five months ago, the Department of Natural Resources (DNR) went to the site in response to a complaint of illegal burning. The DNR found that the applicant was conducting a salvage operation and was informed the DNR permitting was required. The DNR subsequently informed Greenlee of the operation. Greenlee met with the applicant and the applicant agreed to submit a request for a new commercial use. Greenlee reviewed pictures of the site with the supervisors that reflected old vehicles, piles of metal, empty barrels, and a brush pile containing garbage. Those present were given the opportunity to speak with all comments heard being opposed to the new use. Some of the specific concerns were the creation of a junkyard and the environmental impact. The applicant stated that if approval for the new use hinged on the elimination of the vehicles, he would voluntarily forgo the auto part portion of the business. Discussion was also held on the DNR's role in the oversight of the junkyard and the permitting requirements. Supervisor Buch stated that one of the first calls he received, and annually since then, was regarding the junk at this site. Buch added that he drives by the site about every two months and there has never been any indication that the applicant was trying to clean the site up. Buch continued that approval of this application will be difficult for him based on the past history and that the applicant did not even attempt to clean the site prior to the hearing today. Supervisor Sanders stated that after looking at the pictures he was drawing the same conclusions, but sometimes pictures may not be an accurate reflection and that he would like to visit the site. The chair then temporarily closed the public hearing, pending a review of the site by the supervisors on April 24, 2008, at 10:00 a.m. The matter is placed on the April 29, 2008 agenda at 9:30 a.m. for further consideration

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Tom and Bethany Clemenson, the board took up the matter for consideration. Bethany Clemenson was present for the hearing as well as adjacent property owner John Tuthill representing Wendling Quarries. 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. Greenlee reported that access to the property is through various easements. John Tuthill stated that he wanted the applicant to be aware that Wendling Quarries owns property adjacent to the applicant's property on the north side, and that the Quarry will be developing that property into a quarry in the future. The Quarry in accordance with state regulations requires a fifty to one hundred foot setback from the property line. Tuthill advised that there will be blasting involved with the quarry operation. Tuthill also stated that the plans were to construct a boundary fence, which the applicant will be responsible for constructing fifty percent. The applicant advised that she was aware of the quarry operation and the issues associated with it. 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.

Mark Pigenot, Conservation Board Chairman, and Will Heber, Conservation Director, met with the Board to discuss the financial plans for the purchase of the Fry property by Hannen Park. The conservation board entered into a

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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purchase agreement several years ago and was requesting a budget amendment to allow for completion of the purchase. The Board directed Heber to provide the auditor with the information for inclusion in the budget amendment to take place in May.

The board spoke briefly with Marc Greenlee, Land Use Administrator, about the flood insurance program. It was decided that the issue would be discussed between Supervisor Vermedahl and Greenlee within the next several weeks, and return to the board with a recommendation.

Moved by Sanders, seconded by Buch, to approve the minutes of April 15, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the recorder's quarterly report for the period ending March 31, 2008. All members voting aye thereon. Motion carried.

Paul Greufe of PJ Greufe & Associates met with the board about providing human resource services to Benton County. Greufe explained that he charges a monthly fee, which provides for an audit, monthly department head meetings, and provides consultation services for a myriad of human resource issues. The supervisors advised that they would consider the services and if interested contact Greufe.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-18, DRIVEWAY RESOLUTION. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **DRIVEWAY RESOLUTION 08-18**

Therefore Be It Resolved by the Benton County Board of Supervisors that the policy on driveways and field entrances will be as follows:

All new driveways and new field entrances along the secondary roads in Benton County must be constructed with certain minimum specifications. The minimum acceptable diameter of any new driveway or new field entrance needing a culvert shall be 12 inches. Only new culvert pipe shall be installed. The pipe must meet Iowa DOT specifications. The county must inspect any pipe not purchased from the county before installation of the new driveway or new field entrance. The side slopes on granular surfaced roads shall be no steeper than a 2:1 slope. New driveways or new field entrances on a paved road with a speed limit of 40 mph or greater shall have side slopes of 6:1 or flatter. The minimum width of the new driveway or new field entrance will be 20 feet.

The property owner wanting a new driveway or a new field entrance will give Benton County Secondary Roads the location of the proposed driveway or field entrance. Benton County Secondary Roads will field check the location to determine the size of the drainage structure necessary, to determine if the proposed driveway or field entrance has adequate sight distance, to determine if the proposed driveway or field entrance will interfere with the drainage pattern or another drainage structure, and to determine if the difference in elevation between the right of way line and the roadway is detrimental to the traveling public or the property owner. Sight distance will be measured with a 3.5 feet height of eye and the minimum sight distance will be 500 feet. On roads with a posted speed limit of 40 mph or less, the sight distance allowed will be 350 feet. A driveway or field entrance grade of 10% above or below the horizon will be considered detrimental. If the location is satisfactory, the property owner will be granted approval for the installation of the new driveway or new field entrance. The property owner must pay for the drainage structure plus the installation cost. If the property owner chooses Benton County Secondary Roads to perform the work, payment must be received before the work is performed. Benton County will use new corrugated metal pipe on all new driveways and new field entrances installed by Benton County Secondary Roads. The property owner may hire a private contractor to install the new driveway or new field entrance.

Benton County will consider the relocation of a driveway or field entrance the same way a new driveway or field entrance is considered. Whatever is salvaged of the drainage structure during removal will become the property of the property owner. All driveway or field entrance widening projects will also be handled in the same manner as a new driveway or a new field entrance.

The installation cost of the new driveway or new field entrance and the widening cost of an existing driveway or field entrance when performed by Benton County Secondary Roads will be as follows:

<u>Granular Surfaced Roads</u>		<u>Paved Roads</u>	
New Driveway/Field Entrance	\$400	New Driveway/Field Entrance	\$2,000
Widening Driveway/Field Entrance	\$225	Widen Driveway/Field Entrance	\$1,250

When Benton County Secondary Roads performs the installation, the county will provide the excavation necessary provided suitable excavation can be located. If suitable excavation cannot be located during periods of extreme wet weather, or just before the winter frost sets into the ground, during the winter months while frost is in the ground and just after the winter frost leaves the ground, and if the property owner cannot wait until suitable excavation can be located; then the property owner will also be required to pay for the rock necessary to construct the new driveway or the new field entrance.

Benton County will surface the following driveways with crushed limestone:

One driveway to each farmstead unless the farmstead buildings are separated by the roadway, then two driveways will be surfaced. All driveways or field entrances along paved roads will be surfaced with crushed limestone. One driveway to each sub-division or trailer park will be surfaced with crushed limestone. All driveway surfacing provided by Benton County will not exceed a width of 20 feet.

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

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A farmstead is defined as a residence where a person or persons live or a business such as a livestock feeding operation that requires daily access.

Signed this 17<sup>th</sup> day of April 2008.

\_\_\_\_\_  
David Vermedahl, Chairman

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

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

ATTEST:

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

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Sections 28 and 33 of Kane Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set May 6, 2008, at 10:00 a.m., for a public hearing on vacating a portion of the road located in Section 34 of Benton Township south of 61<sup>st</sup> Street Lane and 32<sup>nd</sup> Avenue. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

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

April 22, 2008

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

Moved by Sanders, seconded by Buch, to approve checks numbered 99303 through 99517, payroll numbered 99152 through 99302, and ACH checks numbered 2714 through 2808, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set May 22, 2008, at 2:00 p.m., as the time and date for a bid letting for the courthouse rehabilitation tuck-pointing. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the contract amendment for an extension to the Community Development Block Grant contract #03-WS-040. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of July 15, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Farmer's Mutual Telephone Company to place utility lines in the county's right-of-way in section 21 of Benton Township. All members voting aye thereon. Motion carried.

The Board met with residents around Rodger's Park regarding improvements to the road surface on 22<sup>nd</sup> Ave Drive north from Highway 218 to 57<sup>th</sup> Street Trail. The board spoke about the creation of an assessment district or the possibility of the property owners paying 50% of the improvement costs prior to the beginning of the project. Moved by Buch, seconded by Sanders, that Benton County proceed with the necessary legal documents to assess 50% of the \$78,000 cost to upgrade 22<sup>nd</sup> Ave. Dr., north from Highway 218, to 57<sup>th</sup> St. Trl, to seventeen households benefiting from the upgrade who have agreed to pay 50% of the totals costs. The 50% property owner costs can be paid through a five-year assessment at a rate of 6% interest per year. The auditor is directed to have the necessary paperwork prepared. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

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

April 24, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 22, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set May 20, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Craig Musil on a parcel located in the SE1/4 of the NE1/4 of 2-84-9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-19. **ABATEMENT OF TAX AND PENALTY.** Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #08-19

ABATEMENT OF INTEREST AND PENALTY

BE IT RESOLVED by the Benton County Board of Supervisors that interest and penalty in the total amount of \$954.26 is hereby abated on parcels numbered 392-10301 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 24<sup>th</sup> day of April 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

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

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

Jill Marlow, Auditor  
Moved by Buch, seconded by Sanders, to adopt Resolution #08-20. **APPROVE HIRE OF ELECTIONS CLERK.** Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-20  
APPROVE HIRE OF ELECTIONS CLERK**

WHEREAS, the Benton County Auditor requested and was granted approval to hire an elections staff person; and WHEREAS, the auditor has advertised and interviewed for the position; and WHEREAS, after careful consideration, the auditor has recommended the hire of Gina Edler and made a salary recommendation for the position, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the position of Elections Clerk is hereby created in the auditor's office. The initial salary range for the position is \$25,000 to \$35,000 annually. BE IT FURTHER RESOLVED that Gina Edler be hired to fill the position of elections clerk at a starting salary of \$26,000.00, effective May 1, 2008. The hire is subject to an 8-month probationary period. IT IS FURTHER RESOLVED that the auditor is given the authority to grant salary increases up to a total annual salary of \$27,000. Said increases may be granted at anytime during and upon successful completion of an 8-month probationary period. The amount of increase and the time are at the discretion of the auditor. Dated this 24<sup>th</sup> day of April 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

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

Jill Marlow, Auditor  
The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the Status of Funds for the Community Development Group Block Grant for the Watkins Wastewater Treatment project, Chairman Vermedahl declared the public hearing open. Gary Hughes with East Central Iowa Council of Governments presented the information for the hearing. There was one member of the media present, as well as a representative of Poweshiek Water Association. There were no members of the public present.

**THE STATUS OF FUNDED ACTIVITIES FOR THE SANITARY SEWER COLLECTION AND TREATMENT PROJECT IN THE COMMUNITY OF WATKINS, AS ASSISTED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

As required for this hearing, it is noted that:

- a. For a general description of accomplishments to-date, the transmission mains and manholes, treatment site and lift station, and seeding have all been completed and approximately 40% of service connections have been completed. The wastewater system is fully functional and operating well.
- b. For a summary of expenditures to-date, (for invoices processed for payment through September, 2007), \$370,087.52, or 58.4%, of the project's development budget of \$633,550 has been expended.
- c. For a general description of remaining work, approximately 60% of service connections remain to be completed, as well as related clean-up.
- d. For a general description of changes made to the project budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries, higher than anticipated legal costs were incurred with acquisition of the treatment site property and the adoption of a "28E" agreement and related ordinances. The project also incurred a cost over-run of \$59,000 with the transmission mains contractor due to "de-watering" that was needed to safely and correctly set the lift station in order to enable the railroad crossing at the west side of the highway. Due to inclement weather it was only possible to "hook-up" a few homes prior to the on-set of winter in 2007, thereby causing the remainder of work to be scheduled for completion during the spring of 2008. Dependent upon weather conditions, the remaining work is anticipated to be completed prior to June 30, 2008. Time of performance for the CDBG contract is allowed through July 31, 2008.

Public in Attendance: 1 Newspaper reporter, 0 citizens.

Hearing no further comment. Chairman Vermedahl declared the public hearing closed.

Supervisor Buch reported on meeting with the Department of Natural Resources regarding the county's landfill operation. Buch reported that the DNR advised that there are several violations at the landfill and if corrective action is not taken, then the matter will be forwarded to the attorney general for legal action. Buch spoke specifically about water ponding on terraces and blowing garbage around the property. The engineer reported that the blowing garbage must be addressed immediately.

Moved by, seconded by, to approve a contract with Allen Hospital for mental health commitment services, retroactive to March 1, 2008, and ending June 30, 2008, at a rate of \$440.00 per day. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The Board traveled to 6059 15<sup>th</sup> Ave, Garrison, to view the property relative to a request for a land use change. The Board met with the applicant and toured the property. The applicant stated that if the land use change were granted that he would have the vehicles removed by the end of the summer.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

April 29, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 24, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a claim for \$2,000.00 loan between General Basic and Benton County Flexible Benefit Fund. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 15 hours vacation carry over for Anthony Janney to be used by August 1, 2008. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and today being the date set for a public hearing on a land use change requested by Jake and Michelle Smithhart, the board took up the matter for consideration. Jake Smithhart and his realtor were present along with Ron Boyer, representing Richard Kundel. 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 Sanders, seconded by Buch, to approve a land use change on approximately three acres out of the ten acres they purchased generally described as being a parcel located in the NE1/4 SW¼ of 3-84-9 (Canton Township) for single residence. All members voting aye thereon. Motion carried. Supervisor Sanders reminded the applicants that they would be living on a gravel road and that there would be dust and that the county has no plans to upgrade the road. Dust control is at the applicants' expense.

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the land use change requested by Gregory R. Mason. The Board previously traveled to 6059 15<sup>th</sup> Ave, Garrison, to view the property and met with the applicant relative to the land use change. Supervisor Vermedahl opened the public hearing by stating that he must abstain due to his position on the Virginia Gay Hospital Board of Directors. Gregory Mason along with two members of the public was present. There were no members of the media. Hearing no public comments. Chairman Vermedahl declared the public hearing closed. Motion by Buch to deny the land use change for a parcel into a new commercial use for a salvage yard in Section 26 of Monroe Township due to its current condition. Seconded by Sanders. In discussion, Supervisor Buch stated that after seeing no signs of improvements to clean up the land according to the prior land use change in 1995. The change stipulated that the creation of a junkyard was prohibited. Sanders added that he has to agree with what nuisances state this land is currently in. Supervisor Vermedahl reminded Mason that the current land use on his ground was for an antique auto dealership. He questioned if licensed thru the DOT. Greenlee answered that it is active with the DOT under license # D719. Mason then asked if he were to clean up his so-called junk and make it presentable if the board would re-consider the change. Buch told him that he is welcome to re-apply for the change but that the \$500 application fee would still apply. Mason then asked about getting a temporary permit just for the summer. Sanders explained to him that is not in our current county ordinance to give out any temporary permits for any land use changes. But that he would definitely like to see it get cleaned up. Sanders also recommended that Mason get a copy of our land use ordinance and read thru it so he knows the language of it and understands such requirements of the ordinance. Mason explained to the board the reason it hasn't been cleaned up is he does work a full time job and only does this in his free time. Buch stated that the country realized this and that is why at this current time we must deny this change. Having no further discussion. Buch and Sanders voting aye, Vermedahl abstained. Motion carried.

The Engineer discussed issues at the landfill. Supervisor Buch informed him of the workers that were in the process of picking up plastic this week. They will need to decide on payment for this. The Engineer was going there today and was finishing his inspection report due by the end of this week.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

May 1, 2008

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

Moved by Sanders, seconded by Sanders, to approve the minutes of April 29, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve Class B Beer permit for Watkins Community Athletic Association. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve application for a fireworks permit for Thomas Pingnot. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge a construction permit application for Cedar Valley Egg Farm LLP. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to request approval of a provider contract. Moved by Buch, seconded by Vermedahl, to enter into the provider contract with Psychiatric Associates of Northeast Iowa. All members voting aye thereon. Motion carried.

Supervisor Sanders had to be excused from the meeting at 10:00 a.m.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

153

Kathy Jordan with the Department of Human Services Case Management met with the Board to provide a summary of services being provided through case management and projections for future services. Jordan also brought up the need for more office space and if there was space available in the Governor Sherman building, would the county consider leasing it. She was going to look into it more and get back to them.

Moved by Buch, seconded by Vermedahl, to approve the provider rates for FY09 and authorize the chair to sign the contract with Targeted Case Management Services between Benton County and Iowa Department of Human Services. Both members voting aye thereon. Motion carried.

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

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David Vermedahl, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

May 6, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 1, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set the rates for employee pre-employment physicals at Virginia Gay Hospital Clinics for "work readiness" physicals at \$67.00 each and a pre-employment DOT physical, which are more comprehensive, at \$87.00 per physical, effective July 1, 2008. Sanders and Buch voting aye thereon. Vermedahl abstained due to a conflict of interest. Motion carried.

The treasurer met with the board and requested that her FY08 budget be amended to allow for an additional \$3000.00. The treasurer stated that the funds would be used for notifications for license renewals that are being done by a third party.

The Board met with the Veterans Affairs Commission about the passage of Senate File 2134, which awaiting the Governor's signature. The legislation will require that the Veterans Affairs office be open a minimum of 20 hours per week and that the director and/or administrator be certified. Currently, the director is being paid for eleven hours per week. Walt Kollmorgen, VA Director, stated that he did not believe that 20 hours weekly was needed but the law will obviously require it on July 1, 2009. The board reminded the commission that although the law will not go into effect until July 1, 2009 (if signed by the Governor), budgeting will need to take place in January of 2009. Discussion was also held on the current office space for the veterans affairs department and the need for a larger area. In addition, the commissioners requested that they be allowed to hold their monthly meetings in the GIS room located in the basement.

Moved by Buch, seconded by Sanders, to have the ceiling tiles replaced at the food pantry in the Governor Sherman Building, either by county labor or by accepting the bid of McDowell's at a cost not to exceed \$236.80, whichever is cheaper. 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 vacating a portion of road located in Section 34 of Benton Township south of 61<sup>st</sup> St. Ln and 32<sup>nd</sup> Avenue. Mark Harrison representing South Slope Telephone Company, Steve and Tanya Sheets, and Michael Ortner were present. Supervisor Sanders spoke on behalf of the Oak Grove Church. The county engineer explained that the proper notices and publications had been provided in accordance with law. The engineer continued to describe the specific portions of the roadway being considered and the need for easements if the road is vacated. Mike Ortner did not object to the vacation of the northern portion of the road, but was concerned about the width of the field drive/entrance and the maintenance of the road. The engineer advised that the road would be upgraded to county standards and then maintained as a county road. Harrison stated that the telephone company has phone lines located throughout the area being vacated and easement would be required. Steve Sheets advised that they would discuss the issue with the phone company as he plans to farm over the entire area, if the road is vacated. Supervisor Vermedahl questioned if the driveway was changed to a roadway if it met the county's sight distance requirement. The engineer advised that he has not measured the distance, but the sight distance would be improved versus the situation at the intersection. Vermedahl questioned if measures would be taken to eliminate the possibility of the church accessing the property at the corner. The engineer stated that some measures would be taken by creating a ditch around the intersection adjacent to the church. Ortner questioned if the road to the east of the intersection is seal coated, if the road would be maintained in a relatively quick time since no grader would be within a mile. The engineer stated that trucks and not graders maintain hard surfaced roads and there could be an issue but that a truck may be utilized instead of a grader. Hearing no further comment, the chair declared the hearing closed. Moved by Buch, to vacate that portion of the road from Sheets residence north to Ortner residence, and then again beginning at the driveway located south of the church north to the intersection. Supervisor Sanders stated that he was abstaining due to his relationship with the Oak Grove Church and Vermedahl subsequently seconded the motion. Supervisor Vermedahl then questioned if action should be taken today or if the Board should wait until the engineer had all of the easements and necessary legal documents in place. Supervisor Sanders stated that the church would like this matter to proceed in a timely fashion. Vermedahl then withdrew his second and Buch withdrew the original motion. Moved by Buch, seconded by Vermedahl, that the matter be placed on the May 20<sup>th</sup> agenda for final action allowing the engineer time to research and finalize the legal agreements. Vermedahl and Buch voting aye. Sanders abstained. Motion carried.

The engineer reported that the balance in the landfill on March 30, 2008, was \$62,461.20.

Kenny Krug met with the Board regarding the potholes on 32<sup>nd</sup> Avenue south of Highway 30. Krug stated that the grader goes by and fills the holes with gravel, but the numerous vehicles traveling at high speeds quickly kick it out. Krug stated that a speed limit sign should be considered as well. Krug also voiced his concern on the amount of dust being created by the high volume of traffic and that the county should assist with dust control in front of his property. Krug stated that he would pay his portion as he uses the road, but there are 500 other cars using that road too. Krug stated that the amount of dust is creating problems with his buildings by plugging up gutters, etc. Krug advised that the DNR

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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states that road dust is a hazard and the people creating the dust are responsible for the dust. Krug stated that he asked that the speed be reduced and it be enforced.

Moved by Sanders, seconded by Buch, to set May 27, 2008, at 9:30 a.m. as the time and date for amending the FY09 county budget. All members voting aye thereon. Motion carried.

The auditor presented a revised 457B Plan for the Board's approval. The revised plan complies with current regulations as well as deletes language regarding contract employees and leased employees are they are not allowed to participate in the plan. Moved by Sanders, seconded by Buch, to adopt Resolution #08-22. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-22

### ADOPTING REVISIONS TO THE BENTON COUNTY EMPLOYEE 457B PLAN

WHEREAS, Benton County offers its employees the opportunity to participate in a 457B Plan; and

WHEREAS, changes in regulations requires that the Plan be revised; and

WHEREAS, the Plan has been reviewed by legal counsel and recommendations provided,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the current 457B Plan is revised through the adoption of Revision 2008 to the Benton County Employee 457B Plan. The revised Plan becomes effective immediately.

Dated this 6<sup>th</sup> day of May, 2008

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
David Vermedahl, Chairman

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Ronald Buch

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

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

Jill Marlow, Auditor

The Board reviewed and discussed the recommendations of the 2008 Grand Jury. Supervisor Sanders is to speak with the maintenance staff regarding ceiling tile replacement and mop bucket storage. The recommendations spoke to the window replacement in the courthouse, which was bid out earlier in the year. The need for a larger office for Veterans Affairs was discussed and whether an office could be rented somewhere. The Board noted that many of the recommendations are already being considered or in the planning stages.

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

Mary Halstead, Transportation Director, told the Board that she is considering raising the rates to clients using the transportation service due to the increased cost of fuel. Halstead also stated that she would like to hire an additional full time employee as Virginia Gay Hospital is terminating their van service effective May 15, 2008; however Halstead did not know if the van service was being stopped permanently or not. Halstead also asked what the status of installing new garage doors on the brown parking facility was. The Board asked if Halstead had obtained two quotes. Halstead responded that she had one quote but would obtain another. The Board advised that the cement work would be done by the Secondary Roads Department; however Secondary Roads' first priority was the roads and after the winter weather the roads needed all of the departments attention.

Robert Fischer, Attorney, and Tom Lindauer of Farmers Savings Bank, requested approval of Primmer's First Addition to Benton County. The addition would be located in the NW1/4 of the SW14 of 26-86-9 and contain four lots. The auditor questioned the Lot A designation on the subdivision plat, as it appeared to be the public roadway. Fischer advised that Lot A would be deeded to Benton County for the public roadway. The engineer advised that Benton County normally does not take ownership to road right-of-way but merely has an easement, which is currently in place for that specific area. The auditor advised that Lot A would never show transfer of ownership and Farmer's Savings Bank would be the owner of record. The bank advised that was not their intentions. It was determined that the Plat would need to be redrawn and resubmitted to the supervisors for approval. The issue of restrictive covenants was also discussed. Lindauer advised that the bank did not want to place restrictive covenants and the property. The auditor advised that she had spoken with the county attorney, and it was his opinion that the subdivision could be approved by the supervisors if a document was included stating that there were no restrictive covenants attached to the property. Fischer advised that he did not believe a document should be required stating there were no restrictive covenants. The matter was placed on the May 8, 2008, agenda for additional consideration and to provide for a revised plat to be drafted.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

May 8, 2008

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

Moved by Buch, seconded by Sanders, to set June 3, 2008 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Stephen Gray on Parcel B in the SW1/4 SW1/4 of 32-86-10. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of May 6, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the liquor license for Bloomsbury Farms Inc. All members voting aye thereon. Motion carried.

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

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Moved by Buch, seconded by Sanders, to approve the liquor license for the Blairstown Demo Derby. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-23, REPEALING DRIVEWAY RESOLUTIONS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-23  
REPEALING DRIVEWAY RESOLUTIONS**

WHEREAS: Benton County adopted Resolution #08-18, on April 17, 2008, establishing a new driveway resolution; and WHEREAS: the Board now needs to repeal all prior resolutions regarding driveways, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ALL resolutions, except Resolution #08-18 adopted on April 17, 2008, regarding the installation and maintenance of driveways and field entrances on the secondary road system, and specifically including, but not limited to the resolution adopted on March 26, 1982 are hereby REPEALED. Resolution #08-18 shall remain in full force and effect.  
Dated this 8<sup>th</sup> day of May 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #08-21, PRIMMER FIRST ADDITION TO BENTON COUNTY, IOWA RESOLUTION APPROVING PLAT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**PRIMMER FIRST ADDITION TO BENTON COUNTY, IOWA  
RESOLUTION APPROVING PLAT  
RESOLUTION NO. 08-21**

WHEREAS, the Benton County Board of Supervisors have been presented with a Plat for Primmer First Addition to Benton County, Iowa, a subdivision of 6.60 acres, containing three (3) lots, numbered 1, 2, and 3, and specifically described as follows:

A part of the NW1/4 SW1/4 of Section 26, Township 86 North, Range 9 West of the 5<sup>th</sup> Principal Meridian, Benton County, Iowa described as follows:

Commencing as a point of reference at the W1/4 corner of said Section 26; thence N87°21'17"E along the north line of said NW1/4 SW1/4, 1319.06 feet to the NE corner of said NW1/4 SW1/4; thence S00°13'10" along the east line of said NW1/4 SW1/4, 384.15 feet to the point of beginning; thence continuing S00°13'10"E along said east line, 607.87 feet to the centerline of 32<sup>nd</sup> Avenue; thence N81°57'47"W along said centerline, 536.03 feet; thence N04°53'34"W 244.69 feet; thence N19°39'44"E, 184.56 feet; thence N48°21'48"E, 148.25 feet; thence N87°26'24"E, 376.79 feet to the point of beginning, containing 6.60 acres which includes 0.62 acres of road right of way.

and

WHEREAS, the Plat clarifies descriptions and boundaries pursuant to Iowa Code Section 354.6; and WHEREAS, the Benton County Board of Supervisors find that Farmers Savings Bank & Trust – Vinton has met the requirements of Benton County with respect to subdivisions and/or plats; and WHEREAS, the Benton County Board of Supervisors have reviewed said Plat and fully discussed said Plat and find that it would be advantageous to Benton County, Iowa.

THEREFORE IT IS HEREBY RESOLVED by the Benton County Board of Supervisors, on behalf of Benton County, Iowa, that the Final Plat and Dedication of Primmer First Addition to Benton County, Iowa, be approved and accepted subject to the following stipulations:

1. There are no restrictive covenants for the subdivision at this time.
2. The requirement that the subdivision by an asphaltic or concrete road has been waived pursuant to a variance granted by the Board of Supervisors on December 11, 2007.
3. Any new driveways will be built to comply with Benton County's driveway resolution dated April 17, 2008.
4. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
5. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

This resolution was passed and approved on the 8<sup>th</sup> day of May 2008.

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David H. Vermedahl, Chairman

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Jason Sanders

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Ronald R. Buch

ATTEST:

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

The Board discussed human resource consulting services and if there was a need. The auditor advised that if the county hired a consultant that she did not believe her office should be involved in the day-to-day administration and that department heads would have to be responsible for all aspects, including documentation, of those duties.

Mike Ruden of Durrant Engineering spoke with the Board about the current status of the courthouse renovation project. Ruden advised that one bidder was no longer interested due to the project not being large enough, including windows in the clock tower. The next bidding will be for tuck-pointing part of the project only and not any of the steel

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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restoration. Ruden was advised that future meetings with the Board would have to be on the agenda and not addressed under public interest comments.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

May 13, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 8, 2008. All members voting aye thereon. Motion carried.

Bill Vanderburg, Vice President of Adkins Printing, met with the Board to discuss the county's mandated replacement of the touch screen voting equipment. Vanderburg explained that his company will be replacing the touch screens with ballot marking devices. The Secretary of State will do the funding for the replacement, however Benton County will be required to return twenty-two touch screen units as a part of the agreement. The ballot marking devices will be delivered sometime around July 1<sup>st</sup> pending certification.

The auditor presented the County Optical Scan Voting System Funding Allocation Agreement between Benton County, Premier Election Solutions, and the Iowa Secretary of State. The Agreement provides that the Secretary of State will purchase 20 Automark ballot-marking devices from Premier Election Solutions on behalf of Benton County totaling \$88,934. Benton County will be required to return 22 touch screens (DRE's). Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-24. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

Resolution #08-24

## **COUNTY OPTICAL SCAN VOTING SYSTEM FUNDING ALLOCATION AGREEMENT**

(see following pages)

Moved by Buch, seconded by Vermedahl, to approve checks numbered 99610 through 99883, and payroll numbered 99518 through 99609, 99884 through 99982, and ACH deposits numbered 2809 through 2905 and 2906 through 3004. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the HIPAA Business Associate Agreement with EideBailly, LLP, the county's auditing firm. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Letter of Understanding of audit services for FY08 with EideBailly, LLP. Both members voting aye thereon. Motion carried.

Dawn Pettengill, State Representative, came to the boardroom to provide a legislative update; however the matter was not on the board's agenda. The auditor stated that the matter should be on the board's agenda; however Representative Pettengill disagreed stating that it was not necessary for her to be on the agenda, as no policy discussion would take place. The auditor stated that the discussion may evolve into policy discussion based on the new legislation and sought a legal opinion from the county attorney as to whether the discussion could be held under the "Public Interest" portion of the agenda. The county attorney opined that the discussion should be listed as an agenda item to allow the public the opportunity to attend if desired and that it should not be allowed under the public interest comments part of the agenda. Representative Pettengill subsequently left the meeting.

The county engineer provided an update on the Oak Grove Road project. The engineer stated that the project was probably at a point where a public meeting should be held with the affected property owners in the near future. The board requested another update be placed on the May 22<sup>nd</sup> agenda.

The Board held a meeting with the Benton County Conservation Board and city officials from Atkins regarding the Atkins Roundhouse property. This matter was placed on the agenda at 4:15 p.m. on Monday, May 12, 2008. The matter is being considered without the twenty-four hour notice requirement as it is deemed an emergency situation in that a threat to the public health and welfare may be imminent. This portion of the meeting was moved to the GIS Room in the basement of the courthouse. The Atkins Roundhouse property is property owned by Benton County under the management of Benton County Conservation. The City of Atkins leased the property for use as a city recreational area up until December 2007, when the lease expired. Atkins is still interested in renewing the lease agreement. The issue being discussed is the presence of numerous cisterns, wells, and tunnels, many of which are full of water and are either open or can be accessed by the public posing an inherent danger. The conservation department discovered the dangerous areas on May 12<sup>th</sup> and immediately placed caution tape around the area closing it and posted warning signs. It was determined that immediate action should be taken to address the hazards and that the area be closed to the public until an assessment by a professional could be done. The city advised that they would like the historical aspect of the area to remain in tact if possible. After discussing different ways to address the matter, the county attorney advised that he knew of an individual in Cedar Falls who was experienced in these matters. Moved by Buch, seconded by Vermedahl, to authorize the county attorney to contact a professional engineer about assessing the matter at the Atkins Roundhouse property. Both members voting aye thereon. Motion carried.

The Board returned to the second floor boardroom, where Mark Pingnot met with them under the "public interest/comment" part of the agenda. Pingnot stated that his ditch was recently cleaned, but no seeding was ever placed on the slopes. Pingnot stated that he would like to see the county use the free native seed available to them for these types of areas. Pingnot stated that he checked and the county has not taken advantage of the annual free seed for the past three years, which amounts to about \$10,000 per year. The county engineer stated that much of the native planting is done when an entire ditch is graded as a part of a road project, but that he assumed that the weed commissioner had been getting the free native seed every year. Supervisor Buch stated that he would speak with the weed commissioner about the matter.

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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David Vermedahl, Chairman

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

May 15, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of May 13, 2008. All members voting aye thereon. Motion carried.

The auditor spoke to the board about engraving the large rock that sits at the southwest corner of the courthouse lawn. The board was in support of the engraving, pending the cost. The auditor also spoke to the board about replacing the crabapple tree that died last year along the south entrance sidewalk. The auditor also advised that they are still looking for large planters to place in the rock area along the south side of the courthouse.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the application for a construction permit filed by Cedar Valley Egg. The construction permit is subject to master matrix review. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set June 5, 2008, at 9:15 a.m., as the time and date for a public hearing on the master matrix review of the construction permit filed by Cedar Valley Egg, located in the E1/2 of the NW1/4 of 12-85-11, Cedar Township. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson met with the board regarding the Atkins Roundhouse property. Thompson advised that he spoke with several engineering professionals. The original engineer suggested was hesitant about working on this type of issue, due to the possible need for special equipment. Jerry L. Shoff, P.E., L.S. advised that his company had experience in these types of matters; however the engineer had concerns about the need to involve the Department of Natural Resources. The engineer estimated that two engineers could review the property and complete an initial assessment in approximately eight hours, at a cost of \$92 per hour per engineer, plus expenses. Representatives of the City of Atkins expressed concern that it would take much more than eight hours to do an initial assessment due to the dense foliage and the size of the area. Discussion was held as to whether to allow a fundraising cross-country race scheduled for June 7, 2008, at the Roundhouse property. The county attorney advised as long as only participants accessed the property and they were not allowed to leave the trail areas, the race could probably be held. Moved by Buch, seconded by Sanders, to contract with Jerry L. Shoff, P.E., L.S. to perform an initial assessment of the Atkins Roundhouse property to assess the risk present and prepare a report to the board. All members voting aye thereon. Motion carried.

The Board began reviewing the historical application for the Herring Hotel in Belle Plaine. The application is to allow for placement on the National Register of Historic Places.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

May 20, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of May 15, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Rick Pickering in section 12 of Kane 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 Craig Musil, 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 land use change from agricultural use to a single residential use in Canton Township. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on approximately two acres generally described as being a Part of the SE1/4 of the NE1/4 2-84-9 for a single residential use. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve engraving the courthouse rock at a cost not to exceed \$400.00. All members voting aye thereon. Motion carried.

Larry Beatty and Renae Becker, representatives of the Benton County Zoning Commission, and Chad Sands of East Central Iowa Council of Governments met with the Board to discuss the zoning commission's recommendations for land use in Benton County. A proposed map was reviewed that indicated where development could occur based on the LESA (Land Evaluation Site Assessment) system. The map indicated that all areas around rivers could be developed, with areas around cities having a chance of being developed. Supervisor Vermedahl stated that the map is a good indication of what would happen if the proposed LESA were adopted. Sands agreed that the ultimate overall goal is to protect prime farm ground. Vermedahl stated that the predominate portion of the area allowed to be developed is located in the flood plains. Sands stated that land in the flood plain is low CSR. Sands stated that drafts of the subdivision ordinance, LESA, and this map were being presented to the Board. A public hearing will need to be held by the zoning commission, and some changes made to the land use preservation ordinance, including set backs and definition of density. Vermedahl asked that the comprehensive plan be discussed stating that it appears that the comprehensive plan changes the method in which changes in land use are made by adding a hearing with the zoning commission. Vermedahl stated that the commission would be very active if they have to hear all requests for land use changes. Sands stated that the Code of Iowa sets out that process. Vermedahl also commented on the use of conservation developments and conservation design. Vermedahl questioned if there were any reward in the LESA for conservation developments. Sands stated that it was not, but could be added. Vermedahl also questioned the lack of language regarding fringe area agreements with the cities. Sands stated that the LESA provides points if the development is within a certain distance of

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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a city. Vermedahl questioned the Capital Improvement Plan. Sands explained that this would include a five-year plan that addresses upgrading roads, purchasing equipment, etc. Sands stated that a Capital Improvement Plan would state how the improvements would be paid, etc. Vermedahl questioned if the supervisors would be required to go to the planning commission whenever a road upgrade is planned. Sands stated that it would not be required but might be advisable. Sands stated that the planning commission might have input as to whether a certain road should be upgraded, which in turn would encourage development in a certain area. Vermedahl questioned if any real changes had been made to the subdivision ordinance, asking specifically what the differences between the proposed and the current ordinance were. Sands explained that minor changes for clarification purposes were made to the water and sewer language, major changes to road standards, cluster subdivision and conservation design was added; fencing requirements, and other items. Sands stated that some standards had been relaxed with the understanding that the LESA would provide further guidance. The board questioned the relationship between the subdivision ordinance and the agricultural land use preservation ordinance. Discussion also included the need for central sewer and water requirements as well. Steve Speidel questioned why Benton County was considering a LESA system when the current land use ordinance was working for Benton County. Chairman Vermedahl stated that more thought needed to be given to the proposals before the board takes action accepting, modifying, or rejecting them. The auditor questioned what the procedures were should the supervisors decide not to accept the recommendations of the zoning commission. Sands explained what the options were available to the board stating that the board could ultimately reject all recommendations and adopt their own but added that working with the commission would be in the best interest of the county.

The engineer stated that he had not been able to determine where the actual ownership line was relative to the road being considered for vacation in Section 34 of Benton Township, south of 61<sup>st</sup> St. Ln and 32<sup>nd</sup> Ave. The engineer stated that he has contracted with a surveyor last week to determine the ownership lines but the surveyor has not had the time to conduct the required research.

The board spoke with the engineer regarding the litter clean up at the landfill. The board recently contracted with an individual to pick up the blowing litter at the landfill. The board directed the engineer to research contracting with Patrick Coleman regarding collecting the blowing litter at the landfill.

Supervisor Buch spoke about the county's recycling program. Buch stated that he spoke with City Carton in Cedar Rapids regarding the cardboard recycling program. Buch stated that City Carton may pick up the cardboard and pay the county for the same. Buch also spoke about the need to replace the county's recycling trailers and the cost to take unsorted recyclable materials to City Carton would be \$25.00 per ton.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Department of Natural Resources' Permit for the Benton County Landfill. All members voting aye thereon. Motion carried.

Supervisor Vermedahl questioned the status of the fence behind the recycling trailers east of the courthouse. The engineer questioned if the trailers should just be removed. Vermedahl responded that the trailers would remain and that the fence should be constructed.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-25, AMENDING FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-25 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 6, to allocate \$5210 more in spending authority to the Sanitary Disposal budget. The auditor is directed and authorized to amend said service area as needed.

Dated this 20<sup>th</sup> day of May 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason Sanders

ATTEST:

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

Mary Williams spoke with the Board regarding application for a Substance Abuse Mental Health Service Administration grant. The grant would provide for education on substance abuse for juveniles in Benton County, provide for an individual to work within the schools to education, train, and assist with the early identification of children with mental health issues, and wrap around services. The grant may require a local match but may also allow for in-kind contributions. The board advised that they supported the grant application.

Mary Williams spoke to the Board about the Iowa Income Offset Program, which collects monies owing to governmental entities. Williams stated that this may provide an avenue for collection of monies owed for relief services. Williams stated that the county would be required to take the necessary steps to try and collect the money before submitting it to the Iowa Income Offset Program. The moneys are withheld from income tax refunds. Williams stated that over the past five years her department has been unable to collect approximately \$16,000.00. The board advised that Williams should proceed with participation in the program.

The auditor spoke to the board about rental space for the storage of election equipment. The auditor stated that the new ballot marking devices are too large and heavy to store in her office or the attic. Marlow stated that she spoke with Child Advocate Services, who currently own the old West School building, and they have area available at a cost of approximately \$300.00 per month since there would be no telephone, etc. needed.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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State Representative Pettengill updated that board on legislative issues including changes to the composition of the E911 Board, the Governor's veto of the collective bargaining bill, the Governor's veto of salary increases to state officials, changes to the LOSST (local option sales and services sales tax) which allows the supervisors to change the intent of the voters and allow the use of the LOSST for economic development even though it was not voted on by the electorate. Pettengill spoke about the creation of regional appeal boards to the board of review, reduction in what the counties would receive in road use tax. Pettengill spoke about changes to the IPERS, its funding and contribution rates. Pettengill spoke about the election reform bill and limiting the number of special elections.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the recommendation of the placement of the Herring Hotel at 7198, 13<sup>th</sup> Street, Belle Plaine, Iowa, on the National Historical Register. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into a Lease Agreement between Benton County and the State of Iowa for office space located in the Governor Sherman building. The agreement is for 865.5 feet at \$668.00 per month, effective July 1, 2008. All members voting aye thereon. Motion carried.

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

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

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

Jill Marlow, Benton Co. Auditor

May 22, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was attending another meeting. Vice-Chairman Buch called the meeting to order at 12:10 p.m.

The engineer reported on the status of vacating a portion of the road located in Section 34 of Benton Township near the Oak Grove Church. The engineer stated that Hall and Hall Engineering was on site yesterday trying to find survey stakes and are trying to determine the ownership and control of various properties involved.

The engineer also spoke about the Oak Grove Road project that will upgrade a gravel road to a seal coat road from the Oak Grove Church to Linn County. The engineer reported that Clappsaddle Garbers Associates is surveying the various road right away. Property plats will be completed in June 2008 with a meeting of affected property owners being held in June as well. Land acquisition for right away will begin after the meeting with the owners.

Moved by Sanders, seconded by Buch, to authorize the vice-chair to sign the Federal Aid Agreement on Project #RRR-CO 06(76)-SR-06 (the vertical realignment on W28). Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Christensen Farms Midwest, LLC on the facility located at 1819 56<sup>th</sup> Street, Vinton, Iowa, located in Section 33 of Cedar Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to suspend the taxes on parcel number 170-07350 in accordance with Iowa Code 427.9. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to table the application for a Fireworks Permit submitted by Dan Freese on behalf of the Watkins Fire Department for a display to be held on July 5, 2008, pending proof of insurance. Both members voting aye thereon. Motion carried.

The Board met with representatives of Pictometry to view a demonstration of their three-dimensional digital graphic representation of buildings in Benton County. Pictometry has received a grant, which will pay to provide pictometry of Benton County. Any future flights or maintenance of the data would be at the county's expense.

Moved by Sanders, seconded by Buch, to approve the minutes of May 22, 2008. All members voting aye thereon. Motion carried.

The time of 2:00 p.m. having arrived and this being the time and date for a bid opening/letting on the courthouse renovation project for the tuckpointing portion of the project. Three bids were received as follows:

Janssen Waterproofing, Inc., Van Horne, Iowa - \$179,800.00

Renaissance Restoration, Inc., Galena, IL - \$459,000.00

E & H Restoration, Davenport, IA - \$228,151.00

Supervisor Vermedahl arrived at 2:20 p.m.

Moved by Sanders, seconded by Buch, to direct Durrant Engineering to review the bids and determine the lowest most responsible responsive bid, and to return to the Board with a recommendation. All members voting aye thereon. Motion carried.

Mary Williams met with the Board to discuss her current year budget. Williams explained that based on her calculations her mental health budget will require a budget amendment for the current year. Williams explained that she had approximately \$250,000 in expenses in May alone for mental health services. The matter will be decided on at the budget amendment hearing on May 27, 2008.

The board discussed the location of the veterans' affairs office. Supervisor Buch stated that he and the veterans' affairs director viewed an office at the building housing the Department of Human Services.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

May 27, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of May 22, 2008. All members voting aye thereon. Motion carried.

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Moved by Buch, seconded by Sanders, to approve checks numbered 99981 through 100185, payroll numbered 100186 through 100276 and ACH numbered 3005 through 3102, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the auditor to issue a check for the purchase of the Fry property purchased by Benton County Conservation at the time of closing. All members voting aye thereon. Motion carried.

Moved by Bush, seconded by Sanders, to approve a liquor license for the American Legion Post 57. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the hire of Denise Schirm as a seasonal part-time driver for transportation, effective this date, at a starting salary of \$10.57 per hour. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for a public hearing on amending the FY08 county budget, the chair declared the hearing open. Will Heber, Executive Director of Benton County Conservation, explained the current status of his budget and the need for an amendment to change spending authority in capital projects and within service areas. The county engineer spoke about the need to amend the sanitary disposal budget due to the purchase of equipment early in the fiscal year. The engineer also spoke about the need to amend his secondary road budget due to the expenses associated with snow and ice removal over the past winter. The engineer also spoke about the reduction in his capital projects and associated revenue due to bridge projects not being completed in FY08. Hearing no further comment, the chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to adopt Resolution #08-26 BUDGET AMENDMENT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-26**

**BE IT REMEMBERED** on this, the 27th day of May 2008, 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 13, 2007. 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:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety	\$+5,500
Physical Health & Social Services	\$+7,000
Mental Health	\$+75,000
County Environment & Education	\$+105,000
Roads & Transportation	\$+352,000
Government Services to Residents	\$+3,000
Administration	\$-40,000
Capital Projects	\$-770,000

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$+118,000
Charges for Services	\$+48,400
Use of Money & Property	\$+8,000
Miscellaneous	\$+14,000

Dated this 27th day of May 2008.

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

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

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

ATTEST:

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

The auditor presented a letter to the Board regarding the lease agreement with the State of Iowa, Department of Human Services Case Management. The letter is in response to issues raised about the handicap parking, which is under the jurisdiction of the City of Vinton, pipe insulation, and audible/visual warning signals. The letter also informs the lessee of various county policies. Moved by Buch, seconded by Vermedahl, to authorize the auditor to send the county's response. All members voting aye thereon. Motion carried.

The Board reviewed the audit comments from the FY08 audit, including credit card usage, GASB 45 implementation, and payments for goods and services. The Board stated that the audit comments will also be reviewed with the department heads at a meeting scheduled for June 24, 2008.

Public Interest: Gary Rocarek questioned if the county had any organized plans for rural residents without basements to seek shelter. Rocarek stated that he had tried on several occasions to speak with the emergency management coordinator and has left messages, but has never received a return call. Rocarek stated that he came into Vinton on Sunday evening to seek shelter and was unable to find it. Rocarek asked what the county's plan was to provide

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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shelter to rural residents without basements. Supervisors Vermedahl and Buch stated that Rocarek's concern was legitimate and should be researched further as to the provision of storm shelters. Supervisor Sanders stated that he believed that those persons should make arrangement with friends or family.

The Board discussed landfill and recycling issues. Buch stated that he has done further research into the recycling of the cardboard and City Carton has offered to take the county's cardboard at no charge, while the county currently pays to have the cardboard taken. Buch also said the county needs to look at a different method for the collection of rural recycling. Buch spoke about utilizing dumpsters instead of the current trailer system. Buch stated that by using dumpsters the county could hire a hauler pick up the recycling materials. Supervisor Vermedahl stated that he liked the idea of having a private hauler pick up the dumpsters of recycling material and the hire of a person to help manage the landfill and recycling program. However, Vermedahl continued that the engineer should still be involved due to his technical knowledge. Discussion included having rural residential pickup for both garbage and recycling, with the expense being added to the rural fund levy thus eliminating all recycling trailers.

The auditor questioned if there were any additional vacant offices in the DHS building that could be used as off-site storage. The board was not aware of any with the new placement of veterans' affairs in that building.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

May 29, 2008

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 27, 2008. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen updated the supervisors on the Decat projects and submitted an invoice for her fees. Benton County serves as the grant recipient for this portion of the Decategorization (Decat) funding. Moved by Sanders, seconded by Vermedahl, to approve submittal of a claim for \$4,582.00 for Wetjen-Kestersen's services for March and April 2008 to the State of Iowa for Wetjen-Kestersen's service. Both members voting aye thereon. Motion carried.

Wetjen-Kestersen also stated that the Decat Board, which Supervisor Buch is a member of, approved an end of the year additional compensation of \$3000.00. Benton County serves as a pass-through entity for the state grant funds, which is subject to the county's budget control. Benton County currently has a contract with the Decat Board, which sets forth the amount of the grant funds being provided to them. The auditor advised that no mention of the increase was made during the budget amendment hearing held on May 27, 2008, and there may be issues with having budgetary spending authority. Moved by Sanders, seconded by Vermedahl, to amend the current contract to request an additional \$3000.00 of grant funds to be subsequently passed through to the Decategorization Board with the stipulation that the county cannot exceed its statutory budget authority and if budget authority is not available in this fiscal year, funds may not be dispersed until FY09. Both members voting aye thereon. Motion carried.

Wetjen-Kestersen also advised the Decat Board granted a 5% increase in contract fees for Wetjen-Kestersen in fiscal year 2009 for administration services, totaling \$28,875 requiring an amendment to the contract with Benton County. Moved by Sanders, seconded by Vermedahl, to amend the FY09 contract between Benton County and the Decat Board to allow for an increase in administrative contract fees. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a fireworks permit submitted by Dan Frese on behalf of the Watkins Fire Department for an event to be held on July 5, 2008, at the Watkins baseball field. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the cigarette permit for Kimm's Sinclair for the year beginning July 1, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit submitted by Farmers Mutual Telephone Company to place utility lines in the county's right-of-way in Canton Township, along 62<sup>nd</sup> Street. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to award the contract for the bridge project BROS-CO06(74)—5F-06 to Peterson Contractors, Inc. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

June 3, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 29, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the final draw request for the Community Betterment Development Grant for the Watkins Wastewater Treatment project. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the purchase of auxiliary equipment for the ballot marking devices, including batteries, ink cartridges and memory cards. The purchase is approved as a part of the contract between the State of Iowa Secretary of State, Henry Adkins, and Benton County for the initial purchase of ballot marking devices. Both members voting aye thereon. Motion carried.

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Supervisor Sanders arrived at 9:08 a.m.

The board discussed moving the veterans' affairs office to the Department of Human Services building. Roger Witt explained that DHS said that they would not allow veterans' affairs to be on their phone system. Witt advised that a separate phone line can be ran direct to the office, but then a separate answering machine, etc. would have to be purchased. Witt advised that the phone system at DHS is answered by a switchboard, but that there is a possibility that the phone could be programmed to go around the switchboard. The board stated that the county purchased the phone system at DHS and if possible the veterans affairs should run through the system. Discussion also included the need for an internet connection due to new legislation requiring that the administrators of veterans affairs needing to be certified and able to use websites related to veterans affairs effective July 1, 2009. The supervisors stated that installing an internet service could wait, as the VA office does not currently use internet. The board instructed Witt to work with DHS about using the phone system, as it is county-owned. Witt advised that a system phone may have to be purchased, which may be in the \$300 - \$500 area. It was questioned if the cost of an over-the-counter telephone and answering machine would be more cost effective than trying to go through the phone system. Supervisor Vermedahl stated that the supervisors would need to determine how the county would comply with the requirements of the new legislation effective July 1, 2009. The board directed Witt to have the phone line moved to the DHS building and to use a regular desk phone and answering machine.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right-of-way in Monroe, Jackson, Big Grove, Eden and Canton townships. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blairstown bank for the landfill was \$68,442.91 on May 31, 2008. Supervisor Buch stated that with future landfill regulations more funds may be needed in order to comply.

Mike Ruden of Durrant Engineering gave a final review of all of the bids for the courthouse renovation project and the options available to the county. Ruden summarized as follows:

Window replacement: clock tower windows only (no aluminum vents included) - \$82,609.00 for the four openings with Zephyr Aluminum being the apparent lowest responsive and responsible bidder. The project was bid with stainless steel anchors and angles but if aluminum is substituted there is a deduction of \$9377.00. The vents are needed to allow heat to escape.

Roofing – Ruden checked on the possibility of saving money by doing the tuckpointing and roofing projects simultaneously and using the same scaffolding, but was advised that the cost savings would be minimal at best.

Bids – lowest responsive bidders:

Zephyr Aluminum - 429,476.00 for all windows in the courthouse including clock tower

Renaissance Roofing - 363,700.00; synthetic shingle would be more

Tuckpointing & structural – Janssen Waterproofing \$179,800.00; optional costs: \$7.00 square foot, cracked stone that was caulked – stone epoxy injection - \$105.00 per lineal foot; stone patch - \$130 per square foot; stone Dutchman repair \$100 square foot.

Ruden recommended that the county do all three projects simultaneously. Supervisor Vermedahl questioned if the board was willing to issue general obligation bonds to pay for the entire project. Currently, the county has been setting aside funds derived from the Benton Commerce Village tax increment finance area; however the funds will only pay for the roof, waterproofing, structural repair, and clock tower windows. The funds are not adequate to pay for replacing the windows in the remainder of the courthouse. Supervisor Buch stated that he did not want to make a hasty decision and put the county in financial difficulty. Ruden reminded the board that the bids will expire soon, unless negotiations are made with the bidders to extend the expiration date. The board asked Ruden to determine the cost of tuckpointing if the body of the courthouse is not included at this time. The board also asked the auditor to research funding alternatives.

New Business: Supervisor Vermedahl advised the board that he had signed a Benton County Disaster Declaration on May 30, 2008, for a rain and flood event on May 30, 2008. The full board was in agreement.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

June 5, 2008

The Benton County Board of Supervisors met in regular adjourned session with all Supervisors present.

Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Buch, seconded by Sanders, to approve the minutes of June 3, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into an extension of contract with East Central Iowa Council of Government (ECICOG) for the Community Development Block Grant (CDBG) project. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request by the Vinton Cruise Committee to use the courthouse lawn on July 19, 2008. 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 for an application for a confined animal feeding operation from Cedar Valley Egg Farm LLP located in the E1/2 of the NE ¼ of Section 12 of Cedar township. The chair declared the public hearing open. Notice of this hearing had been published in the official newspaper of Benton County. The board took up the matter for consideration. Marc Greenlee, Land Use Administrator, presented the information regarding the proposal. Greenlee stated that it's a modification to the existing facility not an expansion and he feels this is a big improvement and he recommended the board be supportive of it. They are changing the way they do business and they received sufficient scores in all categories. Greenlee along with the Engineer feel they

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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have complied with all the requirements of the master matrix evaluation. Greenlee advised that no written comments were received, and their being no oral comments heard, the chair declared the public hearing closed.

Moved by Buch, seconded by Sanders, to approve a construction permit application for an improvement and modification to the confined feeding operation at the Cedar Valley Egg Farm LLP. All members voting aye thereon. Motion carried.

A.J. Narveson, Urbana city council member, met with the board regarding the possibility of contracting for law enforcement with the Benton County Sheriff's Department. Narveson pointed out that Urbana is looking into options to help cut some debt out of their budget. The one option they want to discuss is contracting for 20 hours a week for law enforcement with the county and eliminating their local police force. Other persons in attendance were Lloyd Benson, Keith Schmitt, Dennis Wayson, Deputy Michael Ferguson, Sheriff Randy Forsyth and County Attorney David Thompson. Deputy Ferguson was concerned if twenty hours would be enough for the needs in a community such as Urbana. Ferguson continued that looking at statistics from 2007 for example, Urbana Police had 146 cases and the county responded to 60 additional cases. Ferguson stated that the workload would be higher with such high traffic volume being located by the interstate, a hotel and a gas station that is open 24 hours a day. Ferguson also questioned if Urbana would want patrols before and after school. Supervisor Buch asked about the amount of calls for Urbana compared to other cities the county contracts with. Schmitt also questioned of those 60 calls, if they were ordinary calls or what they were. Schmitt added that understood there was a possibility of needing more than 20 hours, but right now they are just looking into the city's viable options. Ferguson stated that the county is the dispatch center for all 911 calls, but the county doesn't usually respond to cities with their own police force such as Vinton, Shellsburg, Urbana and Belle Plaine. They only go if needed for assistance or if a deputy is already nearby. Sanders then asked if a deputy was driving through or getting gas and they receive a call, if that counts as hours towards the city's contract. Forsyth said that all officers keep a log and that if they were stopped filling up for gas then that would not count against their time.

Thompson stated that the sheriff's department is already spread thin and that taxpayers expect a certain level of protection. In a growing community such as Urbana in terms of families with children, reducing the protection to 20 hours might be a drastic change compared to what they are used to now. Wayson said the council will take this back and let the citizens have input also. Thompson also added that the county Auditor had already volunteered to look over their budget and give ideas for some cuts. Stating that she is very good with budgets and she has yet to hear back from anyone.

Forsyth said he would probably have to amend his FY09 budget if the county were to enter into a contract with Urbana or put back his part time employees that he reduced hours for due to budget cuts. Vermedahl suggested the county take a better look at the current costs and determine what the county can provide. Vermedahl also stated that the sheriff look at the past fees being charged for law enforcement protection to cities and maybe think about changing the rate per hour to reflect the increase due to fuel costs and wages. Also noting the detail in calls taken compared to other cities. Forsyth added that the current contract rate would not change this year but possibly in fiscal year 2010, adding that rates need to be the same for all cities. Benson mentioned a grant that the city of Urbana received in the past that provided funding for two extra part time deputies for three years and suggested that another grant could be a possibility and should be looked into as well.

Tammy Stark, representing the River Rats Committee, a group of volunteers, met with the board to discuss a river clean up project. The group is going to travel a 7-mile stretch of the Cedar River from Minnestema Park to the Vinton river bridge and clean up any debris that they can along the way. The group will also have 2 experienced Americorp teams helping. The River Rats Committee has already received a \$1,000 grant towards the clean up project and they are trying to get as many things as possible donated. Stark requested that any fees for the disposal of debris at the landfill be waived. Moved by Sanders, seconded by Buch, that the landfill fees be waived for the River Rats Committee's clean up project on August 2, 2008. The waiver is specific to this clean-up project only. All members voting aye thereon. Motion carried.

Myron Parizek, County Engineer and the board discussed the recycling trailers in Vinton and how they would like to try replacing the trailers with dumpsters and possibly erecting a fence behind the dumpsters east of the courthouse. The board stated that there is already a security light, but recommended putting signs up that prohibited the placement of garbage in the dumpsters or on the ground around the dumpsters. Parizek received three quotes for fencing, but they are going to hold off and see how the dumpsters do without it first. Motion by Sanders, seconded by Buch, to direct the engineer to proceed with replacing the recycling trailers in Vinton with dumpsters. All members voting aye thereon. Motion carried.

A discussion was held about the meeting held between the mutual aid committee, the cities, and the county. The group is preparing a plan for an emergency situation, including if a city could respond faster than the county, what the city could or should do until the county arrives to assist, for example: a snowed in road. A call list and other details need to be worked out before finalizing the plan.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

June 9, 2008

The Benton County Board of Supervisors met in emergency session in the parking lot of the Benton County Sheriff's office to coordinate the evacuation of the Benton County Transportation, Benton County Sheriff, and Benton County Social Services due to flooding of the Cedar River. Chairman David Vermedahl called the meeting to order at 1:00 p.m. with Supervisor Jason Sander present. Supervisor Ron Buch was absent. One member of the press was present.

Moved by Sanders, seconded by Vermedahl to move everything out of the Benton County Transportation Building and Benton County Law Enforcement Center onto trucks from BJ Primmer and relocate the Transportation office to the Treasurer's office. All county vehicles in flood area will be moved to Secondary Roads shop. Both members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The relocation of the Benton County Sheriff's Office and Benton County Social Services was not determined. Moved by Sanders, seconded by Vermedahl to adjourn at 1:15 p.m. Both members voting aye thereon. Motion carried.

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David Vermedahl, Chairman Board of Supervisors

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Brenda Sutton, Deputy Auditor

June 10, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 5, 2008. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 100277 through 100530, and payroll numbered 100531 through 100682, and ACH deposits numbered 3103 through 3202, for payment. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:08 a.m.

The time of 9:00 a.m. having arrived, the board proceeded with canvassing the June 3, 2008 Primary Election. Having reviewed all results and finding no corrections, it was moved by Sanders, seconded by Buch, to approve the canvass of the June 3, 2008 Primary Election. The results as recorded in the official election record in the auditor's office are hereby certified. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a fireworks permit requested by Charles Yedlik for an event to be held on July 12, 2008, at 5899-1/2 28<sup>th</sup> Ave. Drive, Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve Mary Williams' request to convert sick leave to vacation. Williams failed to file the proper notice with the auditor's office in a timely manner and was requesting a variance from the county policy. The board had on a previous occasion stated that employees were allowed a one-time request of this nature. Moved by Sanders, seconded by Buch, to allow Williams to convert unused sick leave in accordance with the county policy. All members voting aye thereon. Motion carried.

Supervisor Buch updated the supervisors on the status of City Carton and the cardboard recycling program. Buch stated that City Carton would be bringing a trailer to Benton County for cardboard to be placed. City Carton will pick up the cardboard at no charge to the county whereas the county currently pays to have the cardboard picked up.

The board also discussed who would pick up the recycling bins that will be implemented in the near future. No decision was reached.

Gary Wandling did not appear before the board.

Moved by Sanders, seconded by Buch, to approve the following law enforcement contracts between Benton County and the cities listed:

City of Luzerne – 26 hours annually - \$520.00

City of Garrison – 156 hours annually - \$3120.00

City of Walford – 520 hours annually - \$10,400.00

City of Norway – 520 hours annually - \$10,400.00

City of Van Horne – 780 hours annually - \$15,600.00

City of Blairstown – 780 hours annually - \$15,600.00

City of Newhall – 780 hours annually - \$15,600.00

City of Atkins – 936 hours annually - \$18,720.00

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set the rate for interpreters at the Benton County Sheriff's Office at \$50.00 per hour for the first hour and \$25.00 per hour for each additional full hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-27. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-27 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$246,338.65 be transferred from TIF Fund to the General Basic Fund. Said funds are for the partial repayment of a loan from the General Fund to the TIF Fund.

Dated this 10<sup>th</sup> day of June 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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

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

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David Vermedahl, Chairman

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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

June 12, 2008

The Benton County Board of Supervisors met in regular adjourned session in the hallway by the Board of Supervisor's office with Supervisors David Vermedahl, Jason Sanders, and Ron Buch present. Chairman Vermedahl called the meeting to order at 9:00 a.m.

Moved by Buch, seconded by Sanders to set July 8<sup>th</sup> at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Steve Speidel D/B/A Hidden Meadows Farm LLC on a parcel located in SE ¼ NE ¼ of Section 34, Township 85, Range 9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to adjourn at 9:15 p.m. All members voting aye thereon. Motion carried.

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David Vermedahl, Chairman Board of Supervisors

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Brenda Sutton, Deputy Auditor

June 13, 2008

The Benton County Board of Supervisors met in an emergency session with all Supervisors present along with all department heads, located in the courtroom of the courthouse. Chairman Vermedahl called the meeting to order at 9:10 a.m.

Vermedahl first wanted to thank everyone for all the work and effort put into the evacuation and now the clean up process due to the flood. He would like to see the courthouse open Monday so that everyone can get back to a degree of normalcy. No air conditioning can be used until the city is back on line without the use of generators. The maintenance office and the EOC office only received minor water duty in the courthouse basement so they can clean up and stay where they are. The sheriff's office will temporarily be located in the supervisors' room and possibly the juvenile court room if needed. The 911 dispatch will be in the basement with EOC until they can rent office space from the old West school and get it set up with phone lines and such, then they will move there maybe within the next week. When they get all the office spaces ready in the west school building, Benton County Transportation and the Relief offices will also relocate there while their offices are in the clean up process.

Moved by Buch, seconded by Sanders, to relocate Data Processing & GIS in with the Recorder's office. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to relocate Sanitarian/Land Use office in with the Treasurer. All members voting aye thereon. Motion carried.

A discussion was held about a switch to have put into the courthouse for a generator to be able to hook up to. This will power the courthouse in any future power outages within the city.

Moved by Buch, seconded by Sanders, to contact a ServiceMaster representative and get things lined up to start the clean up process. Vermedahl abstained due to conflict of interest. Both members voting aye thereon. Motion carried.

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

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David Vermedahl, Chairman

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

June 16, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch, and Sanders present. Chairman Vermedahl called the meeting to order at 10:00 a.m. at the Palace Theater in Vinton, Iowa.

The overall purpose of the meeting is to address issues centered around the flood and sewer back-up created by an

The Board attended an information gathering regarding FEMA assistance to local residents and public bodies. Concerns about the process as well as the plans for recovery were discussed.

The Board returned to the courthouse at 11:10 a.m. to continue with their meeting. The board discussed the current displacement and relocation of county offices including Social Services, Transportation, Sheriff's Department, Sanitarian/Public Health, and Information Services. Some of the offices have been placed in with other offices in the courthouse and some have been placed at the ICAS building (old West school building).

Sheriff Randy Forsyth met with the board about the need to replace the radio console that was lost during the incident. The cost for the console could be up to \$250,000.00. The Board advised Forsyth to continue in his efforts to obtain the equipment.

Larry Andreesen, Benton County Assessor, stated that he is working with the county's geographic information system to develop a June 2008 flood layer to depict the 500-year flood area.

Moved by Buch, seconded by Sanders, to approve the hire of Service Master VVV for clean-up, sanitation, and removal of contaminated material in the courthouse, Governor Sherman building, transportation building, law enforcement center, sheriff's storage shed, and sanitarian's garage. The estimated cost is \$250,000.00. Further, it is understood that the immediate necessity to address the matter due to the threat to public health and safety justifies that this contract be entered into without advertising and/or obtaining competitive quotes. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize ServiceMaster VVV to subcontract with Contents Recovery Experts for the cleaning and restoration of jail documents damaged during the disaster at an estimated cost of \$19,000.00. The immediate need to recover jail records on Benton County inmates is to protect the safety of the inmates. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize Alternative Risk Services (ARS) to administrate the claims/invoices between Benton County and ServiceMaster VVV at no charge. ARS is the county's insurance carrier and the county's has coverage for certain parts of the loss. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Field officers for FEMA Intergovernmental Affairs briefly discussed the situation with the supervisors and stated that a Public Assistance team would be arriving in Vinton shortly to advise the local governments on recovery issues. Moved by Buch, seconded by Sanders, to adjourn. All members voting aye thereon. Motion carried.

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David Vermedahl, Chairman

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

June 17, 2008

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

The courthouse renovation, funding, and awarding of bids was delayed until next Tuesday, June 24, 2008, due to issues relative to the flooding taking priority. The engineer was directed to present to the board the minimum necessary to protect the structural integrity of the courthouse.

Discussion on the impact of the flooding on the fiscal year 2008 and fiscal year 2009 county budgets was discussed. The possibility of a reduction in departmental appropriations will be discussed with department heads at the scheduled meeting on June 24, 2008.

The Board also discussed payroll issues relative to flooding. Several employees used vacation time to fill sandbags and also the closure of the courthouse. Moved by Sanders, seconded by Buch, that employees who assist in the prevention and protection of life and public property from damage during a county-declared or presidential-declared disaster will be paid at their regular rate for a normal work day without affecting their paid leave accruals. Further, employees are to be paid at their regular rate for a normal workday during the period of time when the courthouse was closed due to the county declared or presidential declared disaster. Those employees who worked during that period will not receive additional compensation. All members voting aye thereon. Motion carried.

The supervisors spoke with the county sheriff regarding employees of the sheriff's department, who may or may not be needed due to the relocation of the jail due to flooding. Currently, inmates have been transferred to other facilities and will be housed there until Benton County's jail is restored to operating condition. Since the jail is no longer in use and may not be for operational for six months or more, the need for jailers and cooks/custodial staff is negated. The sheriff currently employs five full-time jailers, one full-time cook, and four part-time cook/custodians. The sheriff advised that he is currently employing those persons with moving office supplies and duties associated with establishing temporary offices. Supervisor Vermedahl commented that he would like to provide those employees with at a minimum 30-day reduction-in-force notice. Vermedahl also questioned if those employees could be placed in other positions within the county. Auditor Marlow responded that the county has a labor contract with the sheriff's employees and that it would be necessary to follow the contract language as to layoff or re-employment in other areas and suggested the county contact its labor attorney.

The auditor questioned if bids would have to be taken prior to purchase in order to comply with FEMA regulations and be eligible for reimbursement. The supervisors stated that the purchase was considered an emergency requirement and no bids would be required. The estimated cost of the equipment is \$250,000.00.

The sheriff also updated the board on the relocation of his office, the social services office, and the transportation office to the ICAS building (old West Elementary School in Vinton). The sheriff spoke to the board about the immediate need to purchase a communications console as the current console sustained major flood damage and was no longer operable. The sheriff advised that he has the console ordered and that it would be shipping from Washington on this date. The sheriff stated that once the telephone lines were in place, his office could move into the temporary location. The sheriff advised that Qwest was putting in telephone lines. It has not been determined as to who the expense of adding additional phone lines with the cost of the lines will be billed.

Moved by Buch, seconded by Sanders, to authorize the chair to enter into an agreement with Schumacher Elevator to perform emergency repairs to the courthouse elevator at a cost not to exceed \$1,300.00. The damage was sustained as a result of the natural disaster. All members voting aye thereon. Motion carried.

The board discussed installation of a transfer switch on the courthouse generator that would allow the entire courthouse to be powered by the generator. Currently, the generator provides emergency power to the basement offices so that emergency management operations can continue during power outages. Moved by Sanders, seconded by Buch, to direct Supervisor Buch to research the feasibility of adding a transfer switch and the costs associated with the same. All members voting aye thereon. Motion carried.

The county engineer updated the board on the damage sustained to secondary road infrastructure. The engineer reported that the Mt. Auburn bridge remained closed due to undermining of the roadway; there was some shoulder repair necessary along E16, and damage to the wings on the Norway bridge. The engineer advised that he is still addressing damage sustained from the flash flooding that occurred on June 12, 2008, in addition to flood damage. The engineer also reported that culverts had been washed out at Rodger's Park. Supervisor Buch questioned if a dirt road could be repaired to allow Duane Andrew access to a field so that an insurance adjuster to view crop damage.

The county auditor questioned if it was the board's intentions to proceed with the sealcoating project on 22<sup>nd</sup> Avenue Dr since the county incurred so much damage due to the flooding event. The board advised that their position remained the same and that the road would be improved.

The auditor advised that she had contacted the governor's office regarding the status of repair to Highway 150 north of Vinton and received the name and telephone number of a contact. The board and Vinton Mayor John Watson spoke by telephone with Jamie Cashman of the Governor's Office regarding Highway 150 and the necessity of having it repaired as quickly as possible.

Mayor John Watson discussed actions being taken by the city relative to debris cleanup. The board questioned if the city would agree to allow rural residents affected by the flood to dispose of debris in the city's dumpsters if the county assumed responsibility for the tipping fees at the landfill. Mayor Watson stated that he believed the council would agree to those terms. The board requested that the engineer keep track of the tonnage of material being deposited due to the natural disasters that occurred in the county. The board also spoke with Mayor Watson about the fee for disposal of

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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white goods that were damaged due to flooding. The county currently has a contract in place that provides for a \$6.00 per appliance disposal fee. Watson questioned if the county's contractor would be willing to pick up appliances in Vinton versus hauling the items to the landfill. Engineer Parizek agreed to contact the contractor and ask that he pick up the appliances in Vinton that were damaged due to flooding. The white goods are to be deposited at the old ham plant in Vinton.

The board spoke with the engineer about expanding the landfill's operating hours on a temporary basis due to the amount of debris to be disposed of. The engineer stated that he would speak with landfill staff about expanding the hours from 8:00 a.m. to 6:00 p.m. Monday through Friday, and to be open for the next three Saturdays.

The Board spoke with the county attorney regarding state bidding laws and the possibility of separating the law enforcement center into two projects. The county attorney advised that he would research the legalities of the issue.

Moved by Buch, seconded by Sanders, to authorize the immediate payment of a claim to Patrick Coleman in the amount of \$300.00 for clean-up work performed at the county's landfill. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to recess until the 6:00 p.m. meeting with FEMA. All members voting aye thereon. Motion carried.

The Board of Supervisors (Buch absent) reconvened to attend an informational meeting with FEMA and private citizens at the Vinton Shellsburg School Auditorium at 6:00 P.M.

The board listened to comments from local residents as well as city officials and FEMA officials as to the recovery process. FEMA also informed the meeting that the gym of the Lincoln School will be open to help with any questions they may have. The citizens were informed on how to report and proceed with help with their losses due to the flood.

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

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David Vermedahl, Chairman

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

Jill Marlow, Auditor

June 19, 2008

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

The Board met with Gerald Petermeier, PE, a licensed engineer in the State of Iowa, to request that he view the damage done to various county-owned facilities in Vinton from the recent flooding and to determine if emergency repairs are deemed necessary pursuant to Iowa Code 384.103(2). Petermeier stated that he would be willing to review the properties but that he assumed no liability. The county attorney stated that Petermeier would not incur liability as to the certification being requested. Moved by Sanders, seconded by Buch, to hire Gerald Petermeier, P.E., to assess and certify as to the emergency repairs needed to county facilities. All members voting aye thereon. Motion carried.

The board continued discussions on the future employment status of jail employees. Supervisor Vermedahl stated that he spoke with the county's labor attorney, who advised that the labor agreement between Benton County and the sheriff's employees did not require that an advanced reduction-in-force notice be provided. The attorney also stated that the county could offer employees a voluntary unpaid leave with the county continuing to carry their health insurance, do a reduction in force by seniority, lay off employees and give them the opportunity to take other positions within the county through internal advertising, allow them to accept other positions voluntary, or loan them to other correctional facilities. Sheriff Forsyth again stated that he was utilizing the employees in moving office supplies and equipment to temporary offices and in clean-up efforts at the jail. Forsyth stated that those duties would probably last about two weeks. The board requested that Forsyth return on Tuesday with a plan regarding the continued employment of the jail employees.

Vinton Mayor John Watson asked the board if the county could assist in the removal of the sandbags from the affected area. Watson stated that he understood that the county would be able to utilize the sand at the landfill instead of obtaining cover and that it would benefit both entities to cooperate in the removal. The supervisors and the engineer agreed to provide an end loader and dump trucks to assist with the removal of sand bags, but that it may be at the end of the county's normal workday. The engineer advised that no weekend hauling would be provided.

The engineer questioned the board's position about employee pay during the county declared disaster. The engineer sought clarification as to whether an employee would be required to use their vacation when sandbagging to protect private property, as well as clean up afterwards. Supervisor Buch stated that he concerns with paying employees when it was for personal protection. Supervisor Vermedahl and Sanders stated that it would be difficult to delineate between someone filling a sandbag for public property or private property. Moved by Sanders, seconded by Vermedahl, that employees would be paid for time used during their normal workday when assisting in the protection of life and property, public or private, without being required to use vacation. However, employees would be required to use vacation for clean up of private property. All members voting aye thereon. Motion carried.

The engineer updated the board on roads that were eligible for FEMA assistance based on their classification as federal, state, or local roadways.

The engineer advised that the staff at the landfill was willing to extend the hours of operation due to the disaster. The engineer questioned if tipping fees were being assumed by the county for all water related damage from the county or just flood related debris. The board advised that the engineer should hold off collecting the fees, but record them for future consideration by the board.

The county auditor spoke to the board about the possibility that FEMA will require that the county follow federal procurement when purchasing equipment and materials related to flood recovery. Specifically, the auditor cautioned that the radio console being purchased may not be eligible for FEMA reimbursement if the guidelines were not followed. The supervisors and the sheriff maintained that the purchase could not have been quoted and that it was allowed under the emergency provisions of FEMA.

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

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Moved by Buch, seconded by Sanders, to authorize the chair to sign the insurance binder between Benton County and Heartland Insurance Risk Pool for FY08. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

June 24, 2008

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

Moved by Buch, seconded by Sanders, to approve checks numbered 100683 through 100901, payroll numbered 100902 through 100995, and ACH deposits numbered 3203 through 3302, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request for a utility permit submitted by the East Central Iowa REC to place utility lines in the county's right-of-way in Kane Township, along the west side of 12<sup>th</sup> Avenue starting at the Alliant substation. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the request for a utility permit submitted by Iowa Telecom to place utility lines in the county's right-of-way in Section 28 of Iowa Township, along 78<sup>th</sup> St. Trl. southeast of Belle Plaine. All members voting aye thereon. Motion carried.

The county engineer spoke to the supervisors about the county dust control program. The engineer stated that due to the state of the secondary road system due to the natural disaster, he questioned if the county should consider refunding 57 applicants for the dust control and allow them to contract elsewhere. The question of interest on the funds being held was also brought up. Secondary roads will apply the dust control when time permits.

The engineer also spoke about county-applied dust control on detour routes. The engineer reported that he will be providing some dust control on certain routes.

The board received a certification pursuant to Iowa Code 384.103(2) from Gerald Petermeier, a licensed engineer, stating that Benton County was in a state of emergency and that repairs are immediately necessary. Moved by Sanders, seconded by Buch, to adopt Resolution #08-28, DECLARING THAT BENTON COUNTY REQUIRES EMERGENCY REPAIRS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-28  
FINDING OF NECESSITY TO INSTITUTE EMERGENCY PROCEEDINGS**

WHEREAS, a natural disaster occurred in Benton County, Iowa, beginning May 25, 2008; and

WHEREAS, Benton County was proclaimed to be a Presidential Disaster Area; and

WHEREAS, Benton County suffered major damage to its infrastructure due to flooding; and

WHEREAS, Gerald Petermeier, P.E., a competent licensed professional engineer, inspected the damage to certain county facilities damaged by the disaster; and

WHEREAS, Gerald Petermeier, P.E., has filed a CERTIFICATE OF NECESSITY OF EMERGENCY REPAIRS, stating that certain repairs are of an emergent need,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a FINDING OF NECESSITY TO INSTITUTE EMERGENCY PROCEEDINGS as authorized pursuant to Iowa Code 331.341(1) and 384.103(2) is hereby made.

IT IS FURTHER RESOLVED that pursuant to Iowa Code 384.103(2) that Benton County is hereby authorized to contract for emergency repairs without holding public hearing and advertising for bids, and the provisions of chapter 26 of the Iowa Code do not apply.

Dated this 24<sup>TH</sup> day of June 2008.

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

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

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

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

Cindy Forsyth, Clerk of Court, stated to the Board that she was required to provide a counter space in her office and asked that the county provide the labor to construct the same. Forsyth also stated that she would no longer be willing to store records in the storage facility east of the courthouse. The supervisors asked Forsyth to check into other storage options.

Moved by Sanders, seconded by Buch, to approve Law Enforcement Contract with the following cities:

City of Keystone - \$5,200 – 260 hours annually

City of Mt. Auburn - \$520.00 – 26 hours

All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Buch, seconded by Sanders, to approve the application submitted by the Blairstown Demo Derby for a liquor license. All members voting aye thereon. Motion carried.

The Board discussed increasing the county's liability coverage. After discussing the matter, it was moved by Sanders, seconded by Buch, the Benton County remain with its current coverage. All members voting aye thereon. Motion carried.

The board agreed that the sanitarian's temporary office could be located in the boardroom when the sheriff's office vacated it in the near future.

The auditor presented the board with the county's current procurement policy for federal funding and suggested that the policy be reviewed and revised in the near future.

The Board met with the county's departments to discuss the current situation and needs, including a possible reduction in appropriations for FY09 from the original adopted budget, the no smoking legislation, FEMA requirements for quotes and biddings, and submittal of claims for flood related damage to be made from departmental budgets. The board expressed their gratitude for the departments' cooperation during the disaster and throughout the upcoming recovery period.

The board met with Mike Ruden of Durrant Engineering regarding the courthouse renovation project. Ruden reviewed with the board those projects that would be necessary to protect the integrity of the facility. Ruden had been asked to review the proposals and determine what the minimum requirements would be in anticipation of funding being redirected to reconstruction due to flooding. The board discussed the possibility of issuing bonds for the project instead of using designated funds to provide more cash flow for flood related damages. After reviewing the information and the lowest responsive and responsible bids, it was moved by Sanders, seconded by Buch, that the following bids be awarded for the repairs to the courthouse:

Tuckpointing – Janssen Waterproofing, Inc. – to tuckpoint and repair the tower - \$144,800.00 with an additional \$50,000 contingency for steel replacement/work  
Renaissance Roofing, Inc. – roof replacement - \$363,700.00

Tower Window Replacement – Zephyr Aluminum Products, Inc. - \$73,232.00, which provides for aluminum angles plus \$10,000 for vents.

Total project cost is \$641,732.00 with no contingency.

All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

June 26, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 9, 2008, June 10, 2008, June 12, 2008, June 13, 2008, June 16, 2008, June 17, 2008, June 19, 2008 and June 24, 2008. All members voting aye thereon. Motion carried.

Mary McLaughlin, Information Technology Director, presented an agreement between Benton County and Schneider Corporation for maintenance of the county's real estate website. The agreement is for one year at a cost of \$9060.00. McLaughlin reported that 6,700 people have visited the website during the month of June (to this date) with hits of 1498 and 1200 being made on June 12 and June 13, respectively. McLaughlin stated that the website provides an offsite access to the public. Moved by Buch, seconded by Vermedahl, to enter into a one-year maintenance agreement between Benton County and Schneider Corp. for the maintenance of the county's real estate website. The cost is \$9,060.00 per year and is a budgeted expense. Both members voting aye thereon. Motion carried.

Larry Burger of Speer Financial met with the board to discuss bonding options for the courthouse renovation/repair project. Burger reviewed current market rates for bonds based on 5, 7, and 10-year issues for \$600,000. Burger reviewed the callable issues and if his company is retained the bonds would be sold through Banker's Bank and offered to local banks in the county first. The board questioned Burger as to his costs. Burger stated that his firm will provide a formal cost of issuance and provide that to the supervisors for consideration, including the bonding attorney's fee.

Supervisor Sanders arrived at 9:15 a.m.

Moved by Buch, seconded by Sanders, to approve the contract and contractor's bond with Peterson Contractors, Inc. for the bridge project #BROS-CO06(74)—5F-06, located northeast of Keystone. All members voting aye thereon. Motion carried.

Supervisor Buch questioned the engineer if repair had been made to the dirt road near Duane Andrew's field in southern Benton County. The engineer stated that dirt roads were low on the priority list at this time, unless the supervisors directed him to pull resources from other road repairs. Supervisor Buch responded that dirt roads should remain a low priority at this time.

The board spoke with the engineer regarding dust control on the detour route for Hwy. 150. The engineer reported that he will be applying a dust control product; however the product cannot be applied when rain is forecast, as is the current situation.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-29, AMENDING RESOLUTION #07-38 INTERFUND OPERATING TRANSFERS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-29**

**AMENDING RESOLUTION #07-38  
INTERFUND OPERATING TRANSFERS**

**WHEREAS**, it is desired to amend Resolution #07-38, adopted on the 28<sup>th</sup> day of June 2007, to adjust interfund transfers for the 2007-2008 budget year,

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

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**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA** that Resolution #07-38 is hereby amended to reflect the following changes to Section 1 of said resolution:

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	\$ 379,500.00
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	\$ 76,000.00
General Basic	Community Dev. Block Grant	\$ 45,204.33

The remainder of Resolution #07-38 remains in full force and affect.

Dated this 26<sup>th</sup> day of June 2008.

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

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

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

ATTEST:

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

Moved by Sanders, seconded by Buch, to adopt Resolution #08-30, AMENDING FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-30**

**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 all service areas, including interfund transfers. The auditor is directed and authorized to amend said service area as needed.

Dated this 26<sup>th</sup> day of June 2008.

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

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

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

ATTEST:

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

Moved by Sanders, seconded by Buch,

Moved by Sanders, seconded by Buch, to adopt Resolution #08-31. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

**RESOLUTION #08-31**  
**SMOKE FREE AIR ACT**

WHEREAS, the Iowa legislature enacted legislation requiring that all enclosed public building and grounds be smoke free effective July 1, 2008; and

WHEREAS, the governing body may exempt certain areas, including parking lots, by formal action,

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the following county-owned parking areas are exempt from the smoking ban:

1. The parking lot/area located north of the law enforcement center
2. The parking lot located east of the courthouse
3. The parking area/lot located south of the secondary roads facility in Vinton

The areas are further defined as that area where the general public may park while conducting business with the county offices within the designated areas set forth above.

IT IS FURTHER ACKNOWLEDGED that the Benton County Conservation Board has jurisdiction over county conservation areas and action relative to the smoking ban in said areas is at the discretion of said board subject to Iowa law.

Dated this 26<sup>th</sup> day of June 2008.

Benton County Board of Supervisors

\_\_\_\_\_  
David Vermedahl, Chairman

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

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

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

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

Jill Marlow, Auditor

The Board discussed the fiscal year 2009 appropriations and the need to limit spending due to the unknown costs associated with the facility damage from flooding. The discussion included the need to maintain cash flow with federal and state disaster assistance being on a reimbursement basis for large project costs. The auditor advised that the board could reduce appropriations now through a resolution; however once appropriated a reduction may require a public hearing and budget amendment. The auditor further stated that the board could do additional appropriations later in the fiscal year should the funds not be needed for repairs and construction work resulting from the natural disaster. Supervisor Sanders suggested that appropriations be reduced by 75%. Supervisor Vermedahl stated that the supervisors already reduced the FY09 budgets significantly and didn't believe that the departments could operate with further reductions and would rather wait to determine if a reduction would be necessary. Vermedahl further commented that if funds were needed in the future that he would not be opposed to a budget amendment reducing departmental budgets. Supervisor Buch stated that he would not like to see services being increased or added or additional staff being hired just to turn around in six months and reduce services or lay employees off. Moved by Buch, seconded by Sanders, to adopt Resolution #08-32 Appropriations, with the caveat that the county's financial situation will be reviewed in six months to determine whether action is needed to reduce appropriations. Additionally, that all purchases of \$5000 are required to have prior board of supervisor approval and that a hiring freeze is enacted immediately. The hiring freeze applies to all unfilled positions, new positions, or positions that become vacant and departments are required to obtain approval prior to filling those positions. Supervisors Vermedahl and Buch voting aye. Supervisor Sanders voting nay. Motion carried.

**RESOLUTION # 08-32  
APPROPRIATIONS**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2008, 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 on July 1, 2008 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, 2008.

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 2008-2009 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 2008-2009 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2009.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 26, 2008.

Benton County Board of Supervisors

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David Vermedahl, Chairman

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Ronald R. Buch

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

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

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolutions #08-33, BANK DEPOSITORIES, #08-34, COUNTY OFFICIAL BANK DEPOSITORY AMOUNTS, #08-35, INTERFUND OPERATING TRANSFERS. All members voting aye thereon. Motion carried.

Resolution #08-33

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 2009.

US Bank	
Vinton	\$10,000,000
Farmers Savings Bank & Trust	
Vinton/Traer	\$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	\$ 1,000,000
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
United Security Bank	
Urbana	\$ 1,000,000

Signed this 26th day of June 2008.

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

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

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

ATTEST:

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

## RESOLUTION #08-34

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 2009

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 26th day of June, 2008

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

## **RESOLUTION #08-35** **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 2008-2009 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 1,2008, 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	\$ 129,394.00
General Basic	General Supplemental	\$ 700,000.00
General Basic	Land Acquisition	\$ 0.00
Rural Services Basic	Secondary Road	\$1,624,258.00
Rural Services Basic	Sanitary Disposal	\$ 216,960.00
Sanitary Disposal	Closure/Post Closure	\$ 75,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2008-2009 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 Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 26, 2008.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to certify the cost allocation plan for the year ended June 30, 2007, as prepared by Cost Advisory Services, Inc. All members voting aye thereon. Motion carried.

The board discussed the employee of the jail whose positions were displaced due to the flooding. The sheriff had been asked to present a plan to the supervisors, however no plan has been received as of this date. No further action was taken.

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

David H. Vermedahl, Chairman

ATTEST:

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

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Jill Marlow, Benton County Auditor

July 1, 2008

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

Susan Judkins Josten and Matthew Gillaspie of Pipar Jaffray met with the Board to explain the financial services provided by their company. Piper Jaffray provide financial consultation for borrowing money and issuing bonds. Josten reviewed the qualifications of their firm as well as the pricing structure for services. The county is contemplating issuing general obligation debt for repair to the courthouse bell tower and roof.

Moved by Buch, seconded by Sanders, to accept the bid of L.L. Pelling for the asphalt resurfacing project county road W24 (old 201) north of Norway at a cost of 1.8 million dollars. The project was let by the State of Iowa, as it is a farm-to-market road. The next lowest bid was 2.15 million. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-36, Amending Resolution #08-, Smoke Free Air. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-36  
AMENDING RESOLUTION #08-31  
SMOKE FREE AIR**

WHEREAS, the Board of Supervisors adopted resolution #08-31, designating areas exempt from the smoking ban on county property, and

WHEREAS, the engineer has requested that an area be exempted at the county landfill,

THEREFORE IT IS RESOLVED that Resolution #08-31, is hereby amended to include the following:

4. The area located north of the sanitary landfill disposal facility that is generally used for parking, but not less than ten feet from the building.

The remainder of the original resolution remains in full force and effect.

Dated this 1<sup>st</sup> day of July 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Vermedahl, to approve the auditor's quarterly report for the period ending June 30, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the sheriff's request to purchase an uninterrupted power source for the sheriff's office as the original was destroyed by flooding. The cost is approximately \$26,000. 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 submitted by Porken Farms in Section 31 of Monroe Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the requests for salaries for the following positions in elected officials' offices. Percentages are of the principal officer's salary unless otherwise noted:

Treasurer:

Kim Staab – 80%, Michelle Sauer – 70%, and Melinda Schoettmer- 60%

Recorder:

Rachelle Berry – 80%

Auditor:

Delane Kalina – 80%, Brenda Sutton – 80%, and Hayley Rippel – 75%

County Attorney –

Tony Janney - \$70,140.00

Lisa Epp - \$57,335.00

All members voting aye thereon. Motion carried.

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

The board reconvened at 1:00 p.m. to discuss various flood related issues including assistance with FEMA representatives. The board was advised that the meeting was considered the kick off meeting and that the county now had 60 days to report all damages and cost estimates to FEMA. Additional information will be provided in the near future.

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

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

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Jill Marlow, Auditor

July 3, 2008

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

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

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Moved by Buch, seconded by Vermedahl, to approve minutes of July 1, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set July 24, 2008 at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Zach & Michelle Rogers on a parcel located in the SW1/4 of the Sw1/4 of 15-86-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a native wine permit for Apple Cart Orchard. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the Veteran's and Sheriff's Quarterly Report for the period ending June 30, 2008. All members voting aye thereon. Motion carried.

The Board tabled the designation of a financial advisor for Benton County for bond issuance until their July 8<sup>th</sup> meeting.

Moved by Buch, seconded by Sanders, to approve Employee Benefits System as third party administrator for Benton County employee's partial self-funding health insurance for FY2009. All members voting aye thereon. Motion carried.

Paul Misik, Jack Davis, and Janice Martin-Toll, representatives from FEMA met with the Board to discuss the FEMA pilot program.

The Board decided to table the hiring of an engineer to do a statement of probable costs for repair to the Law Enforcement Center.

Moved by Sanders, seconded by Buch, to sign leases between the Sheriff, Transportation, and Social Services offices and Independent Child Advocate Services for office space. Terms of the contract between the Sheriff's Department and ICAS are as follows: \$1320 per month during the months of May – September and \$1800 per month during the months of September – April. Terms of the contract between Transportation are as follows: \$220 per month during the months of May – September and \$300 per month during the months of September – April. Terms of the contract between Social Services and ICAS are as follows: \$220 per month during the months of May – September and \$300 per month during the months of September – April. All members voting aye thereon. Motion carried.

Myron Parizek, County Engineer discussed changing the classification of 79<sup>th</sup> Street Drive in St. Clair Township in Section 32 to a Class C Road. A public hearing date will be set to consider this change at the next Board meeting on July 8, 2008.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-37, Temporary 35 mph Speed Limit. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-37**

WHEREAS: Characteristics of 25<sup>th</sup> Avenue Drive from the intersection of 58<sup>th</sup> Street north approximately 2 miles to the intersection of 55<sup>th</sup> Street Drive and characteristics of 55<sup>th</sup> Street Drive from the intersection of 24<sup>th</sup> Avenue Drive east 1 mile to the intersection of 25<sup>th</sup> Avenue Drive warrants a temporary change of speed limit, and

WHEREAS: The traffic on these Benton County Secondary Roads have increased due to the closure of Iowa Highway 150, and

WHEREAS: A speed limit on these secondary roads will greatly increase the safety for the traveling public.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the temporary speed limits on these roads be set as follows:

"35 mph on 25<sup>th</sup> Avenue Drive from 58<sup>th</sup> Street north approximately 2 miles to the intersection of 55<sup>th</sup> Street Drive and 35 mph on 55<sup>th</sup> Street Drive from the intersection of 24<sup>th</sup> Avenue Drive east 1 mile to the intersection of 25<sup>th</sup> Avenue Drive," and BE IT FURTHER RESOLVED that upon reopening of Iowa Highway 150, the temporary speed limit be removed.

Signed this 3<sup>rd</sup> day of July 2008.

Benton County Board of Supervisors

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

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

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

ATTEST:

\_\_\_\_\_  
Brenda Sutton, Benton County Deputy Auditor

Myron Parizek, the county engineer also discussed the waiver on Landfill gate fees for the demolition waste from flooding that will be discontinued at the end of business July 3<sup>rd</sup>, 2008 and the Landfill will resume regular hours on July 7<sup>th</sup>, 2008. He has estimated the loss of revenue to be around \$25,000.

Sanders left at 11:20 a.m.

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

\_\_\_\_\_  
Brenda Sutton, Deputy Auditor

July 8, 2008

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Buch, seconded by Vermedahl, to approve minutes of July 3, 2008. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 101003 - 101220, payroll numbered 100996 through 101002, and 101221 through 101310, and ACH numbered 3303 through 3404. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set August 5, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Jonathan and Rebecca Beauchamp on a parcel located in the NW1/4 of the NW1/4 of 18-84-9. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to submit an invoice to the Department of Human Services for Decategorization services in the amount of \$7582.00. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-38A TRANSFER OF FUNDS. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #08-38A TRANSFER OF FUNDS**

IT IS HEREBY RESOLVED THAT \$45,925.00 be transferred from the Community Development Block Grant fund to the General Basic Fund.

Dated this 8<sup>th</sup> day of July 2008.

Benton County Board of Supervisors

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

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

ATTEST:

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

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Steve Speidel doing business as Hidden Meadows Farm, LLC, the board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change from an agricultural use to a residential use in Benton Township. Marc Greenlee presented the technical review stating that the applicant has provided a preliminary plat of Hidden Meadow 1<sup>st</sup> Addition, a residential subdivision containing 4 lots. The applicant has agreed to construct one central well and a central sewer system. The sewer system will consist of individual septic systems on each lot draining into a common leach area. Lot #1 is not a part of this land use change as it is a pre-existing use. Steve Speidel advised that the preliminary plat indicated to well easements; however only one active well would be constructed and the other easement would be a back-up location should problems occur with the first well. Greenlee reported that he had notified the adjacent property owners with one person contacting him prior to today's hearing. That individual did not voice objections to the proposal. Tanya Sheets, an adjoining property owner, was present but did not comment either for or against the proposal. Greenlee reviewed the driveway, soils, and surrounding uses. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately 7.7 acres generally described as being a part of the SE1/4 of the NW1/4 of 34-85-9 (Benton Township) for residential subdivision. Further, the preliminary plat of Hidden Meadow First Addition to Benton County, Iowa, a residential subdivision containing four lots is approved. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl spoke about the need to consider participating the national flood insurance program. Vermedahl stated that he spoke with the Jones County engineer, who is the administrator for the flood ordinance in Jones County. He advised that there are times when there are problems due to people wanting to build along the river where they should not be building. Marc Greenlee, Land Use Administrator, advised that additional time was needed to review and research issues associated with a flood plain ordinance. The matter was placed on the July 10, 2008 agenda for further consideration.

Mary Halstead, Transportation Director, asked if she could begin using the garage to house her buses. The board asked the engineer to look at the site of the brown garage to determine the best way to address the hole that was created in the ground. The board stated that they did not know why Halstead could not use the garages in the transportation building. Mary Williams, Social Services Director, presented the FY08 provider contracts for approval. Moved by Buch, seconded by Vermedahl, to enter into the following provider contract for client services for the period beginning July 1, 2008 and ending June 30, 2009:

St. Luke's Hospital – Commitment Daily - \$507.80/day; Initial Evaluation - \$160.68, daily Care - \$53.56, Testimony- \$107.12, ER Medical Exam - \$160.68

REM Developmental Services – Work Activity - \$62.90/day and 36.90 for ½ day

Iowa Northland Regional Transit – Transportation - \$3.00 to \$25.00 per trip

Mercy Medical Center – Commitment pre-hearing - \$490.00/day, Commitment post-hearing - \$525.00/day

Ellsworth Community Hospital – Commitment pre and post hearing - \$613.00/day

Abbe Mental Health Center – Modified fee for service grant covering all outpatient services - \$200,000/year

Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account on June 30, 2008 was \$79,965.37.

The engineer spoke with the board about landfill fees for flood related debris. The engineer questioned if he was to continue to allow disposal of flood related material by communities. The board agreed that the engineer should continue to

Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-39, PETITION, CONTRACT AND WAIVER. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

**RESOLUTION #08-39**

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

PETITION, CONTRACT AND WAIVER

THIS AGREEMENT is made and entered into by and between Benton County, Iowa (hereinafter referred to as the "County"), and the undersigned property owners (hereinafter referred to as the "Property Owners").

WHEREAS, the Property Owners are respectively the owners of the tracts of real estate set opposite their names; and

WHEREAS, the Property Owners desire that the public improvements described as sealcoat improvements to 22d Avenue Drive from the intersection of U.S. Highway 218 and 22d Avenue Drive north to the intersection of 22d Avenue Drive with 57<sup>th</sup> Street Trail (hereinafter referred to as the "Project") be accomplished; and

WHEREAS, such construction will specifically benefit the respective property of the Property Owners; and

WHEREAS, the County has the power to accomplish the Project and assess a portion of the cost thereof to the Property Owners pursuant to Sections 331.485 and 331.486 of the Code of Iowa, by using the procedures set out in Chapter 384, Division IV of the Code of Iowa; and

WHEREAS, the estimated cost of the Project is \$78,000; and

WHEREAS, the County proposes to pay one-half of the cost of the Project and to assess one-half of the cost to the Property Owners, with that one-half to be divided equally among the Property Owners and assessed in equal amounts, presently estimated to be \$2,294.12 each.

NOW, THEREFORE, IT IS AGREED AMONG THE PARTIES HERETO AS FOLLOWS:

The Property Owners and the County, by execution of this Agreement, agree and intend that this Agreement shall constitute a written contract and petition as required by Section 384.41 of the Code of Iowa, for the initiation of a plan for a public improvement to be paid in whole or in part by special assessments to be levied against the below listed properties of the Property Owners.

FURTHER, the County, by execution of this Agreement, agrees to proceed as soon as practicable, to take any and all action required by Chapters 331 and 384 of the Code of Iowa, or any and all other actions required by law to be taken in order to complete the Project.

FURTHER, each of the Property Owners, by execution of this Agreement:

Waives notice to property owners by publication and mailing as provided by Section 384.50 of the Code of Iowa (relating to notice of hearing at which the owners of property to be assessed or other interested parties may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of the resolution of necessity).

Waives the right to a hearing on the proposed resolution of necessity as provided for in Section 384.51 of the Code of Iowa.

Consents to the adoption of a preliminary resolution, a plat, schedule and cost estimate, and resolution of necessity by the County for the Project.

Waives any objections to the Project, the boundaries of the district, the costs of the Project, the assessment against any lot, or the final adoption of the resolution of necessity.

Agrees that the amount and proportion of the cost of the construction of the Project, as ascertained and determined by the Board of Supervisors of the County and set forth in the Final Schedule of Assessments to be prepared following completion of the construction of the Project and to be paid by the Property Owners, shall constitute assessments against the respective properties listed below.

Waives the notice to property owners by publication and mailing as provided by Section 384.60 of the Code of Iowa (relating to notice of certification to County Treasurer of final schedule of assessments).

Agrees that said assessments shall be paid by the undersigned Property Owners either in cash without interest within 30 days after the Board of Supervisors has levied the assessments, or in not more than five equal annual installments of principal plus accrued interest at the rate of 6% per annum.

Agrees that this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Property Owners.

DATED as of the 8<sup>th</sup> day of July, 2008  
 BENTON COUNTY, IOWA

By \_\_\_\_\_  
 Chairperson, Board of Supervisors

Attest:

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

Moved by Buch, seconded by Vermedahl, to set July 29, 2008, at 10:00 a.m., as the time and date for a public hearing and action on changing the classification of 79<sup>th</sup> St. Dr. in section 32 of St. Clair Township to a Class C road. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adjourn at 11:40 a.m. Both members voting aye thereon. Motion carried.

\_\_\_\_\_  
 David Vermedahl, Chairman

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

July 10, 2008

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

Moved by Buch, seconded by Vermedahl, to approve minutes of July 8, 2008. Both members voting aye thereon. Motion carried.

Nancy Farmer, Chair of the Empowerment Board spoke to the board regarding one change to the proposed fiscal agent agreement between Benton County and Empowerment. Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-40, Entering into a Fiscal Agent Agreement with Empowerment Board for the period July 1, 2008 through June 30, 2009. Both members voting aye. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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## **RESOLUTION #08-40 FISCAL AGENT AGREEMENT**

This agreement, made this 10th day of July 2008 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 \$365,441.00 for a School Ready Children Services, and a grant of federal funds of \$35,058.00 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, 2008. This agreement shall remain in effect until June 30, 2009, 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 ten (10) 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:

- 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.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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**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 of 1.6% (totaling \$5,847.06 School Ready and \$560.93 Early Childhood to be paid quarterly) of the FY 2009 budget to the Local Board.

**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.

**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.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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## **C. Termination of Agreement**

1. For Cause. Causes for termination during the period of the agreement are:

- a. Failure of the Fiscal Agent to complete or submit required reports.
- b. Failure of the Fiscal Agent to make financial and statistical records available for review by the Board, or other authorized party.
- c. Failure of the Fiscal Agent 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. In the event that the noncompliance continues fifteen (15) days beyond the date of the written notice, the Local Board 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.

**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.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Code

\_\_\_\_\_  
TIN Number

Moved by Buch, seconded by Vermedahl, to set July 29, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by SMT Pork LLC on a parcel located in the NW1/4 of the NE1/4 of 19-84-9. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by SMT Pork LLC. Greenlee reported that only 5 acres will be used clearly for a hog facility. Moved by Buch, seconded by Vermedahl, to approve a farm exemption as authorized by the Benton Agricultural Land Use Preservation Ordinance on 5 acres located in the NW1/4 of the NE1/4 of Section 19 of Canton Township. Both members voting aye thereon. Motion carried. The Board deferred action on approving suspension of rental payments from Case Management for office space lost due to flooding until Tuesday, July 15, 2008.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The board along with Marc Greenlee, listened to comments and questions from local residents about the county's intent to participate in the NFIP program and if they were going to adopt the proposed floodplain management ordinance. Supervisor Vermedahl explained that if the county does adopt the ordinance and property owners who sustained more than 50% damage, they will not be able to put it back the way it was. They will need to comply with the rules in the ordinance. For example, the property will have to be reconstructed to be 1 foot above the 100-year floodplain level. There will be other construction requirements they would need to follow for flood proofing also. Vermedahl speaking for himself, being 1 of the 3 board members, said that he was in favor of adopting such ordinance. Also stating that Marc Greenlee, Land use Administrator and Larry Andreesen, County Assessor, have been working hard these past few weeks getting things ready to push forward with the plan. Greenlee also commenting that if the county does develop this ordinance, he wants to be able to make it work correctly. There are details that need to be worked out and things to go over with the County Attorney. The county has never had building codes in the past, and we need to make sure it will legally work. Once the county decides to go thru with this, they have to first complete the application process by passing the resolution, holding the proper public hearings, and then pass the ordinance that will define the program before they can finally apply for it. This is not something that can happen over night. When asked why the county hadn't participated in this program in the past, the reason given was the county didn't want to give up the residents' independence. Vermedahl stating that we as a county, want to be able to live with such regulations along with you, as residents to be able to live by them. When asked if residents could still purchase flood insurance if they were not located in the 100 year floodplain, and the county doesn't participate in the NFIP. It was stated that it is believed to be available to purchase through Lloyds of London. Noted that you cannot collect funds from both FEMA and insurance companies. One resident referred to a letter received by FEMA, stating that in order for them to keep the money they've already received from FEMA, they would need to obtain and maintain insurance. He felt that it was very crucial for the county to approve the ordinance. It was asked if the county could put a waiver in the ordinance for those residents who didn't want to follow the requirements. Or if they could agree to be responsible for such flood related costs. The board advised that if the county would adopt the ordinance, all residents would have to comply with it. FEMA would be the ones to make the decision on who receives funds or not. One resident asked about a grant deadline for a buy out program that she was told about by Scott Hansen, Benton County Emergency Management Coordinator. The deadline for this grant is September 1, 2008, and she would be willing to help out with anything she could do to help write or research the grant. The board agreed to talk with Scott Hansen to find out more about it. The board deferred action and will have further discussion on Tuesday, July 15, 2008.

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

David Vermedahl, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

July 15, 2008

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

Mark Lipcamon stated that he would like to see the county adopt an ordinance requiring that all animals on public property, including roadways, be required to be leashed. Lipcamon stated that he has several dogs running at-large in his neighborhood and are problematic in that they come on to his property and harass his animals. Lipcamon stated that he is concerned for the safety of his family. Lipcamon stated that he has contacted the sheriff's department and been told that if someone is walking by with their dog and the dog runs into his yard but come back when called that there is no violation. The auditor advised that the current ordinance prohibits animals running at large; however when the ordinance was being adopted that legal counsel advised that an animal under voice control would not be considered running at large. The chair requested that a supervisor discuss the issue with the county attorney and get back to Lipcamon.

Representatives of the Department of Natural Resources and FEMA met with the supervisors to discuss the flood insurance program. Supervisor Vermedahl questioned if the county adopted the ordinance if residents in the rural area would be eligible for FEMA assistance. Roger Benson, FEMA, advised that those persons would be eligible to receive funding if the ordinance is adopted within six months. Sandra Cox, DNR, spoke about the regulations required for development within the 100-year flood plain. Cox stated that any development within the 100-year flood plain is currently required to get a permit from the DNR even though the county does not participate in the national flood insurance program. Marc Greenlee, Land Use Administrator, questioned various portions of a flood insurance ordinance, specifically the county's involvement in the permit process and the requirement that all residential development have access by four-wheeled vehicles during flooding. The board also discussed the procedures for federal buy-out programs. Cox explained that the buy-out program could take a year or more and is done through a grant application process by the community.

Moved by Buch, seconded by Sanders, to approve the minutes of July 10, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-41. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-41**

**WHEREAS**, Iowa Code 331.554(7) provides for the cancellation of outstanding warrants; and  
**WHEREAS**, the Benton County Auditor has requested that outstanding checks issued prior to July 1, 2006, 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.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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## **General Basic Fund**

4/11/06	#82027	\$ 8.17	John Delaney
4/25/06	#82378	\$15.00	Eric Freese
4/25/06	#82407	\$15.00	Jessica Kadolph
6/22/06	#84198	\$ 1.00	David B. Upah
6/27/06	#84237	\$ 1.00	Gloria Holmes
6/22/06	#84315	\$109.40	Pitney Bowes, Inc.
		<hr/>	
		\$149.57	

## **General Supplemental Fund**

9/27/05	#76770	\$157.16	Bernice Thompson
1/10/06	#79783	\$ 10.87	Judith Scheiner
6/13/06	#83833	\$405.00	Mercy Medical Center
		<hr/>	
		\$573.03	

## **MH-DD Fund**

4/6/06	#82027	\$ 8.17	John Delaney
6/8/06	#83833	\$24.80	Mercy Medical Center
		<hr/>	
		\$32.97	

## **Co-Insurance Fund**

7/6/05	#1294	\$ 36.80	Larry Andreesen
7/21/05	#3782046	\$400.00	Virginia Gay Hospital
11/17/05	#3782089	\$126.40	Matthew Cherveney
		<hr/>	
		\$563.20	

**Grand Total:** \$1,318.77

This resolution adopted on the 15<sup>th</sup> day of July 2008.

Benton County Board of Supervisors

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

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

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

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

Moved by Buch, seconded by Sanders, to adopt Resolution #08-42, RELEASE OF MORTGAGE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #08-42  
RELEASE OF MORTGAGE

Prepared by: Jill Marlow, Benton County Auditor, Benton County Courthouse, 111 E. 4<sup>th</sup> Street, Vinton, Iowa  
**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 16<sup>th</sup> day of July 2003, made and executed by Heather Gephart, for the following described property in the County of Benton, State of Iowa.

### **To WIT:**

LEGAL DESCRIPTION: Lot 1, Sutton's First Addition to Benton County

Which has the address of 2862 60<sup>th</sup> Street, Vinton, Iowa 52349.

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 000210, Book 346, Page 117, on the 15th day of January, 2004, shall be considered redeemed, paid off, satisfied, and discharged in full as of July 16, 2008.

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 15<sup>th</sup> day of July, 2008.

THE COUNTY OF BENTON

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
County Auditor

Moved by Sanders, seconded by Buch, to approve the recorder's quarterly report for the period ending June 30, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the treasurer's semi-annual report for the period ending June 30, 2008. All members voting aye thereon. Motion carried.

Supervisor Vermedahl discussed the status of flood recovery. Vermedahl told the supervisors that he had met with the various department heads to discuss the reconstruction needs of their individual departments. Vermedahl stated that the air conditioning and heating system at the transportation building can either be replaced or repaired. Auditor Marlow stated that she had professionals look at the equipment and was told that all equipment could be repaired; however it was recommended that furnaces and water heaters be replaced. Moved by Buch, seconded by Sanders, to proceed with obtaining quotes to repair the air conditioning and replace the furnaces and water heaters at the transportation building. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

July 17, 2008

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of July 15, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set August 12, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Kyle and Lois Deaton on a parcel located in the E1/2 of the SW1/4 of 22-82-12. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan for J & R Pigs, LLC in Section 9 of Union Township. Both members voting aye thereon. Motion carried.

Supervisor Buch arrived at 9:05 a.m.

Tammy Stark of Vinton Unlimited met with the board to request a financial contribution for an appreciation event for community volunteers who helped with sandbagging and clean up from the floods. Stark advised that they are planning a meal and entertainment with the possibility of a live band. The event is tentatively scheduled for September 19th. Supervisor Vermedahl voiced concern that the event not be held the same night at a home football game. The board advised that they would have to research whether the county could contribute to the event. The auditor stated that the county had to raise outside funds for the 100<sup>th</sup> Anniversary Celebration as using tax dollars was not allowed.

The board continued with their discussions on the implementation of flood plain management. If an ordinance is adopted it may restrict where people can build not only homes but also various other structures. If building is allowed it would need to comply with the requirements of the ordinance such as elevation and flood mitigation measures. Moved by Buch, seconded by Sanders, to adopt Resolution #08-38, ACTION NOTIFYING THE FEDERAL INSURANCE ADMINISTRATION THAT BENTON COUNTY INTENDS TO PARTICIPATE IN THE FLOOD INSURANCE PROGRAM. Further that an ordinance regulating flood plain management be set in for public hearing on July 29, 2008, July 31, 2008, and August 5<sup>th</sup>, 2008. All members voting aye thereon. Motion carried.

## **RESOLUTION NUMBER: 08-38**

WHEREAS, certain areas of Benton County are subject to periodic flooding causing damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Board of Supervisors, to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Chapter 331, Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 60 of the National Flood Insurance Program Regulations,
2. Vests the Land Use Administrator with the responsibility, authority, and means to:
  - a. Assist the Federal Insurance Administrator, at his request, in his delineation of the limits of the area having special flood hazards.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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- b. Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain areas.
  - c. Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities and the county with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.
  - d. When received from the Administrator, complete and submit those reports, which advise the Administrator on the progress made within the community in the development and implementation of flood plain management measures.
  - e. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or loss of authority to adopt and enforce flood plain management regulations for a particular area. Included in such notification will be a map of the community, suitable for reproduction, which clearly delineates the new or deleted areas.
3. Appoints the Land Use Administrator to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates any certificates of flood-proofing and information on the elevation (in relation to National Geodetic Vertical Datum) of the level of the lowest floor (including basement) of all new or substantially improved structures, and
  4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

ADOPTED AND PASSED by the Board of Supervisors of Benton County, Iowa this 17th day of July 2008.

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

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

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

ATTEST:

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

The auditor spoke with the board about oral quotations she had received for architectural and/or engineering services for the reconstruction of the Governor Sherman building, transportation building, and courthouse basement. Supervisor Sanders stated that he believed that the county could administer all the construction and code compliance issues and that professional services were not needed. Discussion included building codes and whether or not certain construction would be subject to those codes. The auditor stated that if the county oversaw the construction, including drafting of the plans and specifications, then one of the board members would have to be responsible for performing that work. Supervisor Buch commented that he was concerned about the amount of expertise it would take to draft plans to put out for bid and overseeing the projects. The board then specifically talked about the need for professional services for the transportation building, stating that the repairs were not that involved that a professional would be needed. Moved by Buch, seconded by Sanders, that Benton County contract for professional services for the courthouse and Governor Sherman building reconstruction. All members voting aye thereon. Motion carried.

The board directed the county engineer to obtain bids to make repairs to the various parts of the transportation building with the exception of the heating and cooling.

The board briefly discussed the future occupancy of the Governor Sherman building; The Department of Human Services Case Management has requested additional office space for which they pay rent. Mary Williams, Social Services Director, has told the board in the past that it would be advantageous to be able to occupy the entire building with social service related offices. Benton Development Group maintains office space in the building at the county's expense as well as the Benton County Empowerment. Supervisor Buch stated the Empowerment would be willing to pay rent in FY10 but that rent was not included in this year's budget. Supervisor Vermedahl stated that perhaps it was possible for Benton County to pay rent for offices for those two entities and then collect rent from Case Management. No action was taken.

Moved by Buch, seconded by Sanders, to approve 36 hours of vacation carry-over for Rick Bramow and 8 hours of vacation carry-over for Dennis Thompson. Said carry-over is to be used by November 1, 2008. All members voting aye thereon. Motion carried. It is noted that Bramow attempted to use his vacation; however was required to work due to the flooding.

The board requested that the county engineer have the flood clean-up debris located on the west side of courthouse removed.

The board briefly discussed the need for a new facility at the landfill. Supervisor Buch advised that employees working there about the conditions after a heavy rain had contacted him.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-43 TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #08-43  
TRANSFER OF FUNDS

BE IT RESOLVED that \$270.00 be transferred from the General Basic Fund to the CDBG Fund.

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

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Dated this 17<sup>th</sup> day of July 2008

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

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

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

ATTEST:

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

Moved by Buch, seconded by Sanders, to approve and authorize the chair to sign the contract and contractor's bond with LL Pelling Co., Inc. for the resurfacing project on W24, project number STP-S-CO06(75)-5E-06. All members voting aye thereon. Motion carried.

The board requested an update on the resurfacing project on 22<sup>nd</sup> Ave. Dr. The engineer responded that he had planned to begin some work on the road in the next month or two, adding that it would be necessary to rent equipment. The board asked that the engineer return with a more definite time-line for the project. Supervisor Sanders questioned the status of the road vacations near Oak Grove Church as well as the Oak Grove Road project. The engineer stated that the projects are still be worked on.

The engineer reported that 99% of the white goods collected due to flood damage at the old ham plant site in Vinton had been removed.

Supervisor Buch asked the engineer to consider ditch cleaning along Highway 82 south of 75<sup>th</sup> St as it has been reported that the mud runs over the road during a heavy rain.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

July 22, 2008

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

Moved by Sanders, seconded by Buch, to approve checks numbered 101311 through 101512, and payroll checks numbered 10153 through 101607, and ACH deposits 3405 through 3504, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 15 hours of vacation carry-over requested by Nick Rissman. Said carry-over to be used no later than November 1, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve an application for a fireworks permit requested by Marvin Bartosh for an event to be on August 2, 2008, at 1483 63<sup>rd</sup> St., Dysart. Both members voting aye thereon. Motion carried.

The board discussed the flood buy-out program. In order to participate the county must participate in the National Flood Insurance Program, have a hazard mitigation plan in place, and apply for buy-out funds by September 2008. The board had requested that Emergency Management Director Scott Hansen research whether the county could comply with the requirements after the date of the event and still be eligible for buy-out funds. Hansen reported that if the county complied within twelve months then buy-out funds could be applied to retroactively to this disaster event. Hansen stated however that when the county participates in a buy-out, the county is then responsible for demolition and removal of the structure and takes ownership of the property in perpetuity. The board questioned whether the hazard mitigation plan could be completed within twelve months. Hansen stated he would consult with several planners familiar with those types of plans. The auditor asked if the county could gift property obtained through the buy-out program to the Iowa Department of Natural Resources. Hansen replied that he would have to do further research on that question. The board requested that Hansen return at a later date with additional information.

The board reviewed proposals from Shive-Hattery and Design Dynamics, Inc. for architectural services. The auditor had contacted the firms requesting proposals stating their hourly rates as well as qualifications. The auditor also presented the hourly rates for Durrant Engineering, who are currently under contract with the county for the courthouse renovation project. The hourly rates ranged anywhere from \$40 per hour to \$190 per hour depending on the level of professional involved. The Board then met with Robert Peck of Design Dynamics, Inc. Peck advised that his firm did not provide engineering services; however Peck stated that he did have engineering firms that he could bring into the project if needed. The board and Peck then viewed the Governor Sherman building, the transportation building, storage shed, and the courthouse basement. Peck stated that services needed would not include any engineering services and could be completed by his architectural firm. Peck further stated that he could provide an estimate of the costs for each facility within a relatively short time period. Moved by Sanders, seconded by Buch, to contract with Design Dynamics, Inc. at an hourly rate not to exceed \$80.00 per hour dependent upon services, to prepare an opinion of probable construction costs for the Governor Sherman building, the courthouse basement, the transportation building, and the sheriff's reserve garage. The opinion is to be furnished no later than August 8, 2008. A formal proposal of the services is to be presented to the board stating a maximum cost for the service. Both members voting aye thereon. Motion carried.

The board also spoke with Peck about the next phase of the project and his interest in the architectural services.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Jill Marlow, Auditor

July 24, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of July 22, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request of Tammy Stark on behalf of the River Rats to use the county's recycling trailers for the planned river clean-up day. Both members voting aye thereon. Motion carried. Stark advised that the River Rats would be responsible for picking up and returning the trailers to their county locations.

Tammy Wetjen-Kestersen met with the board to request approval of a corrected claim voucher. Wetjen-Kesterson advised that the original claim she submitted was in error. Moved by Sanders, seconded by Buch, to authorize the vice-chair to sign the corrected voucher to the Department of Human Services for decatergorization funds as the original voucher had an \$8.00 error. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on a land use change requested by Zach and Michelle Rogers, 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 applicants advised that they had been displaced due to flooding and a family member owns the parcel. The applicants also questioned if the county would waive the fees associated with the land use change and well and septic permits due to the circumstances. The board advised that the issue was not on the agenda for consideration. The request is for a land use change from an agricultural use to a single residential use in Harrison Township. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately one acre generally described as being a Part of the SW1/4 of the SW1/4 15-86-10 for a single residential use. Both members voting aye thereon. Motion carried.

The board received two quotes for furnace and water heater replacement and air conditioning repair at the Benton County Transportation building. The items had been destroyed due to the flooding. Quotes had been requested from four local businesses. Moved by Sanders, seconded by Buch, to award the quote to Elwick Electric to replace two furnaces, two water heaters, and repair the air conditioning at the Transportation building. It is requested that work on the air conditioning be completed as soon as possible. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

July 29, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of July 24, 2008. All members voting aye thereon. Motion carried.

Warren Richart, representing the Benton County Volunteer Program, met with the board to discuss a budget shortfall anticipated by the Volunteer Cooperative. Richart explained that the organization is anticipating an \$11,000 shortfall this year. Richart stated that the proposed budget indicated that miscellaneous income, primarily from donations, has dropped to zero. Richart added that organization is in trouble and members of the Volunteer Cooperative have raised the question as to what would happen if the organization just dissolved. Richart stated that many of the services being provided by the Cooperative would have to be picked up by some other organization. Richart stated that expenses have been reduced by over \$4000 from last year to this year, but the revenue shortfall is too great. Richart suggested that the board speak to the local coordinators for the Cooperative and get additional information, but was requesting that the supervisors consider increasing funding to the organization. Vermedahl stated that time was needed to review the information provided and that the matter be placed on the next agenda. Supervisor Buch stated that the organization was in a similar situation as many other organizations.

Moved by Buch, seconded by Sanders, to approve an additional six hours of vacation carry-over requested by Dennis Thompson. Thompson requested a carry-over last week but had calculated his remaining hours in error. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time for a public hearing on a construction permit application for a confinement feeding operation requested by SMT Pork, LLC, on a parcel located in the NW1/4 of the NE1/4 of 19-84-9 (Canton Township), the board took the matter up for consideration. Supervisor Vermedahl opened the public hearing. Marc Greenlee, Land Use Administrator, advised that the review of the request was subject to the master matrix. There were approximately 20 persons present; however most persons were in attendance for another matter pending before the board of supervisors. Greenlee explained that the location of the proposed site is approximately three miles west and one mile south of Shellsburg. Michael Barron was present representing the applicant. The operation will consist of a 4800 hog confinement feeding facility. The building will be approximately 122 feet by 313 feet with a covered concrete, below ground, manure pit with a structure on top. Marc Greenlee reviewed the scoring criteria applicable to the master matrix review. Greenlee explained that a 200 feet minimum separation distance is required. Greenlee proceeded to review all scoring criteria. Greenlee reported that the nearest residence was approximately 2443 feet from the proposed site, two miles from the nearest public use area, and 1-1/2 miles from the nearest religious institution. Greenlee further reported that the proposed facility would be located approximately 1150 feet from the closest water source and that there are no critical public use areas within one mile of the proposed site. Greenlee reported that a well would need to be drilled to serve the facility, but the facility would meet the required separation distance from other private and public wells. Greenlee stated that the on-site well would be required to meet county regulations. Greenlee stated that there are no known drainage wells or sinkholes within a mile of the proposed facility and the nearest major water source was approximately 5-1/2 miles north. Greenlee added that there are no high quality, high quantity water resource waters or

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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protected water areas in Benton County. The applicant proposes to plant a minimum of three rows of trees and would utilize a formed concrete below ground manure storage pit covered by the confinement facility. Greenlee advised that the applicant proposes to build a structure for stockpiling and composting dead animals. The manure storage area is to be an 8-foot deep-formed concrete pit. There will be a truck turn-around area on the site and secondary roads has approved the driveway, which will be located in the middle of the parcel. Greenlee reported that he is not aware of any administrative orders against the applicant in the last five years and reiterated that the facility will house approximately 4800 head of hogs. Greenlee stated that the applicant has stated that he will utilize a feeding/watering design to help reduce manure volume. The applicant will inject or incorporate the manure generated into the ground on the same day that it is applied. Greenlee advised that the application met or exceeded the minimum scoring criteria required for each category as well as the overall score required under the master matrix.

Michael Barron told the supervisors that a day-to-day on-site manager would be employed to insure that the site is kept clean and that any carcasses are buried in the compost material. Barron stated that the manager will have a daily punch list that must be adhered to, adding that the applicant would like to be a good neighbor. Barron stated that the operation wants to maintain a long-term relationship and will purchase feed from businesses. Hogs will be transported to Ottumwa for slaughter. Barron reviewed the facility drawings with the board, explaining that the design will aid in reducing odor.

Comments from the public included questions as to why facilities emitted odors if they were designed to eliminate the odor; impact on the ground water; why it was cheaper to construct a compost pile for disposal of carcasses versus calling a rendering truck; and the death rate of the animals confined. Barron responded that the design aids in the reduction of odor but does not eliminate the odor. Barron went on to state that all disposal would be in concrete pits eliminating the possibility of groundwater contamination, and that the death rate was about two percent.

Supervisor Buch questioned if the planting of trees was a requirement of the Department of Natural Resources adding that an individual may not even realize a confinement facility exists when the trees are grown. Marc Greenlee responded that planting trees provides points under the master matrix scoring system.

Gail Showman, an adjacent property owner, stated that she was closest residence to the proposed site. Showman stated that she and her husband raised hogs for approximately 25 years and was well aware of the impact that number of hogs would have on the surrounding area. Showman stated that they had intended to build a new home; however if the facility is approved, her family will no longer be able to as the only location would be closer to the proposed site. Showman went on to state that their farm is a century farm but that she could not visualize her sons continuing to live there if the confinement facility is approved.

Mike Raue questioned why the county supervisors would support a corporate hog confinement facility instead of protecting the family farms and homes. Supervisor Vermedahl responded that the supervisors had done nothing to encourage or discourage the large corporate hog farms from coming into Benton County. Vermedahl added that the State has control of confinement feeding operations and that all the county can do is review the proposals and make comment, which was the reason for the public hearing. Supervisor Buch added that the county can do nothing to stop the proposal. Raue responded that the county then gives a stamp approval to the proposal but when his sons want to build on the family farm he is denied. Buch reiterated that the county has no control over the matter.

Showman stated that she would not be so objectionable if the property owner lived there. Mary Coots questioned who would monitor the facility to insure that it was being done in compliance with the law. Barron reported that reports are required to be filed with the Department of Natural Resources and that an on-site manager would oversee the operation with the company doing an on-site inspection every few weeks.

Coots questioned what would happen if the price of hogs dropped dramatically and the facility was no longer used and if provisions were in place to restore the land. Barron responded that they do not anticipate that the facility would not be used. Barron stated that a replacement plan is in place to keep the facility upgraded. Barron added that it was cheaper to recondition a facility than to build a new facility. Raue questioned if there would be issues with the facility being located on a gravel road and if the taxpayers would have to pay to hard surface the road in the future. Barron replied that approximately 200 trucks per year would be used. Showman stated that according to Barron's statements that the facility would produce an odor and that was the problem. Barron replied that fans would be aimed so as to blow away from the Showman residence and that the smell will not be as offensive as perceived.

Supervisor Buch stated that the score on the proposal meets all of the requirements and that he respected Showman's comments, but that the supervisors cannot stop the construction of a confinement animal feeding operation. Buch added that pigs have to be raised some place. Buch stated that the farmers raise corn and need a lot of fertilizer and by applying the manure the farmer's costs go way down and that it is difficult to say no to these types of proposals.

Supervisor Sanders reiterated that the proposal met the score required by the master matrix and questioned what reason the board would have to deny the application even if they could. Sanders stated that the public hearing was just an avenue to provide the concerns of the county and its residents to the Iowa Department of Natural Resources for consideration when they (IDNR) approve or deny the application.

Supervisor Buch added that by applying the manure to adjacent farmland that it would take the traffic off of the local roads preventing liquid manure spills on the roads.

The chair declared the public hearing closed and called for a motion. Moved by Sanders, seconded by Buch, to approve the application submitted by SMT Pork, LLC for a construction permit for a confinement animal feeding operation in the NW1/4 of the NE1/4 of 19-84-9 (Canton Township), and that the public's concerns be reported to the Department of Natural Resources, as well as the following concerns of the county: that the applicant be required to follow all regulations concerning the well placement and construction; that the permit be conditioned on the fact that the applicant perform as presented in the application and the review; that a residence has been proposed that may be closer than indicated in the review; and that the applicant is an absentee landlord. 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 changing the classification of 79<sup>th</sup> Street Drive in Section 22 of St. Clair Township, the Board took up the matter for consideration. The chair opened the public hearing. The engineer advised that notice of the matter had been given in accordance with Iowa law. There was no public comment heard. Supervisor Buch reported that adjacent landowners had contacted him but

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that there were no objections to report. Hearing no further comment, it was moved by Buch, seconded by Sanders, to adopt Resolution #08-44 CHANGING CLASSIFICATION OF ROAD. Vermedahl, Buch, and Sanders voting aye. Nays none. Motion carried.

## RESOLUTION

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:

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All of the road (79<sup>th</sup> Street Dr) commencing 1700 feet east of the center of Sec. 31, T82N, R10W  
of the Public Roadway (22<sup>nd</sup> Avenue Dr); thence east to a point 500 feet west of the center of  
Sec. 32, T82N, R10W of the Public Roadway (23<sup>rd</sup> Avenue Dr).

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*A total road length of approximately 0.6 mile.*

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

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

WHEREAS: The only persons who will have access right to the road shall be:

1. The Owner, lessee, or person in lawful possession of any adjoining land.
2. The agent or employee of the owner, lessee or person in lawful possession of any adjoining land.
3. Any peace officer.
4. Any magistrate.
5. Any public employee whose duty it is to supervise the use or perform maintenance of the road.
6. Any agent or employee of any utility located upon the road.

THEREFORE BE IT RESOLVED By The Board of Supervisors of Benton County that this County does hereby establish the road described above as an Area Service "C" road, with restricted access and a minimal level of maintenance.

Signed this 29<sup>th</sup> day of July 2008.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Benton County Auditor

Supervisor Buch stated that he and the engineer reviewed the situation at the landfill relative to the condition of the building. A portable storage building is being considered at an approximate cost of \$20,000 not including utilities or cement slab. The board discussed the legal requirements for obtaining this type of building was discussed. The auditor stated that legal requirements for infrastructure was \$100,000 + was formal bidding; \$75,000 to \$100,000 was formal quotation process; and less than was just a quoting process. The auditor questioned however what the board's position was as far as when quotes were required stating that a \$500 item is required to have three quotes. Supervisor Buch stated that he was not going to obtain more quotes. Supervisor Vermedahl stated that he would research to see if other companies sold used portable buildings.

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The time of 10:30 a.m. having arrived, and this being the time and date set for the first consideration of an ordinance on floodplain management, the board took up the matter for consideration. There were approximately 24 persons present. Notice of the considerations had been made in accordance with Iowa law and copies of the ordinance were made available to the public. Supervisor Vermedahl stated that people who sustained flooding in the rural areas of the county were unable to get FEMA benefits to repair their homes because the county did not have an ordinance on floodplain management. Vermedahl continued that if the county adopts the ordinance those persons would be able to be reconsidered for FEMA assistance and able to purchase flood insurance from the federal government. However, people would be required to purchase flood insurance in the future if they receive FEMA benefits now and live in the 100-year flood plain. Vermedahl explained that many mortgage companies now require flood insurance on structures located in the floodplain. It was explained that flood insurance was available through Lloyds of London but was extremely expensive. Vermedahl explained that the DNR already controls development in the flood plain and that there are construction requirements for structures in the floodplain, including but not limited to elevation and access requirements. The ordinance is adopting the DNR's regulations at a local level. Vermedahl clarified that the ordinance required that the property be accessible by wheeled vehicle during a flood. Vermedahl informed those present that the county attempted to remove the "accessible by wheeled vehicle" requirement; however the Department of Natural Resources (DNR) would not accept the ordinance without that specific language. Concerns were heard as to the wheeled vehicle access stating that the county's road was not accessible by wheeled vehicles during flooding. It was questioned if the county could build up the roads affected by high water. Supervisor Buch replied that FEMA (Federal Emergency Management Agency) would not allow the county to build up roads as it impedes the flow of water. It was questioned who determined whether the property was accessible by wheeled vehicle or what a wheeled vehicle was defined as. Comments also included the following: that the cost of flood insurance was extremely high even if the county adopts the ordinance and the insurance would not cover all of the damages and chances of even recovering the cost of insurance premiums was doubtful; questions as to what the premiums would be (Supervisor Vermedahl responded that he recently wrote a policy for a \$100,000 structure that was not located in the floodplain and the premium was \$700 per year). It was questioned exactly what the 100-year floodplain was located and the potential for it to change. It was also questioned how many residents the ordinance would impact and if it included people residing near creeks and streams. Concerns were voiced as to the requirements to elevate structures, the cost to comply compared to the benefit gained, and the amount of money available to the program and the concern that funding may be reduced resulting in a reduction of benefits. It was also questioned why there needed to be a second regulatory authority if the DNR already regulated the floodplain. Concerns were voiced as to the coordination of benefits between FEMA and insurance and whether FEMA benefits would be reduced by the amount of insurance coverage. It was questioned if a waiver could be added to the ordinance allowing residents to opt out and accept full responsibility for their own property. Supervisor Vermedahl advised that if the supervisors vote the ordinance down then people will have 100% independence but they would still have to comply with the DNR regulations. Vermedahl added that all the ordinance did was allow people to purchase flood insurance. Questions were heard as to compliance for those residents who have already repaired their homes and moved back in. Statements were also made that if wheeled access was a requirement then some homes could not be reconstructed.

Scott Hansen, Emergency Management Agency, stated that the ordinance would give residents in the 100-year flood plain the ability to purchase flood insurance at a reasonable rate. Hansen stated that he has received many calls from residents along creeks who have gotten letters from their mortgage companies requiring them to have flood insurance. Hansen stated that it does not require that residents purchase flood insurance, but in a presidential declared disaster, those persons in the 100-year flood plain without insurance will not receive any FEMA benefits.

Statements were also heard about the concern that if the county adopts the ordinance people will be forced to comply. Supervisor Vermedahl stated that people already have to comply with the DNR regulations if they live in the 100-year flood plain and have received over 50% damage to their residence or if they wish to build a new structure. A comment was made that people are unable to rebuild in Black Hawk County if the property is not accessible by wheeled vehicle during flooding. Comment was made that reduced insurance rates meant it was just as someone else's expense. A statement was made that the county would just be inviting more federal involvement if the ordinance were adopted. Comments were also heard that the reduced insurance rates are needed, as the alternative is too cost prohibitive.

Hearing no further comment, the chair declared the hearing closed and called for a motion. Moved by Buch, seconded by Sanders, to approve the first consideration of an ordinance on floodplain management. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize rental space at the old Lincoln school at \$50.00 per month for clerk of court storage space. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the formal agreements between Benton County and Design Dynamics, Inc. for architectural services relative to flood repair work. The action to hire Design Dynamics, Inc. was taken on July 22, 2008. All members voting aye thereon. Motion carried.

The sheriff did not appear before the board to discuss replacement of vehicles or approval of E911 equipment.

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

David Vermedahl, Chairman

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

July 31, 2008

The Benton County Board of Supervisors met at 9:00 a.m. in the magistrate courtroom of the Benton County Courthouse. Supervisors Vermedahl and Buch were present. Supervisor Sanders absent.

Supervisor Sanders arrived at 9:05 a.m.

Jim Brown, Director of the National Resource Conservation Service (NRCS), was present to discuss the Emergency Watershed Protection Program. Brown stated that a program is available to counties and cities providing a 75% cost share to assist in the repair of approaches and areas surrounding bridges. The bridges must be located on a non-federal road or on a non farm-to-market road. Brown stated that a damage survey report would be completed by

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NRCS to determine what measures should be done to protect each site. Then a contract is drafted for each specific area. Brown advised that money is available through the program that can be used for debris removal, repair, etc. Brown advised that the surveys should be done within the next 30 days. Brown stated that his organization has done some preliminary damage assessments and have found several areas in the county that would be eligible. Engineer Parizek stated that some of the areas may be submitted through FEMA for assistance where there is an 85% reimbursement. The engineer and Brown are to review several of the bridges to determine which areas could be eligible for the program. The matter is placed back on the August 14<sup>th</sup> agenda for further discussion.

Moved by Buch, seconded by Sanders, to continue contracting with Gruhn Law Firm for union negotiations with secondary roads. All members voting aye thereon. Motion carried.

Roger Schlarbaum spoke about a drainage issue with water flowing through the ditch along the county-home road (E24) near the bridge. Schlarbaum stated that water running through the ditch affects flooding on nearby areas. Schlarbaum asked the county to consider cleaning the ditch by removing the trees and debris so that the water will run through that ditch faster. The ditch would be from the Vinton city limits to the bridge and is on the north side of the roadway. The engineer stated that he has looked at the area and stated that he was not convinced that cleaning the ditch and reshaping the ditch would provide that much of a benefit when compared to the cost to complete. The engineer stated that when water is flowing through the ditch, the creek itself is full and the water will be restricted anyway. Dave Coots asked if the area was a wetland and if so then special permitting was required.

Mike Raue questioned what the status of the Oak Grove road project was. The engineer stated that it is somewhat on hold, but that the consultants are working on obtaining the necessary road right-of-way. The engineer stated that the project is going much slower than originally anticipated; however it is progressing. The engineer stated that the project was not as originally designed.

It was questioned how notification of these types of board meetings are done. The board explained that it is published in the official newspapers of Benton County – The South Benton Star Press, The Belle Plaine Union, and The Vinton Eagle. Additionally, agendas are posted on the county's website.

The time of 9:30 a.m. having arrived and this being the time and date for the second consideration on a floodplain management ordinance, the board took up the matter. There were approximately 30 persons present as well as two members of the media.

Supervisor Vermedahl opened the public hearing on the proposed ordinance. Bill Cappucio with the Iowa Department of Natural Resources (DNR) attended the meeting by telephone. Cappucio responded to various questions including, but not limited to the following:

1. Requirement for access by wheeled vehicles during flooding – Cappucio stated that the DNR requires that language be included in the ordinance and that it is currently in the DNR's regulations as well. Cappucio went on to state that it is rare for the DNR to deny a permit based on the access requirement; however the local government may deny the permit due to the safety and welfare of the public. Cappucio stated consideration is given to the amount of advance warning given to residents allowing them to vacate the property prior to the flooding.
2. Cappucio explained that the purpose of the flood plain management ordinance was to protect the health and safety of the public as well as protect tax base and resources. Cappucio stated that the only changes allowed to the model ordinance provided by the DNR are the name of the community, the local administrator, and the dates of the maps.
3. Cappucio reiterated that all of the regulations in the ordinance are already in effect under DNR rules.
4. Question: How the 100-year flood plain is determined and by whom and if it is a moving target – Cappucio responded that a complicated equation and formula is used to determine the flood plain, which takes into effect the geometry of the channel, roughness of the stream, slope of the stream, elevations, and other factors. Cappucio stated that the drainage area is considered when establishing flood plains along creeks and streams.
5. Cappucio stated that the flood plain of the Cedar River may be reviewed every 5 to 10 years and may fluctuate or deviate by a foot assuming other factors, such as building a dam, removing a railroad, etc are not an issue.
6. Question: If the elevation of a home changes above the 100-year flood elevation requirement since the recent flood was much higher – Cappucio responded that the elevation requirement will only change if the elevation of the 100-year flood changes adding that the 100-year flood is not the biggest flood although big floods may enter into the 1% chance statistical record. Cappucio did state that in a worst case scenario however that a home that was elevated in accordance with the 100-year flood and receives major damage in a flood and the 100-year flood elevation has changed since the home was constructed must be repaired to the new elevation requirements.
7. Question: How is the elevation determined – Cappucio responded that the elevation is determined through detailed studies; however the rural areas of Benton County have not had a study done. Cappucio did state that the DNR is in the process of developing TOPO maps that will provide elevations in 2-foot intervals across the state. Once completed more accurate elevations may be possible.
8. Question: Who is responsible for providing the information for a permit to the DNR – Cappucio responded that the applicant is responsible for providing the information unless the information is already available to the DNR.
9. Question: Why the county needed to adopt an ordinance if the DNR already regulated the flood plain – Cappucio responded that applicants will have to go through two regulatory authorities and that the local government has the authority to deny a permit granted by the DNR; however the local government does not have the authority to grant a permit denied by the DNR.
10. Question: What would be the status of structures that are not in the current flood plain but would be included in the future – Cappucio answered that new building or reconstruction would have to be permitted by the DNR and the local government.
11. Cappucio advised that the county does not have to adopt an ordinance to regulate the development in a 100-year flood plain as the DNR already has that authority; however adoption of an ordinance will allow the county

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- to participate in the National Flood Insurance Program (NFIP), which will provide a lower premium rate to rural residents and make FEMA benefits available to them as well.
12. Question: Who inspects the property to insure compliance – Cappucio responded that a surveyor must provide an elevation certificate and if something has been done illegally that the DNR has a lot of case law that can make people do things correctly. Cappucio stated that the vast majority of the time there are few violations.
  13. Question: Wheeled vehicle access clarification - Cappucio stated that if people have been given warning yet fail to leave and local government has to rescue them at 2:00 a.m. then the local government may want to deny any future building or reconstruction.
  14. Question: If FEMA has to approve a permit – Cappucio responded that the flood plain management is a State regulation not a federal regulation. Cappucio added that FEMA requires that the local government adopt an ordinance and to enforce it. FEMA regulates the community and the community regulates the individual. Cappucio did state that if a dam or other structure is erected that impedes water flow then it must be approved by FEMA.
  15. Question: What is the amount of reduction in insurance premiums – Cappucio stated that individuals can get flood insurance now but it is very cost prohibitive. Cappucio stated with participation in the NFIP, individuals would be eligible for disaster assistance from FEMA. Cappucio also stated that without participation in the NFIP, individuals would not be eligible for VA loans, FmHA loans, etc. if they were located in the flood plain. Federal grants would not be available to communities for structures in the flood plain as well.
  16. Question: What changes would happen if the county adopts the ordinance since the DNR already has the regulations in place – Cappucio responded none.
  17. Comment: That the government is taking control of the property damaged by the recent flooding and stating that the property cannot be occupied; yet it may be several years before the government does anything. These people still must pay mortgage, taxes, etc. Question: Does the DNR assume the authority to state whether property can be occupied in the rural area – Cappucio responded that FEMA is not stating whether a structure can be occupied and that the local government is responsible for making those determinations based on the safety and welfare of the public.
  18. Question: Does the DNR take a position on the access to the property – Cappucio responded that the access requirement is not on the permit application.

Hearing no further comment, the chair declared the hearing closed. Moved by Sanders, seconded by Vermedahl, that the second consideration of an ordinance on flood plain management be approved. Both members voting aye thereon. Motion carried.

Supervisor Buch had left at 10:30 a.m. (during the public hearing)

The sheriff met with the Board to discuss the purchase of vehicles. The sheriff stated that he would like to have his unused budget from FY08 be amended into his FY09 budget to allow for the purchase of vehicles. The sheriff stated that he has approximately \$22,000 to \$23,000 for the replacement of three vehicles in the FY09 approved budget. The board instructed the sheriff to obtain bids; however the board would have to review the cash flow before giving approval to actually purchase the vehicles.

The sheriff advised the county's emergency 911-system is now operating at 100% and was not aware of any more major purchases required for the service in the immediate future. The sheriff spoke about various issues including accounting requirements for petty cash when used for washing cars and laundry.

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

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David Vermedahl, Chairman

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

August 5, 2008

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

Moved by Buch, seconded by Vermedahl, to set August 29, 2008, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Willis and Cynthia Heitshusen on a parcel located in the SE1/4 of the NW1/4 of 35-86-9. 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 Jonathan and Rebecca Beauchamp, the board took up the matter for consideration. Marc Greenlee presented that technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the classification to a residential purpose. Hearing all comment, Buch moved and Vermedahl seconded that the public hearing be closed. Moved by Buch, seconded by Vermedahl, to approve a land use change from agricultural to non-agricultural on approximately two acres for a single residential purpose on a parcel generally described as being a Part of the NW1/4 of the NW1/4 of Section 18-84-9 (Canton Township). Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived and this being the time and date for the third consideration on an ordinance on flood plain management, the chair declared the public hearing open. There were nine persons present and one member of the media. It was questioned how soon the ordinance would be effective. The board responded that it would take approximately four to six weeks to get the required paperwork completed and through FEMA. It was questioned how many communities participate in the flood insurance program. Scott Hansen reported that six towns in Benton County did not participate. Supervisor Vermedahl asked Bill Cappucio if agricultural buildings were affected in the flood plain. Cappucio stated that agricultural buildings are subject to permit but are considered low density depending on the use and may not be required to be elevated, i.e. a pole building may not have to be elevated while a grain bin would.

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Cappucio stated that permits for fencing are generally not submitted to the DNR unless in a residential setting. It was questioned if a residential garage needed to be elevated. Cappucio responded yes due to the flood damage potential. The chair asked for further comment or questions and hearing none, the chair declared the hearing closed. Moved by Buch, seconded by Vermedahl, to approve the third consideration. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Ordinance #58, Flood Plain Management. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #08-45 ADOPTION OF ORDINANCE #58 FLOODPLAIN MANAGEMENT**

WHEREAS, the Benton County Board of Supervisors desires to establish a Ordinance #58, Floodplain Management; and

WHEREAS, three readings of Ordinance #58 were held on July 29, 2008, July 31, 2008 and August 5, 2008; and

WHEREAS, publication of the hearings was made according to Iowa Code; and

WHEREAS, a copy of said Ordinance #58 has been available to the public in the Benton County Auditor's office;

**NOW THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that **ORDINANCE #58 FLOODPLAIN MANAGEMENT** be fully adopted The Benton County Auditor is directed to publish Ordinance #58 in its entirety in the official newspapers of Benton County.

Dated this 5<sup>th</sup> day of August 2008

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David H. Vermedahl, Chairman

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Scott Hansen, Emergency Management Agency Coordinator, met with the Board regarding the development a Hazard Mitigation Plan. Hansen reported that if a plan is completed within this disaster period then it is possible for funding for the buy-out program. Hansen stated that a plan would have to be completed within 12 months at the county's expense, which would be approximately \$10,000. Hansen said ECICOG also compiles the plan. Hansen stated that grant funds are going to be available in the future for multi-regional hazard mitigation plans. Hansen commented that he has only been contacted by one person regarding a buy-out and therefore did not believe that the plan would need to be completed within 12 months. Hansen recommended that the county wait until grant funds were available since only one rural person has inquired about the buyout program. Andy Lent, Vinton City Coordinator, stated that Vinton would have to update their plan next year and may be interested in the multi-jurisdictional grant. Supervisor Vermedahl requested estimates from other consultants who compile the plan be gotten as well. Hansen also reported that any property obtained by the county through a buy-out program could be gifted to the DNR; however the DNR is not interested in ownership of any property not adjacent to their current property. Lent reported that property obtained through a buy-out could be sold by the community but that it would be restricted as to no development.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-46, AMENDING THE FY09 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #08-46 SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2009 budget on March 6, 2008; 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 FY2009 county budget is hereby amended within the following service areas: Service Area 6 and Service Area 9. The auditor is directed and authorized to amend said service areas as needed.

Dated this 5<sup>th</sup> day of August 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Mary Williams, Social Services Director, met with the Board regarding the purchase of a copy machine.

Williams stated that her copier was damaged while being moved during the flood evacuation. Williams received quotes from Koch Brothers and ERB's. The board requested that Williams obtain a third quote before a purchase is approved.

Moved by Buch, seconded by Vermedahl, to enter into contracts with the following providers for FY09 services. Both members voting aye thereon. Motion carried.

Covenant Hospital, Waterloo, Iowa – initial inpatient care - \$562.00 per day; extended inpatient after hearing - \$210.00 per day

Area Substance Abuse Council - \$36.63 per day

Psychiatric Association of NE Iowa – initial evaluation - \$180.00; daily follow-up care - \$100.00 per day; medical testimony at discharge - \$145.00

Associates for Behavioral Healthcare – initial evaluation - \$150.00; medical testimony initial hearing - \$180.00; daily care - \$50.00 per day; discharge plan - \$100.00.

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Williams requested approval to pay an invoice for services received for a client in June of 2007. The county's MD-DD Management Plan requires board approval for any claim over one year old. Moved by Buch, seconded by Vermedahl, to authorize payment of the claim to REM Developmental Services, Inc. for \$228.96 for services provided in June of 2007. Both members voting aye thereon. Motion carried.

The board discussed the possibility of changing who occupies the offices in the Governor Sherman Building as a decision needs to be made prior to construction.

The board opened the proposals for engineering services to prepare a statement of probable costs for addressing flood related damage to the law enforcement center. Quotes were requested from Durrant Engineering, Brooks Borg Skiles, John Shaw, AIA, and INVISION. Only two firms submitted quotes as follows:  
Durrant Engineering – \$9,900 for Statement of Probable Costs and \$2500 for environmental consulting fee – total: \$12,400.

Brooks Borg Skiles - \$51,460.00 for Statement of Probable Costs and \$6260 for environmental consulting fee – total: \$57,720.00

Moved by Buch, seconded by Vermedahl, to award the quote for engineering services to prepare a statement of probable costs and environmental consultant fees to Durrant Engineering at a cost not to exceed \$12,400. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on July 31, 2008, was \$10,637.55.

The engineer spoke to the Board about the landfill gate fees for flood related damage. Earlier the board had stated that they would assume the responsibility for the gate fees for flood debris from Vinton in exchange for use of the city's dumpsters by rural residents affected by flooding. The supervisors requested that the engineer track fees for other entities and individuals, but not to bill them until all options were researched. The engineer reported that many of the communities were being charged by the waste haulers for landfill fees for flood related debris even though the landfill did not charge the hauler. Therefore, the cities may be paying the haulers for landfill tipping fees that were not incurred. Supervisor Vermedahl stated that those haulers that are billing the cities for Benton County landfill fees for disposal of flood related debris should have the fees billed to the hauler. Andy Lent reported that the City of Vinton was being charged a flat fee for dumpsters from some haulers while others charged for dumpsters, landfill fees, and fuel surcharge fees. Supervisor Buch questioned if the flat fee included landfill fees. Lent replied that he did not believe that it did. Supervisor Vermedahl added that the county's intent was to assist the cities and not subsidize the haulers. Moved by Buch, seconded by Vermedahl, to direct the engineer to bill the haulers for landfill fees for disaster related debris disposed of at the Benton County landfill originating from Walford. Further, that landfill fees for disposal of disaster related fees from the City of Vinton, City of Atkins, City of Norway, and City of Mt. Auburn and rural residents be held until further research is done to determine FEMA reimbursement eligibility. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Chairman

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

August 12, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of August 7, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve vendor checks numbered 101608 through 101612, and 101715 through 101976, and payroll numbered 101613 through 101714, and ACH deposits numbered 3505 through 3606 for payment. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, met with the Board to discuss the transportation of school age children this fall. Halstead stated that she is anticipating transporting 75 children on a daily basis this fall. Halstead advised that in the past she has only needed one driver to transport the children, but she will need additional drivers if she accommodates the increase. Halstead advised that she would need to hire additional part-time drivers in the near future. Halstead reported that she does charge for the service; however the fee does not cover the total costs of the service. Halstead added that her full-time assistant needs to spend more time in the office instead of driving buses, as she needs more assistance in that area. The supervisors requested that Halstead return with a more solidified plan for additional employees. The supervisors asked Halstead to speak with school personnel about using school vehicles to transport the children.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the FY08 Equitable Sharing Agreement and Certification regarding forfeiture funds and assets. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 101715-101974 for payment. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the date and time for a public hearing on a land use change requested by Kyle and Lois Deaton, the Board took up the matter for consideration. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change a parcel from agricultural to non-agricultural for a single residential purpose. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on a parcel generally described as two acres located in E1/2 of the SW1/4 of 22-82-12 for a single residential purpose. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance submitted by Gary Reed. The application is to allow the construction of a residence. Greenlee reported that the applicant is involved in the production of food and fiber as required by the Ordinance. Moved by Buch, seconded by Sanders, to approve the application for a farm exemption on a parcel located in the E1/2 of the SE1/4 of 10-85-12 for a single residential purpose. All members voting aye thereon. Motion carried.

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Robert Peck of Design Dynamics presented cost estimates for repairing the flood damage in the courthouse, Governor Sherman Building, transportation building, and storage garage. The estimates are in accordance with Part A of the formula utilized by FEMA in determining the amount of damage of facilities.

Moved by Sanders, seconded by Buch, to approve and authorize the chair to sign the FY08 Federal Equitable Sharing Agreement and Certification relative to federal forfeitures. All members voting aye thereon. Motion carried.

The Board discussed the status of the courthouse renovation project and their desire for the project to be started this fall. The auditor was asked to contact Durrant Engineering and relay the board's position regarding the project.

Moved by Buch, seconded by Sanders, to approve eight hours of vacation carry-over requested by Pam Gorsch. Said carry-over is to be used prior to November 1, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Northern Natural Gas to place utility lines in the county's right-of-way in Section 1 of Bruce Township. All members voting aye thereon. Motion carried.

Moved by Buch, 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 6 of Iowa Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to recess until 2:00 p.m. All members voting aye thereon. Motion carried.

The chair reconvened the meeting at 2:00 p.m.

The board met with representatives of FEMA to discuss the current status of various projects. FEMA advised that several project worksheets covering various costs have been submitted to the State and have been obligated for reimbursement. The Board discussed the cost estimates developed by Design Dynamics and presented a copy to FEMA for review. The board also discussed various procedural requirements.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

August 14, 2008

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

Jim Brown of the Natural Resource Conservation Service met the board to discuss the Emergency Watershed Protection Program. Brown had met with the Board on an earlier occasion and was asked to meet with the engineer on possible projects. Brown reported that several possible projects were identified for possible participation. The projects could not be located on a federal aid road or farm-to-market in order to qualify. The program will pay for measures taken to prevent further damage to areas around bridges, etc. Brown advised that his agency can prepare the necessary paperwork for multiple projects and the county could pick and choose, which if any projects they wanted to proceed with. The board clarified that they did not have to participate in any of the projects if it was determined not to be in the best interest of the county. Brown advised that was correct. Moved by Buch, seconded by Sanders, that Benton County participate in the Emergency Watershed Protection Program. All members voting aye thereon. Motion carried.

Tammy Stark of Vinton Unlimited and Gary McKenna, Vinton Fire Chief, met with the Board to request a financial contribution for an appreciation event for those persons volunteering during the flood disaster. The auditor had checked with the Iowa State Auditor's office regarding the legality of using public funds for the appreciation event. The State Auditor's Office responded that it was a fine line between a public purpose and non-public purpose and quoted an attorney general's opinion regarding the same. The board indicated that they believed it important to express their appreciation; however were concerned over the public purpose for the funds. Supervisor Vermedahl stated that the volunteers were protecting county facilities. Dave Wessling was present and when asked his opinion as a taxpayer, responded that he did not believe it to be appropriate. The board advised McKenna and Stark that they would make a donation; however it would not be by using county funds.

Dave Wessling requested to use the courtroom on September 13, 2008, from 9:00 a.m. to noon for the purpose of conducting a public land auction. County Auditor Marlow advised that the county does not have a current policy on the use of county facilities and suggested that the Board consider adopting such a policy. Moved by Sanders, seconded by Buch, to allow Wessling to use the courtroom on September 13, 2008, for the period requested. Further Wessling will be required to pay \$100.00 to cover the county's expenses for opening and closing the courthouse on that day as it is a Saturday and the courthouse is not normally open. Further, that a policy be drafted about using county facilities for future requests. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Nick Rissman from the engineer's department, effective August 29, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the engineer to begin advertising for the position of assistant engineer due to the resignation of Rissman. All members voting aye thereon. Motion carried.

The board discussed a notice received from Central Iowa Juvenile Detention Center regarding a rate reduction in detention fees. The cost to detain juveniles at Central Iowa Juvenile Detention Center would be \$80.00 per day compared to the \$125 currently being charged by the North Iowa Juvenile Detention Center. Supervisor Buch stated that the county should remain with North Iowa Juvenile Detention Center, as he believed the programs offered there to be of better quality. Supervisor Vermedahl suggested that the board travel to North Iowa Juvenile Detention Center and view the facility and the programs before making any decisions.

The board discussed the possible offices to be housed at the Governor Sherman Building. Mary Williams, Social Services Director, presented a proposal that would provide offices for the Department of Human Services Case Management, Social Services and Relief, Veterans Affairs, and Conservation. The plan did not provide space for Benton Development Group (BDG) or Empowerment. Renae Becker stated that if BDG had to rent office space somewhere that it was not in her budget; however she reported that Supervisor Buch has assured the organization that Benton County would pay for any rent that BDG incurred. The auditor reminded the board that rent for BDG was not included in the FY09

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county budget. Supervisor Vermedahl stated that the county would gain additional income from the State of Iowa if additional offices were rented to Case Management. Joe Wolf of the Department of Human Services Case Management stated that the plan had more than enough space for his department should it be approved. Williams also included a safety glass window and secure entry to her areas of the facility. Supervisor Buch is to review the facility; the proposed plan, and make a recommendation to the board.

Mary Williams, Social Services Director, requested that the board approve the purchase of a Lanier Copier for her office. Williams obtained quotes from the following:

Business Solutions – Konica Minolta Bizhub including automatic document feeder, duplexing, 2 paper drawers, storage cabinet, fax, finisher, and Emperon printing system - \$6,181.00

ERB's – HP5035xs with copy, print, fax, scan, stapling sorter, 4 paper trays, automatic document feeder, duplexing - \$3,197.00

Koch Brothers – Lanier LD425 with 2 paper trays, automatic document feeder, duplexing, scan, print, fax, stand, and stapler - \$4,618.00

Williams advised that she wanted approval to purchase the Lanier machine. Moved by Buch, seconded by Sanders, to approve the purchase of a Lanier LD425 without the finisher/stapler (\$487.00) and without the fax module (\$395.00) for a total price of \$3,726.00. All members voting aye thereon. Motion carried.

Alberta Reifenthal met with the Board regarding the current county funding for the Benton County Volunteer Program. Reifenthal reported that if additional funding was not received that the organization would probably not be able to continue. The Board expressed their understanding of the situation; however told Reifenthal that no additional money was included in the FY09 budget and that it would be difficult to find extra money. Reifenthal urged the supervisors to consider the request.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #08-47 PROCLAIMING THE WEEK OF AUGUST 10, 2008, AS VIETNAM REMEMBRANCE WEEK. Voting aye were Vermedahl, Sanders and Buch. Nays none. Motion carried.

RESOLUTION #08-47  
PROCLAIMING THE WEEK OF AUGUST 10, 2008 AS  
VIETNAM REMEMBRANCE WEEK

WHEREAS: The *Vietnam Wall that Heals* is on display at the Vinton-Shellsburg High School in Vinton, Iowa, beginning August 14, 2008 through August 18, 2008; and

WHEREAS: The contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States; and

WHEREAS: The *Vietnam Wall That Heals* exemplifies the sacrifices of those individuals who served during the Vietnam Conflict; and

WHEREAS: The County of Benton encourages its citizens to pause and acknowledge and thank those who served, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the week of August 10, 2008, through August 16, 2008, be proclaimed as "Vietnam Veteran Remembrance Week" for the purpose of honoring our Veterans who served in Vietnam.

Dated this 5<sup>th</sup> day of August 2008

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

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Ronald R. Buch

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

ATTEST:

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

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David Vermedahl, Chairman

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

Jill Marlow, Auditor

August 19, 2008

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

The time of 9:00 a.m. having arrived, the board proceeded with canvassing the special city election held on August 12, 2008 in the City of Belle Plaine. Having reviewed the results and finding no errors, it was moved by Sanders, seconded by Buch, to approve the canvass of the August 12, 2008, Special City Election, and to direct the auditor to record the same in the officials records of her office. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of August 12, 2008 and August 14, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by CIPCO to place utility lines in the county's right-of-way along 14<sup>th</sup> Avenue in Monroe and Bruce Townships. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a liquor license for Blairstown Sauerkraut Days. All members voting aye thereon. Motion carried.

Mike Ruden of Durrant Engineering, Janssen Waterproofing, and Renaissance Roofing, met with the Board regarding the courthouse renovation project. It was determined that both companies can perform work on the courthouse simultaneously. Renaissance stated that they did not have issues with working during winter months and anticipate starting in the next four to six weeks. Renaissance stated that they could adjust to Janssen Waterproofing stated that he would be required to open some walls to determine the amount of damage to the support system. Janssen reported that

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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he can start within a couple of weeks if the contracts are signed and the performance bond is obtained. Janssen stated that he did not want other workers in the area due to liability concerns. Ruden stated that he would coordinate the work.

Mike Ruden of Durrant Engineering reviewed the expectations of the county relative to the statement of probable costs for repairing the law enforcement center. Ruden discussed specific items to be included in the statement and how those items should be broken out.

The auditor advised that she is going to begin advertising for a clerical position in her office. Marlow stated that she would anticipate filling the position sometime around the first of the year. Moved by Buch, seconded by Sanders, to acknowledge the intent to advertise. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into contracts with Design Dynamics for architectural services for the preparation of construction documents, quotations, and administration relative to the flood reconstruction of the following facilities:

Reserve Garage - \$3,000.00

Transportation Building - \$5,000.00

Governor Sherman Building - \$5,500.00

Courthouse - \$6,300.00

The above fees are fixed fees. Reimbursable expenses are to be billed at actual costs, including but not limited to copies, mileage, and large print formats.

All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

August 21, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Vermedahl called the meeting to order at 10:00 a.m.

Moved by Buch, seconded by Sanders, to approve the minutes of August 19, 2008. All members voting aye thereon. Motion carried.

The Board met with various individuals regarding the office space in the Governor Sherman Building. Supervisor Buch had been charged with reviewing the plans for the building and the different offices needing space. Buch reported that Benton Development Group needed to remain in the facility due to the lack of other available office space. Buch reviewed a potential plan for various offices and toured the facility.

Steve Speidel met with the Board to discuss the county's subdivision ordinance. Speidel reported that he had met with the board and received approval for a three-lot three-bedroom subdivision. Speidel drew the board's attention to Article 4.03(b) of the Ordinance #26 as amended and adopted. Speidel stated that the provision stated that the State DNR would regulate more than 1500 gallons and the county would regulate less than 1500 gallons. Speidel questioned who would regulate 1500 gallons. Speidel then referred to a letter from the Department of Natural Resources dated August 11, 2008, referencing wastewater treatment regulations relative to the licensing authority. Speidel stated that the county has permitting authority granted to the county over any 1500 gallons or less. Speidel stated that Greenlee has reported to Speidel that the county has more restrictive regulations. Speidel stated that the county cannot require that the state regulate 1500 gallon systems and that he wanted the county to approve one four bedroom home and two three bedroom homes versus the approval for three bedroom homes already approved in his preliminary plat for Hidden Meadow First Addition to Benton County. Speidel stated that Chapter 69 of the Iowa Code will be changing in the future stating that the county will regulate systems with 4 homes or less or 15 persons and not a per gallon basis. Marc Greenlee reported that when Speidel approached him regarding the creation of a subdivision, that the ordinance stated less than 1500 gallons was subject to county regulations and that Greenlee must enforce the ordinance the way it reads. Greenlee reported that three three-bedroom homes produce 1499 gallon when the formula is applied and agreed that increasing one home to four bedrooms would be at the 1500-gallon level.

The county attorney stated that the county ordinance can be more restrictive and if it turns out that the DNR will not regulate 1500-gallon systems, it is a minor defect in the ordinance. The county could issue a permit and amend the ordinance in that case. The county attorney questioned Speidel if the issue was the 1500-gallon regulatory authority or if he wanted a new ordinance because he didn't like the current one. Speidel replied that he did not want a new ordinance and that he was happy with the current ordinance. Rick Osterkamp stated that he was not happy with the current ordinance and wanted the entire ordinance changed.

Supervisor Vermedahl stated that the question today then is who regulates a 1500-gallon system under our ordinance. The county attorney advised that if a change to the subdivision ordinance was simply to make a minor correction and bring the ordinance into compliance with state code, then the board may be able to make that change without the matter going to the zoning commission; however if it is a major change then the zoning commission would have to approve the changes. The county attorney stated that he would research whether a minor change required zoning commission approval and advise the board of his findings.

The board returned to the subject of offices in the Governor Sherman Building. After reviewing different proposals, the board arrived at a plan that appeared to be acceptable to all parties. Mary Williams was directed to draft a layout of the offices and forward a copy to all parties including the board. The auditor is to contact the architect once the proposed plan is received.

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

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David Vermedahl, Chairman

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

August 26, 2008

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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

Moved by Buch, seconded by Sanders to set a land use hearing date on Thursday, September 18, 2008, at 9:15 a.m., for Eli Raue on a parcel located in the SE ¼ SE ¼ of Section 27, Township 85, Range 9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of August 21, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve vendor checks numbered 102089 through 102262, void check 101977, and approve payroll numbered 101978 through 102088, and ACH deposits numbered 3607 through 3706 for payment. All members voting aye thereon. Motion carried.

Terry Johnson and Brenda Larkin with Genesis Development provided an update on services being provided by their organization. Larkin reported grant money is being used for training for things like behavioral and crisis intervention. Benton County remains stable in the number of clients being served and client services are going well.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #08-48, AMENDING FY08 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-48**

### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2009 budget on March 6, 2008; 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 FY2009 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 26th day of August 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason Sanders

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Deputy Benton County Auditor

The time of 9:45 a.m. having arrived, and the time of 9:45 a.m. being the time and today being the date set for a public hearing on the plans, specifications, form of contract and estimate of costs for the courthouse renovation project. The board took up the matter for consideration. There was one member of the media present, and Scott Hansen, Emergency Management Coordinator and Dave Thompson, County Attorney. Mike Ruden of Durrant Engineering presented the Addendum #1 by hard copy along with an electronic copy already sent to the Auditor. Two changes were made to the specs, the new start date will now be Tuesday September 2, 2008 and an ending date of January 2, 2009.

The costs so far are as follows:

Tuckpointing – Janssen Waterproofing, Inc. – to tuckpoint and repair the tower - \$144,800.00 with an additional \$50,000 contingency for steel replacement/work.

Renaissance Roofing, Inc. – roof replacement - \$363,700.00

Tower Window Replacement – Zephyr Aluminum Products, Inc. - \$73,232.00, which provides for aluminum angles plus \$10,000 for vents.

Total project cost is \$641,732.00 with 15% contingency to make a total of \$737,991. After hearing no further comment, the chair declared the public hearing closed.

Durrant Engineering presented the board with 2 statements of probable cost reports. One being for a new Benton County Jail and the other being for the flood damage repair to the Benton County Jail. Mike Ruden of Durrant stated that these costs are using "today's dollars." Meaning using the technology of today and bringing things up to code today. He also noted that the 911 system is separate and not included in these totals. The only 911 related costs in these reports are due to code changes. Rick Ghoul, also representing Durrant went thru and explained the breakdown of the probable costs and answered any questions. The flood repair project total cost is \$3,452,331 and the project cost for a new jail is \$3,880,800.

David Thompson, County Attorney asked if the current jail is large enough for the next 25 years. Ruden said that is hard to predict without doing a study. Thompson felt if we do have to build a new jail then we should rebuild a bigger facility to accommodate more.

The board asked to have further discussion when a representative of FEMA could be here. This discussion will be back on the agenda for Thursday, August 28 at 10:00 a.m.

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

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David Vermedahl, Chairman

ATTEST:

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Hayley Rippel, Deputy Benton County Auditor

August 28, 2008

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Sanders, seconded by Vermedahl, to approve the minutes of August 26, 2008. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of the annual updates of manure management plans submitted by Ritscher Farms for a facility located in the NW1/4 of the NW1/4 of 33-83-11 at 1826 73<sup>rd</sup> Street, and Rick Selk for a facility located in the SE1/4 of the NE1/4 of 25-83-12 at 7235 16<sup>th</sup> Avenue. Both members voting aye thereon. Motion carried.

Supervisor Buch arrived at 9:03 a.m.

Moved by Buch, seconded by Sanders, to approve the purchase of a used 20 foot by 40 foot portable building for use at the county landfill from Carl's Portables at a cost of \$19,500.00, including freight, set-up, cement piers, wood skirting, and deck/steps. 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 Willis and Cynthia Heitshusen, the board took up the matter for consideration. Marc Greenlee presented that technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the classification to a residential purpose. Moved by Buch, seconded by Sanders, to approve a land use change from agricultural to non-agricultural on approximately two acres for a single residential purpose on a parcel generally described as being a Part of the NW1/4 of the SE1/4 of Section 35-86-9 (Polk Township). All members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen with Benton County Emergency Management thanked the supervisors for the county's funding for the FY09 budget. Meyer also thanked the board for their involvement during the recent disaster.

Dawn Pettengill, State Representative, presented a Certificate of Appreciation to Benton County and its employees for their involvement in the disaster response and recovery. She also updated the board on various initiatives being considered by the state to help with disaster recovery.

Sheriff Forsyth reported that the communications equipment located on the second floor of the Law Enforcement Center had been inspected and found to be in usable condition. Forsyth stated that had the equipment needed to be replaced the cost would have been approximately \$198,000.00. Forsyth advised that his department was currently using "loaner" equipment from Plant CML, which was obtained in an effort to make the county's communication operative. Forsyth stated that the county needed to now purchase replacement equipment at a cost of \$12,061.00. Moved by Sanders, seconded by Buch, to authorize the purchase of communications equipment from Plant CML at a price of \$12,061.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Iowa Telecom to place lines in the county's right-of-way in Section 6 of Iowa Township. All members voting aye thereon. Motion carried.

Supervisor Buch gave a brief update on the transportation department in the absence of Mary Halstead. Buch reported that transportation department was losing the bus garage in Belle Plaine, but have possibly found another garage.

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

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David Vermedahl, Chairman

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

September 2, 2008

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

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plans submitted by Dennis Zieser for a facility located in Polk Township at 5299 33<sup>rd</sup> Avenue Drive, Center Point, Iowa, and Rebuh Feeders, Inc. for a facility located in Bruce Township at 1230 51<sup>st</sup> Street Drive, La Porte City. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to direct the auditor to forward the contracts for the courthouse rehabilitation project to Janssen Waterproofing Inc. and Renaissance Roofing, Inc. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that the county had received a bill from the City of Vinton payable to Duane Rinderknecht for use of a tractor and pump during the June flooding. The bill totaled \$2450.00 and the City was requesting that the county pay half of the bill as the county benefited from the service as well as the city. Supervisor Buch asked if the county requested Rinderknecht to provide the equipment or if the city did. Buch and Sanders stated that neither of them had requested Rinderknecht. Supervisor Vermedahl responded that it was his opinion that the services did benefit the county and that it was his position that the county should pay. Vermedahl added that the county could submit the costs to FEMA for reimbursement. Supervisor Sanders stated that the city could also submit the bill for reimbursement. The auditor stated that the county had paid bills that could be considered a benefit to both governments as well. The auditor also stated that the FEMA project worksheet for those services had already been submitted to FEMA and this would require that a version be added. The auditor also stated that auditing could be difficult with a bill that was paid by two organizations and suggested that if the county decided to pay half of the bill, that the vendor be contacted and asked to send a separate bill to the county. Supervisor Vermedahl stated that he would speak with city officials regarding the matter.

Sheriff Forsyth met with the board about additional equipment damaged by the flooding. Forsyth stated that the microwave link had been damaged and that it would cost approximately \$74,000 to replace it. Forsyth advised that he was waiting from a response from FEMA officials as to whether this purchase would still be considered emergency repairs and no bidding required. Forsyth requested approval to purchase the equipment once it was determined if bids were required. Moved by Sanders, seconded by Buch, to authorize the purchase of a communications microwave link at an approximate cost of \$74,000. The purchase is approved to be made from RC Systems provided that FEMA does not require bidding. All members voting aye thereon. Motion carried.

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

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David Vermedahl, Chairman

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

September 8, 2008

The Benton County Board of Supervisors met in regular special session with Supervisors Vermedahl and Buch present. The chair called the meeting to order at 7:30 a.m. in the auditor's office of the courthouse. The meeting was held telephonically with the public having an opportunity to participate.

Supervisor Vermedahl explained that it was necessary for the county's engineering firm, The Durrant Group, Inc., to meet with FEMA representatives regarding the Statement of Probable Costs (SOPC) to repair the current law enforcement center. FEMA had presented their estimate of the repairs with an approximate \$2 million dollar difference between that and the county's estimate. Vermedahl explained that the county would incur up to \$7000 or \$8000 in costs if Durrant were to meet with FEMA due to the number of professionals involved. Vermedahl further explained that this would be the county's only option as to negotiating with FEMA over the damage.

Moved by Buch, seconded by Vermedahl, to authorize The Durrant Group, Inc. to meet with FEMA representatives to discuss the differences in the Statement of Probable Costs to repair the law enforcement center. The costs for any additional work, if needed, by The Durrant Group relative to the Statement of Probable Costs shall be presented to the board in advance of any such work being performed. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Chairman

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

September 9, 2008

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

Larry Dake met with the board to request that landfill fees be waived for the disposal of his home that was demolished due to flood damage. Dake stated that the short period of time after the flood when the fees were waived to residents was not adequate time for him to decide the direction he was going to take relative to his damaged home. Supervisor Vermedahl advised that he (Vermedahl) attended a City of Vinton meeting regarding the possible buy-out of flood-damaged homes and the process make take up to 24 months. County Engineer Myron Parizek questioned if the county would fund the landfill when the cash flow for the landfill came up short this year or if the county planned to raise landfill fees next year. Parizek stated that other landfills seem to be getting straightforward answers from FEMA; however Benton County does not seem to be getting the same response as to whether the assumption of disposal fees by the county were reimbursable expenses. Supervisor Buch stated that if the county absorbs the cost and is required to raise landfill fees, then residents may be concerned that they are paying for costs incurred by individuals who may have received FEMA funding. Engineer Parizek stated that FEMA is considering the fees assumed by the county as lost revenue and FMEA does not cover lost revenue. Supervisor Vermedahl stated that the county should review the issue further as other people will be in the same situation. The board advised that the entire county supports the landfill and what action the board takes affects everyone. Supervisor Vermedahl asked that the matter be addressed in one week allowing him time to confer with the City of Vinton.

Supervisor Vermedahl reported that ICAS, a non-profit organization, that collected items for flood relief had ended up with a lot of junk, including non-working console televisions. Vermedahl stated that ICAS was requesting that the county waive the fees to dispose of the items at the landfill. The matter will be considered further at a later meeting of the supervisors.

The engineer reported that the balance in the landfill account in Blairstown as of August 31, 2008, was \$23,013.88.

Virginia Hart requested that the Board consider making the Black-eyed Susan or Golden Glow a noxious plant in Benton County. Hart advised that the flower is overtaking her pasture as a neighboring farm does nothing to control.

Mike Rudin of the Durrant Group met with the Board by speakerphone. Rudin met with FEMA representatives on Monday, September 8, 2008, at the direction of the county to determine the differences between The Durrant Group and FEMA in the estimated repair costs to the law enforcement center. Rudin reported that there were several areas identified including, but not limited to, electrical, mechanical, walls, and HVAC that differences were discovered. Rudin advised that FEMA requested that Durrant prepare additional documents for FEMA's review, including mold testing. Rudin estimated that the additional work would be approximately \$8,380.00. Rudin advised that FEMA also requested exterior mold testing at a cost of approximately \$3,850.00; however Rudin advised that the county not perform the testing at this time. Moved by Buch, seconded by Sanders, to authorize The Durrant Group, Inc. to prepare additional documentation for FEMA, including letters supporting Durrant's findings, code issues, and interior mold testing. The cost for the letters and code issues is set at \$4,680.00 and the interior mold testing is set at \$3,700.00. All members voting aye thereon. Motion carried.

Barb and Rick Osterkamp met with the Board and requested a change be made to the Benton County Subdivision Ordinance to bring it into compliance with Iowa Code. B. Osterkamp presented a letter to the supervisors requesting that the language in Ordinance #26 be changed by removing "the public sewer design standard and to remove the requirement for the Board and the county sanitarian to approve public sewer plans for subdivisions of five or more lots before a preliminary plat is approved". John Fischer, the attorney for the Osterkamps, stated that the county has tried to keep in strict compliance with the subdivision ordinance. However, if there is a conflict in the laws between the State and the county then the ordinance will have to be amended. Fischer stated that problem is performance versus design and that may need to be addressed. Fischer commented that a developer wants to perform at the lowest possible cost and if there is a conflict then again the ordinance should be amended. Fischer stated that he would need to meet with the county attorney to review the code language. Supervisor Buch questioned if a central sewer system was approved.

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Osterkamp replied that it had not and that ultimately they would prefer to have individual septic systems. Supervisor Vermedahl stated that the matter should be referred to the county attorney. Moved by Buch, seconded by Sanders, to refer the matter on conflicting laws regarding public sewers and Ordinance #26 to the county attorney. All members voting aye thereon. Motion carried.

Kelly Geater, County Treasurer, met with the Board to discuss the holiday schedule for non-union employees. Supervisor Vermedahl questioned what the union contracts stated. The auditor stated that she would have to review the contracts and report back to the supervisors. The board asked to defer the matter until Thursday, September 11, 2008.

The auditor advised that, pursuant to the county attorney's advice, the county should consider adopting a policy addressing matters that have been "on the table" for an extended period of time. The auditor stated that the specific issue relates to preliminary plats and land use changes that have been tabled pending additional documentation by the developer. Marc Greenlee, Land Use Administrator, stated that Rick and Barb Osterkamp filed a preliminary plat over a year ago, which was tabled pending a central sewer design. Osterkamps have since submitted three or four plats for the same area, all of which are different. Greenlee stated that upon speaking with the county attorney, it was his opinion that new plats could not be considered when approval of preliminary plat for the same area was pending. The board discussed the issue at length stating that a policy would be advantageous, but questioned if it should be limited to just land use related matters. Moved by Sanders, seconded by Buch, to direct the auditor to draft a possible policy that would remove any matter related to land use or subdivisions plats that have been tabled for six months or longer. The policy will be formally approved at a future meeting. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-49 DESIGNATING AN AUTHORIZED REPRESENTATIVE AND CHIEF FINANCIAL OFFICER FOR FEDERAL AND STATE ASSISTANCE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-49**

### **DESIGNATING AN AUTHORIZED REPRESENTATIVE AND CHIEF FINANCIAL OFFICER FOR FEDERAL AND STATE ASSISTANCE**

WHEREAS, Benton County has applied for Federal and State assistance relative to the Presidential declared disaster in Benton County; and

WHEREAS, it is necessary for the Board of Supervisors to designate authorized representatives to act and sign on behalf of Benton County relative to said assistance,

NOW THEREFORE BE IT RESOLVED that Board of Supervisor David H. Vermedahl be designated as the Authorized Representative and Benton County Auditor Jill Marlow be designated as the Chief Finance Officer for Benton County. The auditor is authorized and directed to file the required certifications and assurances with the State of Iowa relative to this matter.

Dated this 9<sup>th</sup> day of September 2008.

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

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

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

ATTEST:

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

David Thompson, Benton County Attorney, met with the Board to discuss making a minor change to two county ordinances – the Benton County Amended & Revised Subdivision Ordinance (#26) and the Benton County On-Site Wastewater Treatment Ordinance (#38). Thompson advised that language in both ordinances stated that less than 1500 gallons would be under local jurisdiction and that it should be changed to 1500 gallons or less. The change in language would be in Ordinance #26, Article 4, Paragraph 4.03(b) and Ordinance #38, Article 2,(6) definitions and Article 4, 9. (c). The auditor stated to make changes it would require that an ordinance be adopted that amends the current ordinances. Moved by Sanders, seconded by Buch, to direct that an Ordinance amending Ordinance #26 and Ordinance #38 be drafted and that it be placed on the next agenda for approval and to set the dates for consideration. All members voting aye thereon. Motion carried. Rick Osterkamp added that he would like to see the ordinances to be amended and remove all language relative to a public sewer; however if that was going to take another eight years then he could not wait.

Steve and Lexa Speidel met with the Board regarding the county's on-site wastewater treatment ordinance (Ordinance #38) and the county's subdivision ordinance (Ordinance #26). Others present were County Attorney David Thompson, Marc Greenlee, Rick and Barb Osterkamp, and the media. S. Speidel questioned the authority of the county to limit his residential subdivision to three three-bedroom homes stating that the county's ordinance does not limit the number of bedrooms. Greenlee advised that a three-bedroom home produces 450 gallons of wastewater per day and that the number of bedrooms is restricted to less than 1500 gallons of wastewater per day to be under local regulation - whether it be one house with numerous bedrooms or numerous houses with one bedroom each. The county attorney advised that the ordinances would be amended to provide local jurisdiction over systems producing 1500 gallons or less per day. Greenlee went on to state that On-Site Wastewater Ordinance adopts Chapter 69, which also references the amount of wastewater produced per day. The county attorney stated that the subdivision ordinance regulates development of residential subdivisions. Speidel responded that he is in compliance with the state law and that the county cannot limit the number of bedrooms in a home and referred the board to a letter written by Daniel Olson of the Department of Natural Resources dated August 11, 2008. Supervisor Sanders stated that county home rule allows the county to decide whether to be more restrictive than the state code. The county attorney advised that any citizen can challenge the county's ordinance in court. Speidel reiterated that the county was not in compliance with the State law. Thompson again stated that the county can be more restrictive than the state. Thompson stated that the county's ordinance was adopted through due course and although Speidel may not agree with it, it was the county's law. Thompson stated that the county will issue a permit for a system for 1500 gallons per day of wastewater. Speidel

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questioned Marc Greenlee about how it would be putting the county at risk if the ordinance was not followed; however County Attorney Thompson advised Greenlee not to respond. Speidel stated that he would change his subdivision to 5-bedroom homes and submit it to the state for permitting. Greenlee reminded Speidel that he submitted a preliminary plat to the board of supervisors for three 3-bedroom homes and the board of supervisors granted approval of the preliminary plat and accompanying land use change based on the information presented. If Speidel were to change from the plan originally submitted to the Board he would not be in compliance with that approval. Speidel stated that 5-bedroom homes would become the responsibility of the homeowners' association and he would not be involved. The county attorney advised that action of that nature would be in violation of county's ordinance and did not recommend that Speidel take that action, adding that the county would then have to take legal action. Speidel questioned what he needed to do now and if the board would allow him to amend his previous proposal. The county attorney stated that any changes to the original proposal would have to be done at a public hearing with notice to the public but should only be after the ordinance amending Ordinance #26 and Ordinance #38 is adopted relative to allowing 1500 gallons or less of wastewater per day.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

September 10, 2008

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Sanders and Buch present. The chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse. Supervisors Sanders and Buch attended telephonically.

Moved by Buch, seconded by Sanders, to approve checks numbered 102373 through 102578, and payroll checks numbered 102263 through 102372, and ACH deposits numbered 3707 through 3807, for payment. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

September 13, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders and Buch present. Supervisor Vermedahl was absent. The vice-chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse.

The time of 9:00 a.m. having arrived, and this being the time and date set for canvassing the Regular School Election held on September 9, 2008, the Board took up the matter. Having reviewed all tallies from the individual precincts, and finding no corrections to be made, it was moved by Sanders, seconded by Buch, to approve the results of the September 9, 2008, Regular School Election. The auditor is directed to record the results in the official records and to certify the results to the respective entities. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application requesting a farm exemption pursuant to the Benton County Agricultural Land Use Preservation Ordinance. The application was submitted by Leon and Kay Batey to allow them to have a residence on a part of the SE1/4 of the NW1/4 of 35-82-12. The application states that the Bateys are engaged in the production of food and fiber as required by the county's ordinance. There were no objections heard. Moved by Sanders, seconded by Buch, to approve a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance to Leon Batey and Kay Batey on a parcel located in the SE1/4 of the NW1/4 of 35-82-12 for the purpose of constructing a residence. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set dates for considerations on an ordinance amending Ordinances #26 & #38, Benton County Amended & Revised Subdivision and On-site Wastewater Treatment, as follows: September 23, 2008, September 25, 2008, and September 30, 2008, at 10:00 a.m. each day. The auditor is to publish the notice in accordance with Iowa law to allow for the waiving of considerations. Both members voting aye thereon. Motion carried.

Marc Greenlee reported to the Board that a representative of the Department of Natural Resources would meet with the board, if requested, to review the state's regulations and authority on wastewater treatment facilities. The board advised that they would consider making the request in the future, if needed.

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

\_\_\_\_\_  
Ronald Buch, Vice-Chairman

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

September 16, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of September 9, 2008, September 10, 2008, and September 12, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to enter into a contract with The Durrant Group, Inc. to perform additional services relative to the documentation needed by FEMA on the law enforcement facility. This action formalizes the agreement between The Durrant Group, Inc. and Benton County made on September 9, 2008. All members voting aye thereon. Motion carried.

The board discussed the work schedule for non-union employees in December 2008. Moved by Sanders, seconded by Buch, to allow non-union employees to leave at noon on December 24<sup>th</sup>, 2008 and that offices will be closed December 25<sup>th</sup>, 2008, and December 26<sup>th</sup>, 2008. All members voting aye thereon. Motion carried.

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Kathy Jordan of the Department of Human Services Case Management met with the Board to request additional office space at the Governor Sherman building. Jordan advised that the area allocated for case management was not sufficient and that she would need at least one more office. Jordan stated that if the county was unable to provide additional space she would need to look elsewhere for an office.

Steve Meyer met with the Board to discuss development of a Multi-Jurisdictional Hazard Mitigation Plan. Meyer explained that multi-jurisdictional plans are concerned about losing local focus; however Meyer can prepare a plan that keeps local focus. Meyer stated that he has experience in developing hazard mitigation plans both on an individual and multi-jurisdictional plans. Meyer explained that funding is available from the federal and state governments at 70% and 10% respectively, leaving a local match requirement of 15%. Meyer responded to the board's questions on multi-jurisdictional events, i.e. an incident at the nuclear plant. Meyer stated that the approximate cost to Benton County would be \$40,000.00. Scott Hansen, Emergency Management Coordinator, explained the advantages of having a hazard mitigation plan and the ability to obtain federal funding for various projects. Meyer stated that he will have completed nine plans for entities in Benton County. Meyer stated the time frame for completion of a multi-jurisdictional plan will be approximately two years to allow individual community plans to expire and allow them to be a part of the multi-jurisdictional plan. Supervisor Vermedahl requested that Meyer provide a written proposal for the service and advised that supervisors will be receiving other proposals for the service and will need to review each proposal before making a decision.

Allen Richards, Attorney for Steve Speidel, met with the Board to request that a variance be granted to Speidel for Hidden Meadows First Addition to Benton County. Richards advised that Speidel would have restrictive covenants providing for single-family residences. Richards stated that he was in possession of a letter from the DNR that states they will not regulate. Richards stated that each home would produce 1500 gallons per day, which is allowed under state law. Richards stated that they are requesting that a variance be granted that the development not be limited to 3-bedroom homes. Thompson stated that the matter was on the agenda for 3-5 bedroom homes. Thompson stated that when originally started Speidel requested 3-3 bedroom homes and this materially and significantly changes the original proposal. The county would have to require that this matter start over through our process and under our ordinance that public hearing be held. Thompson stated that adjacent landowners be notified due the material change being submitted. Steve Speidel stated that only one person was present at the public hearing. Thompson stated that the ordinance is the law and that the county must follow the law. Thompson stated that he did not recall another situation asking for this significant of a change. Speidel stated that the only change is the bedroom size not the number of homes. Speidel stated that there can be a 4000 square foot home with 3 bedrooms or five bedrooms and that it doesn't matter. Thompson reiterated that this is significantly different. Speidel responded that there is no material difference as there are no maximum footage requirements. Thompson reiterated again that if this matter does not go through the proper steps then the land use plan is gutted and the developer can come in, present a proposal, and then when the public leaves – change the proposal. Speidel stated that he is not trying to gut the land use ordinance and that he has not requested a variance from providing a central sewer system. Speidel went on to say that he wanted three 5-bedroom homes and that is all he wanted. Thompson responded that in order to comply with the ordinance that the land use process must be started over. Thompson stated that the supervisors may or may not approve, but that the public has a right to be notified. Speidel stated that when he started this process the county's ordinance was not compliant with state law. Richards added that there is nothing in the ordinance relative to the number of bedrooms. Thompson stated that it was submitted in writing and that was what when approved and notice given. Thompson stated that his advice to other county employees in the room that they are not on trial and should not answer questions as though they are. Richards stated that it was his opinion that a 1500-gallon tank on each lot that empties into a central system. Supervisor Buch questioned if anything was changing relative to the system. Greenlee responded that each lot would have a 1500-gallon tank with leach fields developed on the number of bedrooms being served. Greenlee stated that at the time of the original proposal was based on the 1499 gallon per day requirement. Buch questioned if the 3 homes at 3 bedrooms reached 1499 gallons to which Greenlee responded no but if an additional bedroom was allowed, the proposal would be at 1500 gallons. Richards reiterated that the state regulation stated 4 homes or less and that this matter is an engineering issue. Richards stated that the new restrictive covenants should be approved, as it will comply with all regulations. Richards stated that he is requesting assurance that the restrictive covenants will be approved when submitted with the final plat. Thompson reiterated that the matter should go through the county's land use process, as it is a material change. Supervisor Buch stated that if the issue was advertised as a 3-house subdivision and did not list the number of bedrooms. Supervisor Vermedahl stated that it was presented in a public hearing and public meeting that it would be three 3-bedroom homes. Thompson stated that in the spirit of the county's ordinance the public should have the opportunity to participate and it cannot be assumed that no one will care. Supervisor Vermedahl questioned if the current proposal could be amended or if the applicant will have to pay the initial fees again. Thompson stated that was up to the supervisors, but did not believe that it was necessary to charge the entire fee although the county will incur additional costs. Greenlee stated that costs would include a reassessment of the area will need to be done to determine the leach field area, publication costs, and mailing letters to adjacent property owners. Thompson advised that the notice should state for three 5-bedroom houses. Supervisor Buch stated that the county should proceed in a manner to comply with their ordinances. Richards stated that the county was micromanaging by dictating the number of homes. Thompson questioned Greenlee for an estimation of costs. Thompson questioned if Richards' letter would be sufficient to request an amendment. Auditor Marlow responded that she believed it did as the letter indicated that Richards was a representative of Speidel. Moved by Sanders, seconded by Buch, direct the land use administrator to proceed with arranging for a new land use request on this matter at the earliest date possible due to the significant and material change to the original proposal on which a public hearing was held. Further that any county fees associated with publication and notification of the hearing be waived. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek met with the board about waiving landfill fees for demolished homes. Larry Dake was present and made the initial request that landfill fees be waived. Supervisor Vermedahl stated that he spoke with the City of Vinton at the suggestion of FEMA. Vermedahl reported that the City indicated there may be additional homes in the future to be demolished and they did not necessarily believe the fees should be waived in this instance as

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the homeowner went against the city's advise and demolished the property. Vermedahl stated that the problem is that the more material placed in the landfill will eventually require that the landfill be expanded, which is very expensive. Dake stated that he was trying to make the neighborhood look better and that he feels discriminated against if FEMA reimburses the city for other homes and not his own. Supervisor Buch stated that he did not believe that the county could help Dake in this situation but encouraged Dake to work with the city. Parizek stated that it is his understanding that the landfill will have to invoice the county for debris removal for FEMA assistance. Parizek stated that the county's FEMA contractors did not object to submitting the project worksheet provided that the costs were related to the immediate debris removal. Dake stated that he has incurred approximately \$1900.00 in tonnage fees to dispose of his home at the landfill. Dake stated that he has already incurred demolition and trucking fees. Vermedahl stated that any policy would affect future issues and any decision affects the entire county. Alberta Reifensahl stated that she believed the city is attempting to get money for the homes in 100-year flood plain and if there is additional funding they will extend it. Reifensahl stated that the city will participate in the demolition of the property. Vermedahl encouraged Dake to speak with city officials.

Supervisor Buch advised that he met with the sanitarian regarding the installation of a septic system at the landfill yesterday. Buch stated that Doug Kinzenbaw is going to perform a percolation test on the area. Buch stated that water began to seep into a 4-1/2 foot hole, which may be high ground water levels and require a sand-filter system.

Supervisor Buch questioned why the packer machine had been down for six weeks due to a seal being out and why the county is still renting a dozer unit due the county's unit being down for six weeks as well. Buch stated that he understood a Cedar Rapids company would fix the machine at the site. Parizek responded that it would take at least two guys two days to repair the unit.

Supervisor Vermedahl questioned the engineer about the disposal fee for material left at ICAS. The engineer stated that the approximate cost would be \$50.00. Supervisor Vermedahl recommended that the fees be waived. The auditor questioned if fees would be waived for all non-profit groups. Vermedahl responded all non-profit groups that had flood related material. The board subsequently discovered that donation had been made to pay for the disposal fees.

Supervisor Vermedahl questioned if secondary roads could address the roads in Hannen Park. After a brief discussion, Vermedahl stated that he will have the conservation director discuss the matter with the engineer.

Supervisor Buch questioned the engineer as to the status of the cement work in the brown bus garage. The engineer responded that the priority was completing bridges at this time.

Sheriff Forsyth met with the Board and advised that he has employees who have been cleaning the metal storage building. Forsyth updated the board on the status of flood related damage.

The auditor presented a draft policy for consideration by the board to automatically remove tabled and deferred matters relative to land use after a specific period of time. Rick Osterkamp, Dick Ransom, and Steve Speidel were present as well as Marc Greenlee, Land Use Administrator. The policy is in response to the board's request on September 16, 2008 and the county attorney's advice. One major change to the draft was to change language from deny to withdrawn and the effect on current proposals. The auditor advised that she would make the changes and submit it to the county attorney for his review.

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

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David Vermedahl, Chairman

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

September 18, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of September 16, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set October 9, 2008 at 9:15, as the time and date for a public hearing to consider an amendment to Hidden Meadows Farms' land use proposal located in the SE1/4 of the NE1/4 of 34-85-9. 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 Eli Raue, the board took up the matter for consideration. Marc Greenlee presented that technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the classification to a residential purpose. Moved by Buch, seconded by Sanders, to approve a land use change from agricultural to non-agricultural on approximately two acres for a single residential purpose on a parcel generally described as being a Part of the SE1/4 of the SE1/4 of 27-85-9 (Benton Township). All members voting aye thereon. Motion carried.

Robert Peck of Design Dynamics met with the board to discuss the plans and specifications for the repairs to the Governor Sherman building, the transportation building, the courthouse, and the sheriff's reserve garage. The June flood damaged all facilities. Moved by Sanders, seconded by Buch, to approve the preliminary plans and specifications for flood related repairs to the Governor Sherman building, the courthouse, the transportation building, and the sheriff's reserve garage. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set October 16, 2008, at 9:30 a.m. as the time and date for a public hearing on the final plans, specifications, estimates of cost, and form of contract for the Flood Reconstruction project on the Courthouse, Governor Sherman Building, Transportation Building, and Reserve Garage, and to set October 16, 2008 at 9:45 a.m. as the time and date for letting the bid on the same. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into the contract and approve the performance bond with Janssen Waterproofing, Inc. for courthouse restoration work. The contract amount is \$144,800.00 and is for structural repair and tuckpointing. All members voting aye thereon. Motion carried.

Hillary Copeland of the East Central Iowa Council of Governments met with the board about preparing a hazard mitigation plan for Benton County. Scott Hansen, Emergency Management Coordinator, was present. Copeland reviewed ECICOG's process for developing a Hazard Mitigation Plan, including single and multi-jurisdictional, and the

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estimated cost. Supervisor Vermedahl requested that Copeland submit a formal proposal for preparing a multi-jurisdictional plan for consideration by the board.

The auditor advised that a policy on disposing of matters relative to land use issues and subdivision issues that have been tabled for a period of six months or more was not ready for adoption.

Rick Osterkamp and Dick Ransom met with the Board to request that the Board direct the auditor to accept a preliminary plat for River Valley First Addition. The auditor advised that there was currently a preliminary plat for a large portion of the same area that had been presented to the Board of Supervisors, which was tabled over a year ago. The auditor stated that the county attorney had been consulted, and that it was his advise that no plats could be considered until the tabled plat was either, denied, withdrawn, or approved. The auditor advised that Ransom had been notified of that position and was here now to request that the supervisors approve the request and direct the auditor to accept the new plat without affecting the tabled preliminary plat. The issue at hand is that a subdivision plat has been presented during a public hearing with action tabled. The new plat is significantly different which includes a major area of the first preliminary plat. Ransom argued that the Osterkamps would be required to start over with filing fees and public hearings. Ransom agreed that a new plat would be submitted but stated that he did not believe his client should have to pay the fees again. Moved by Sanders, seconded by Buch, deny at the request of the applicant the Preliminary Plat submitted to the Board of Supervisors in May 2007 and subsequently tabled. All members voting aye thereon. Motion carried.

Further, it is moved by Sanders, seconded by Buch, that the revised subdivision preliminary plat for River Valley First Addition to Benton County, Iowa is granted with variances being made to the central water and central sewer requirements, as the plat is for one lot for the sole purpose of transferring ownership and that no change in land use granted. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in section 35 of Iowa Township. All members voting aye thereon. Motion carried.

The board received the initial bargaining proposal for the labor contract between Benton County and Public Professional & Maintenance Employees, Local 2003 representing secondary roads employees. The proposal is for one-year and includes changes to various benefits and wages.

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

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David Vermedahl, Chairman

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

September 19, 2008

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Sanders and Buch present. The chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse. Supervisors Sanders and Buch attended the meeting telephonically.

Chairman Vermedahl reported that an application for a Fireworks Permit had been received from Jacob Goodall. Goodall was in the military and was requesting permission to have a fire works display before being deployed. The event is scheduled for September 21, 2008, at 3079 54<sup>th</sup> Street, Urbana, Iowa. The applicant was present to answer any questions. Moved by Sanders, seconded by Buch, to approve a Fireworks Permit requested by Jacob Goodall, for September 21, 2008. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

September 23, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 18, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to approve Resolution #08-50. All members voting aye thereon. Motion carried.

**RESOLUTION #08-50  
SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2009 budget on March 6, 2008; 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 FY2009 county budget is hereby amended within the following service areas: Service Area 1. The auditor is directed and authorized to amend said service areas as needed.

Dated this 23<sup>rd</sup> day of September 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason D. Sanders

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Moved by Buch, seconded by Sanders, to approve checks numbered 102724 through 102919, and payroll numbered 102579 through 102723, and ACH deposits numbered 3808 through 3908, for payment. All members voting aye thereon. Motion carried.

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 claim for \$4812.50 for July and August and to inform them of an Americorp grant received. She currently has one member working under her. Moved by Buch, seconded by Sanders, to authorize the chair to sign the claim. All members voting aye thereon. Motion carried. Moved by Buch, seconded by Sanders to accept the request for Benton County to serve as fiscal agent for the Community Partnership for Protecting Children Grant. All members voting nay thereon. Motion denied.

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 stated that the Watkins Sewer Project was done and also spoke about other programs in planning.

Roger Witt met with the Board regarding the water damage on the paneling in the basement of the courthouse, and also the paneling in the supervisors' office. Moved by Buch, seconded by Sanders to get an alternative bid to remove the old paneling and replace it with drywall. All members voting aye thereon. Motion carried.

The board also discussed the conference room in the Governor Sherman Building. The flood damage to the floors has caused some potential trip hazards. Moved by Sanders, seconded by Buch to get another alternative bid to fix the floor damage and lowering of the ceiling for lighting purposes. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to enter into the contract and approve bond with Renaissance Roofing, for courthouse roof repair. The contract amount is \$363,700.00. All members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen with Benton County Emergency Management met with the board in regards to EMA storage. Hansen requested that instead of redoing the bathroom in the basement that was damaged by the flood, he would like to use it as storage. He pointed out the basement currently has both a men's and women's restroom available to the public so the only reason he would need another facility is for a shower. He is already looking into another option for a shower since that was already denied. The board agreed there are many offices needing storage space. They would discuss this more and look into all of the options and possibly talk to the owner of the old Lincoln school building to see what is available there.

The time of 10:00 a.m. having arrived and this being the time and date for the first consideration of Ordinances #59, amending Ordinances #26 and #38, the chair declared the public hearing open. There were no members of the public present for the consideration. Marc Greenlee was there to discuss the amendments and to answer questions. After no further discussion, the chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to approve the first consideration of Ordinance #59, amending Ordinances #26 and #38. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan updates submitted by Vincent Lawrinenko and McKinley Swine. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to automatically terminate part-time employees who have not worked in a year or more. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders to write a letter of interest to Jim Brown, Director of the National Resource Conservation Service (NRCS) to request that Benton County get involved with the Emergency Watershed Protection Program through the (NRCS). All members voting aye thereon. Motion carried.

Moved by Sanders, 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 35 of Iowa Township. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

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Hayley Rippel, Deputy Auditor

September 25, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of September 23, 2008. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived and this being the time and date set for the second consideration of ordinances #59, amending ordinances #26 and #38, the board opened the matter for public hearing. There were no comments heard either for or against the ordinance, and hearing none, it was moved by Buch, seconded by Sanders, to approve the second consideration of ordinances #59. All members voting aye thereon. Motion carried.

The board then discussed waiving the third consideration of ordinances #59. The public notice contained the necessary language informing the public that considerations could be waived and allowing for the same. Hearing no objection, it was moved by Sanders, seconded by Buch, to waive the third consideration of ordinances #59. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-51, ADOPTION OF ORDINANCES #59. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-51 ADOPTION OF ORDINANCES #59

Amending Ordinance #26, Amended and Revised Subdivision Ordinance #38

WHEREAS, two considerations of Ordinance #59 were held on September 23, 2008 and September 25, 2008;

and

WHEREAS, the Board of Supervisors set September 30, 2008 at 10:00 a.m. for final consideration on Ordinance #59; and

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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WHEREAS, the Board of Supervisors suspended the requirement that the proposed ordinance be passed at two meetings of the Board prior to the meeting at which it is to be finally passed as authorized in Iowa Code section 33.302 (5); and

WHEREAS, publication of the hearing was made in accordance with Iowa Code; and

WHEREAS, a copy of said Ordinance was available to the public in the Benton County Auditor's office,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ORDINANCE #59, An Ordinance Amending Benton County Ordinance # 26, Amended And Revised Subdivision Ordinance, and Benton County Ordinance # 38 On-Site Wastewater Treatment Ordinance, is fully adopted. The Benton County Auditor is directed to publish Ordinance #59 in its entirety in the official newspapers of Benton County.

Dated this 25<sup>th</sup> day of September 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason D. Sanders

ATTEST:

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Hayley Rippel, Benton County Deputy Auditor

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

\_\_\_\_\_  
David Vermedahl, Chairman

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Deputy Auditor

September 30, 2008

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

Steve Meyer presented a proposal for compilation of a Multi-Jurisdiction Hazard Mitigation Plan (the "Plan"). The cost for the service \$40,000 and Meyers reviewed the funding mechanism with \$30,000 being paid via a federal grant, \$4,000 by a state grant, and \$6,000 by Benton County. Meyers stated that he cannot manage the funding as he is not affiliated with a governmental entity and it would therefore need to be managed by the county. Meyers explained that all cities within Benton County would be included in the Plan. Meyers stated that the contract includes grant writing.

Supervisor Sanders arrived at 9:30 a.m.

The time of 9:30 a.m. having arrived, the Board opened the bids received for the purchase of three vehicles for the sheriff's department. The following quotes were received:

Chevrolet Impala – John Grieder Motors, Belle Plaine – \$23,300.00 each, includes all extra equipment.

Chevrolet Impala - Shaull & Ullerich, Blairstown - \$22,916.00 each, includes all extra equipment.

Crown Victoria - Junge Motors – Center Point - \$23,345.00 each, includes all extra equipment

Crown Victoria – Craig Griffith Ford – Vinton - \$23,125.00 each, includes all extra equipment

Chevrolet Impala – STATE BID - \$18,847 – does not include spotlight, extra keys or undercoating

Dodge Charger – STATE BID - \$21,960 - does not include spot light, extra keys or undercoating

Crown Victoria – STATE BID - \$21,390 - does not include spotlight, extra keys or undercoating

The sheriff was asked to review the bids for completeness and return to the supervisors with a recommendation. The sheriff commented that the county may want to consider installing push bumpers on the vehicles. The sheriff stated that the county's insurance carrier suggested that the option be considered.

Benton County Weed Commissioner Mike Beumer presented his quarterly report on spraying and brush removal activities undertaken by his department over the summer. Beumer sought clarification as to when his department should assist secondary roads. The board advised that Beumer's department should be spraying when weather conditions are favorable for spraying. Beumer also stated that an individual who asked that Goldenrod be declared a noxious weed contacted him earlier. Supervisor Vermedahl questioned the process for declaring a plant as noxious. Beumer stated that he would have to make a recommendation to the supervisors and then a public hearing would have to be held.

Vinton City Mayor John Watson and City Coordinator Andy Lent met with the Board to update them on the status and management of the animal shelter. Lent told the supervisors that the City of Vinton is considering turning over the management of the facility to Friends of the Shelter, but Benton County would not realize any change. Discussion also included the collection of mileage fees incurred by the County when picking up animals running at large.

Tammy Stark of Vinton Unlimited did not appear before the board to request the use of the courthouse lawn.

Benton County Transportation Mary Halstead updated the board on the county's transit. Halstead stated that she is still in need of additional part-time drivers. Supervisor Buch questioned if Halstead had the money in her budget. Halstead responded that without additional drivers she would have to cut services. Moved by Sanders, seconded by Buch, to authorize Halstead to hire additional part-time drivers in her department with the understanding that no budget amendment will be granted to Halstead's budget for this purpose at this time. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Denise Schirm from the Benton County Transportation department, effective this date. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve an additional \$1200.00 for the purchase of cost for the portable building at the landfill. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

208

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plans for Prairieview Hog Farm, Inc. at 1652 72<sup>nd</sup> St., Keystone, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plans for WILCO Farm LTD, located at 7944 28<sup>th</sup> Avenue, Norway, Iowa. All members voting aye thereon. Motion carried.

Supervisor Sanders left the meeting at 11:30 a.m.

The board presented the County's proposal for a labor agreement between Benton County and PUBLIC PROFESSIONAL & MAINTENANCE EMPLOYEES UNION LOCAL 2003 (PPME) representing secondary road employees to Mark Kelty, Union representative.

Moved by Buch, seconded by Vermedahl, to provide written notification when requested that Benton County, Iowa is not participating in any disaster related buy-out programs relative to FEMA Disaster #1763. Both members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

October 2, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of September 18, 19, 23, 25, and 30th, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set 9:15 a.m. on October 23, 2008, as the time and date for a public hearing on a land use change requested by Kevin and Deb Hesson on a parcel located in the SW1/4 of the SE1/4 of the NW1/4 of 18-85-10. All members voting aye thereon. Motion carried.

Tammy Stark of Vinton Unlimited requested to use the courthouse lawn on Thursdays next summer for the Farmer's Market. Moved by Sanders, seconded by Buch, to cooperate with Vinton Unlimited and tentatively approve the use the courthouse lawn on Thursdays during the summer of 2009 for the Farmer's Market. Vinton Unlimited is to return with specific dates for formal approval. All members voting aye thereon. Motion carried.

The sheriff reviewed the quotes received on September 30, 2008, for three patrol vehicles. Moved by Buch, seconded by Sanders, to award the purchase of three Chevrolet Impalas to Karl Chevrolet under the state bid at \$19,554.00 each. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the auditor's quarterly report for the period ending September 30, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the sheriff's quarterly report for the period ending September 30, 2008. All members voting aye thereon. Motion carried.

The board reviewed the proposal from East Central Iowa Council of Governments for creation of a multi-jurisdictional hazard mitigation plan. Supervisor Vermedahl advised that he would request ECICOG to return to explain aspects of the proposal.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan for Rick Selk – North Site, located at 1252 65<sup>th</sup> Street, Dysart, Iowa. All members voting aye thereon. Motion carried.

Scott Hansen met with the board to discuss the metal vents and windows proposed for the courthouse clock tower and the effect it will have on his radio antennae. The board advised that window opening would not be covered with louvers.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

October 7, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was absent. The vice-chair called the meeting to order at 9:04 a.m. in the auditor's office of the courthouse.

Moved by Sanders, seconded by Buch, to approve checks numbered 103021 through 103250, and payroll numbered 102921 through 103020, and ACH payments numbered 3909 through 4007, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of October 2, 2008. Both members voting aye thereon. Motion carried.

Representatives of Benton County Conservation met with the Board to discuss the construction of a new ranger's residence at Wildcat. The supervisors were told that a bid letting was held with two bids being received in the amounts of \$196,473 and \$157,850. The conservation board currently has approximately \$143,000 in funds available for the construction of the residence. It is estimated that another \$25,000 to \$30,000 will be available prior to the completion of the project from local option sales tax revenue. The supervisors indicated that additional funds would probably not be available from the county's general fund due to the flood damage sustained by the county, but were supportive of the project.

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

\_\_\_\_\_  
Ron Buch, Vice-Chairman

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

209

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

October 9, 2008

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

Moved by Buch, seconded by Sanders, to approve the minutes of October 7, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 32 hours of vacation carry-over requested by Dana Burmeister to be used no later than March 1, 2009. All members voting aye thereon. Motion carried.

Ron Buch updated the supervisors on the pre-bid meeting held with potential bidders for reconstruction work on the courthouse, Governor Sherman building, transportation building, and reserve garage. Buch advised that two companies were present for the meeting as well as a mold specialist from MB Environmental. Mold remediation will be necessary prior to the start of construction. MB Environmental will be obtaining quotes from three companies specializing in this type of service.

The supervisors also spoke about the labor needed to move furniture, books, etc. during the reconstruction of the various flood-damaged facilities. The sheriff has stated that he would have employees available to assist with the necessary work. The successful contractor is to coordinate with the county to ensure that adequate time is provided before construction begins in specific areas.

Moved by Sanders, seconded by Buch, to adopt Ordinance #08-52, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION #08-52 TRANSFER OF FUNDS**

BE IT resolved by the Benton County Board of Supervisors that \$521,524.84 from General Basic to Capital Projects. These funds represent the tax increment funds collected from Benton Commerce Village and set aside for the purpose of renovating the courthouse roof and tower structure.  
Dated this 9<sup>th</sup> day of October 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason Sanders

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to acknowledge TREASURER'S REPORT OF INVESTMENTS AS OF 10/01/2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to direct the architect to include a door on the west wall of the social services office in the Governor Sherman building. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account in Blairstown on September 30, 2008, was \$36,971.07. The engineer advised that \$30,000 has subsequently been transferred to the county's sanitary disposal fund in the treasurer's office.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-53, ADOPTING POLICY ON DISPOSING OF LAND USE ISSUES. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

## **RESOLUTION #08-53 POLICY DISPOSING OF PENDING LAND USE RELATED ISSUES**

WHEREAS, the Board of Supervisors is the granting authority on requests for land use changes, including but not limited to residential developments, and

WHEREAS, it sometimes becomes necessary to table action on proposals to allow the applicant to provide additional and/or required information, and

WHEREAS, it is not in the best interest of Benton County to have issues tabled indefinitely while awaiting the applicant's submission of additional information and/or requirements,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that actions relative to land use matters that have been deferred or tabled for a period of six months or longer and that are awaiting additional action by the applicant shall be considered withdrawn by the applicant. The Board shall acknowledge the withdrawal through formal action denying the request due to inadequate information being provided by the applicant in a timely manner.

IT IS FURTHER RESOLVED that the Benton County Board of Supervisors has the authority through formal board action to allow additional time past the initial six-month period if it is determined that the applicant is actively attempting to comply with the rules and regulations of the county. The amount of additional time allowed, if any, will be at the discretion of the Board of Supervisors but in no case shall be longer than six months. Requests for additional time will be the responsibility of the applicant. Action taken by the Board of Supervisors pursuant to this policy will not be rescinded due to the failure of the applicant to request additional time prior to the expiration date set forth by this policy.

BE IT FURTHER RESOLVED that denials due to being tabled and/or deferred under this policy will not prohibit the applicant from resubmitting a proposal at a future date. Applicants will be required to submit all required fees as if the proposal was never presented.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

210

BE IT FURTHER RESOLVED that any currently pending proposals on the date this policy is adopted will begin the six-month period effective on the date of adoption.

Dated this 9<sup>th</sup> day of October 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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

ATTEST:

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

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a revised land use change requested by Steve Spiedel aka Hidden Meadow Farms, the board took up the matter for consideration. Marc Greenlee reported that a change in land use had previously been approved for a four-lot residential subdivision on July 8, 2008; however, the applicant subsequently requested to change the size of homes from three-bedroom to five-bedroom, which precipitated the need for a new land use hearing. Greenlee reported that the technical review did not change except for the amount of wastewater generated per day and the need to increase the leach field lines. Greenlee also reported that the Department of Natural Resources, under Iowa Administrative Code Chapter 69, regulates subdivisions with five or more homes while the county's ordinances regulate based on the amount of wastewater generated. This difference in regulations creates an issue with subdivisions containing more than three three-bedroom homes but less than five homes as not being under any jurisdiction. Greenlee stated that under the county's current ordinances that a variance would have to be granted to the restriction on the number of gallons per day of wastewater generated. Greenlee also reported that the county attorney had provided an opinion stating that the ordinance created a hardship for the applicant and that the inconsistency that exists between state and local regulations (IAC Chapter 69 and Benton County Ordinances #38 and 26) should be addressed by the county. This land use change request is to again change the classification to a residential purpose for a four lot residential subdivision containing three five-bedroom homes and one pre-existing home. Supervisor Sanders moved that the matter be tabled for one week to allow time to determine if granting a variance is more than a minimal easing of the ordinance and if it would comply with the intent of the ordinance. The motion died for lack of a second. Moved by Buch, seconded by Vermedahl, to approve the new and revised land use change from agricultural to non-agricultural on approximately nine acres for the purpose of laying out a multi-residential purpose subdivision on a parcel generally described as being a Part of the SE1/4 of the NE1/4 of 34-85-9. Further that ~~the~~ a variance be granted to regulations in the county's subdivision ordinance on the maximum amount of wastewater produced per day to allow for three five-bedroom homes. The variance is due to the hardship created by the state and county regulations and the inability to gain wastewater permits by either governing body for this size of development. Voting aye were Vermedahl and Buch. Voting nay was Sanders. Motion carried.

Supervisor Buch left the meeting at 9:35 a.m.

PUBLIC COMMENT - Laurie Mott questioned the board's status on the adoption of the Land Evaluation Site Assessment plan. Supervisor Vermedahl stated that he had spoken with Chad Sands of ECICOG who drafted the documents under the direction of the county's zoning commission. Sands is going to meet with the supervisors in the near future, but is currently in charge of the Jump Start program for flood relief for this region. The auditor advised that the contract with ECICOG expired on June 30, 2008. Mott wanted to know how a confinement animal feeding operation (CAFO) could be constructed on five acres, yet she cannot build home on three acres when both areas have a high corn suitability ratio. The board responded that the county cannot regulate CAFOs under state law. Mott questioned the status of any changes to the county's land use ordinance adding that if it took her years to do her job she probably wouldn't have one. Vermedahl stated that the current proposal needs be tweaked as it currently shows development in flood plain.

Steve Meyer, Chairman of the Emergency Management Commission, and Scott Hansen, Emergency Management Coordinator, appeared before the board under the agenda item "emergency management". Supervisor Vermedahl stated that the county attorney had received a comment from the public regarding today's agenda and subsequently notified the auditor that "emergency management" was not sufficient to apprise the public of what was to be discussed at the meeting. Meyer responded that he wished to speak with the board about a "proposal" and asked what needed to be stated on the agenda. Scott Hansen replied that Meyer should just state "a proposal" on the agenda. The auditor advised that the agenda item should contain more detail than just "a proposal" and should include what the proposal is about. Hansen responded that the public should come to the meeting if they wanted to know what it was about. Meyer stated that the proposal was about applying for federal funding for a new emergency management center and asked that the issue be placed on a future agenda with sufficient detail.

Hilary Copeland of East Central Iowa Council of Governments (ECICOG) met with the Board regarding the development of a multi-jurisdictional hazard mitigation plan. Copeland reviewed ECICOG's proposal in depth and the associated costs. The Board advised that they would review the proposals submitted and select a consultant in the near future.

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

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David Vermedahl, Chairman

ATTEST:

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Jill Marlow, Auditor

October 14, 2008

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

211

Moved by Buch, seconded by Sanders, to approve the minutes of October 9, 2008. All members voting aye thereon. Motion carried.

Rick Bramow, Maintenance Supervisor, spoke with the board about possible disposition of radiators no longer being used. Bramow questioned if the radiators could be disposed of. The supervisors expressed concern over disposing of all extra radiators, but agreed that some of larger ones would probably never be utilized. The radiators are original to the courthouse and are of the ornate style. The board suggested that Bramow contact the county's boiler vendor to determine if there is any value to the radiators. The board discussed the possibility of auctioning the un-needed radiators on E-Bay.

Moved by Buch, seconded by Sanders, to authorize the engineer to sign the NRCS (Natural Resources Conservation Service) damage survey reports for the Emergency Watershed Protection Program. All members voting aye thereon. Motion carried. The engineer advised that seven of the nine damage survey reports contain damage in the county right-of-way and two are bank repair outside of the right-of-way.

The engineer also spoke with the board about the Luzerne bridge project. Engineer Parizek stated that no lighting was included in the bridge project, and Luzerne believes that additional lighting should be installed. Parizek added that the 28E Agreement does not state who is responsible for installing lighting. Supervisor Vermedahl questioned if the lighting would be decorative lighting or just plain lighting. Parizek responded that was a decision that would have to be made. Parizek stated that the City does not believe that it is their responsibility to install additional lighting.

Mike Ruden of Durrant Engineering updated the board on the courthouse roof renovation project. Ruden advised that Janssen Waterproofing will need approximately another three weeks to complete the project. The stone will need to be replaced around the base of the clock tower; however the steel support structure will not need to be replaced but will need some repair on the south side. Ruden also reported that a change order may need to be done for some tuckpointing on the inside of the clock tower. The board discussed the window replacement for the clock tower. The auditor advised that she had not completed the contract documents yet for Zephyr Aluminum and due to her workload it may be several weeks yet. Ruden requested that the board give an oral commitment to Zephyr Aluminum so that they can order material. Supervisor Vermedahl requested that Zephyr provide proof of insurance and performance bond, if possible.

Mike Ruden of Durrant Engineering met with the board to review the Statement of Probable Costs for repair and/or replacement of the Law Enforcement Center. Ruden reported that he had been in contact with FEMA representatives regarding some of the current building code compliance issues. Ruden proceeded to review the Statement of Probable Costs. Discussion included the possibility of replacing the structure, the location if replaced, and if in the current location whether to build the facility up or place a garage underneath. A brief discussion was also held as to the size of new facility if constructed. Supervisor Vermedahl questioned the security of the facility relative to maximum, medium and minimum security. Discussion also included defendant appearances by video. Supervisor Vermedahl questioned if it was Ruden's belief that the facility would be eligible for replacement under FEMA. Ruden responded that it would be. Vermedahl stated that the board should begin considering the steps towards replacing the facility and the funding options available. Ruden stated that a lease-to-purchase option may be available.

Sheriff Forsyth met with the board to discuss the purchase of a portable building for the communications equipment. Forsyth stated that much of the communications equipment in the law enforcement center needs to be moved due to the hazards located in the building. Forsyth stated that he had two quotes for portable buildings: Lattice Communications: an 11'6" x 28" Andrews building located by Atlanta, GA, built in 2000 at a cost of \$26,000, delivered to Vinton, Iowa (cost to unload would be responsibility of county) Telcom Discount Warehouse (TDW): an 11'6" x 28' Fiberbond building, solid concrete, located by Miami, Florida, built in 2006 at a cost of \$23,195.00. Forsyth stated that the buildings are constructed so as to be placed on concrete piers. The site preparation and cement piers are not included in the costs.

Forsyth also reported that the cost to replace the communications equipment on state bid through RC Systems is \$201,416.90, plus \$6,995.95 for an uninterruptible power source. Moved by Sanders, seconded by Buch, to authorize the sheriff to purchase replacement equipment, with uninterruptible power source from RC Systems, at a cost of \$201,416.90 plus \$6,995.95. All members voting aye thereon. Motion carried.

Mike Ruden suggested that the structural system of each building be researched before making a decision as the structural system would affect the cost of the foundation and those costs should be considered first.

The auditor spoke with the board about the sheriff's department and conservation department failing to provide an inventory for the year ending June 30, 2008. Auditor Marlow explained that in order for the GAAP annual financial report to be completed the inventory had to be recorded. Marlow also expressed concern that failure to timely file the GAAP annual financial report and related reports with the State could result in a loss of mental health funding in the hundreds of thousands of dollars. Marlow explained that additional work had to be completed once the inventory reports are received and that time was beginning to run short if the state's deadline was to be met. Sheriff Forsyth stated that he would have the report to the auditor's office this afternoon. Supervisor Sanders contacted the conservation department, who responded that the report would be submitted as soon as possible.

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

David Vermedahl, Chairman

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

October 16, 2008

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

Moved by Buch, seconded by Sanders, to approve the recorder's quarterly report for the period ending September 30, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of October 14, 2008. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

212

The board delayed opening the quotes for mold remediation, pending the receipt of a quote being delivered by FEDEX. The county had taken action after the June 2008 flooding declaring that emergency work needed to be completed and took the necessary actions to allow the county to bypass the formal bid letting process on this matter.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on the plans, specifications, form of contract and the estimate of costs to repair flood-damaged county facilities (Governor Sherman Building, courthouse, reserve garage, and transportation building). The architect, a member of the news media, a state employee, and three county employees were present. Rob Peck of Design Dynamics advised that the estimated cost to repair the buildings is \$230,000.00 with approximately \$200,000 being eligible for FEMA reimbursement. The contract is the AIA (American Institute of Architects), Contract Forms 101 and 201. The plans and specifications have been on file in the auditor's office as well as other locations in Cedar Rapids and an on-line service. The board asked if there were any questions. It was asked what the timeline for completion was. The architect responded that it would be dependant upon the timeline for mold remediation. Hearing no further comment, the chair declared the public hearing closed. Moved by Sanders, seconded by Buch, to approve the plans, specifications, form of contract and estimate of costs for repairing the flood related damage to the Governor Sherman building, transportation building, sheriff's reserve garage, and courthouse. All members voting aye thereon. Motion carried.

The time of 9:45 a.m. having arrived, and this being the time and date for the bid letting on the construction repair to the Governor Sherman building, transportation building, courthouse, and sheriff's reserve garage.

Bids were due at 3:00 p.m. on October 14, 2008, and opened at 3:15 p.m. the same date. The bids received were from Septagon and Garling Construction; however Septagon did not submit the required documents and therefore cannot be considered. Garling Construction submitted the following bid: \$198,587.00 base bid; \$68,862 for courthouse; 52,687 for the Governor Sherman building; \$55,153 for the transportation building; and \$22,086 for reserve garage. Garling submitted the following alternate bids: A1-1 – waterproofing of window wells and stairways in basement of courthouse - \$8,000; Alternate A1-2 – install gypsum board on three walls in basement conference room - \$10,000; Alternate A1-3 – change wall in boardroom and install acoustical ceiling in conference room; Alternate A2-1 – wall and door demolition, new wall construction, new doors, and partial concrete floor replacement in Governor Sherman building - \$7,500.00; Alternate A3-1 – lower supply registers in transportation building - \$200.00; the total bid for the entire project \$231,787.00. Robert Peck, the architect hired by the county, recommended to the Board that they accept Garling Construction's bid for the facility construction project. Moved by Buch, seconded by Sanders, to award the bid to Garling Construction for the entire project, including alternates, at a cost of \$231,787.00. All members voting aye thereon. Motion carried.

The board checked with the third vendor for mold remediation, who advised via the county's consultant, that his bid was mailed through the United States Postal Service. After checking with the local post office and finding that no other mail for Benton County had been received, the board decided to proceed with opening the bids received for mold remediation. Two bids were received for mold remediation as follows:

Service Master 380 – Cedar Rapids, Iowa - \$311,423.00 broken down as follows: reserve garage - \$25,770.00; transportation building - \$146,020.00; courthouse basement - \$69,533.00; and the Governor Sherman building - \$70,080.00.

Servpro of Dubuque LLC - \$46,150.00 broken down as follows: reserve garage - \$2,650.00; transportation building - \$2,850.00; courthouse basement - \$8,450.00; and the Governor Sherman building - \$32,200.00;

Moved by Sanders, seconded by Buch, to award the bid for mold remediation to Servpro of Dubuque, LLC in the amount of \$46,150.00 in the Governor Sherman building, transportation building, reserve garage, and courthouse basement. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the board about applying for mental health risk pool funds. Williams reviewed that application that requests \$230,000 of mental health risk funds from the state.

Steve Meyer advised that he had spoken with the State about his proposal for preparing a multi-jurisdictional hazard mitigation plan for Benton County. Meyer stated that when he placed the matter on the agenda, he understood from the State that his proposal would not meet the new requirements; however, after additional consultation with state officials, Meyers is of the opinion that his original proposal is accurate and that he does not need to retract it. Meyer did state that his original payment schedule contained an error and that he would be submitting a revised payment schedule for inclusion in his original proposal.

Steve Meyer also spoke to the board about applying for a grant that may provide funding for a new Emergency Operations Center. Meyer asked for the board's input as to the idea. Supervisor Sanders asked if the EOC commission members were in favor of a new EOC. Meyer stated that they were in support of the grant be researched. Supervisor Vermedahl stated that he would not be in agreement with a picture of sewage swirling around the feet of the people in the EOC center, as that is somewhat overly dramatic. Sanders stated that there could be sewer backup in the EOC. Vermedahl stated that the basement of the courthouse is probably one of the most secure areas in the county in the event of a tornado, adding that flooding may be a negative but during tornado it would be a positive. Vermedahl added that he was not opposed to Meyer researching the grant. Sanders added that it could address some of the space problems in the courthouse as well. Meyer stated that he would research the grant further.

Moved by Buch, seconded by Vermedahl, to table action on the subdivision plats requested by Rick and Barbara Osterkamp. All members voting aye thereon. Motion carried. The applicants did not provide the necessary documentation for review by the land use administrator in time for today's meeting.

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

David Vermedahl, Chairman

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

October 21, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was absent. Vice-Chairman Buch called the meeting to order at 9:02 a.m.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

213

Supervisor Vermedahl arrived at 9:05 a.m.

Moved by Sanders, seconded by Buch, to approve checks numbered 103354 through 1303584, and payroll numbered 103251 through 103353, and ACH deposits numbered 4008 through 4107, for payment. All members voting aye thereon. Motion carried.

Kim Staab, Deputy Treasurer, met with the board regarding the closing of the treasurer's office the afternoon of November 6<sup>th</sup>. Staab reported that the treasurer would like to have all office employees attend training in Monticello regarding central issuance of driver's licenses. Staab reported that people would still come to the treasurer's office and apply for a license, but the actual license will be issued and mailed by the state. The meeting will also discuss the TIME 21 bill. Moved by Buch, seconded by Sanders, to acknowledge that the treasurer's office will close on November 6, 2008, at 12:00 p.m. to allow employees to attend training. All members voting aye thereon. Motion carried. The auditor requested that the supervisors' telephone numbers be posted on the door of the treasurer's office on that date so the public can contact them, if necessary.

Tammy Stark, Vinton Unlimited, requested the use of the courthouse lawn for an event on October 25, 2008. Stark advised they would use the west side of the courthouse. Moved by Sanders, seconded by Buch, to approve the use of the courthouse lawn by Vinton Unlimited on October 25, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-54. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-54 SERVICE AREA BUDGET AMENDMENT

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2009 budget on March 6, 2008; 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 FY2009 county budget is hereby amended within the following service areas: Service Area 1. The auditor is directed and authorized to amend said service areas as needed.

Dated this 21<sup>st</sup> day of October 2008.

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David H. Vermedahl, Chairman

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Ronald R. Buch

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Jason D. Sanders

ATTEST:

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Jill Marlow, Benton County Auditor

The board discussed the proposals received from Steve Meyer and East Central Iowa Council of Governments for the preparation of a multi-jurisdictional hazard mitigation plan. Supervisor Vermedahl stated that one difference in the plan is the administration of the grant. Meyer's plan would require that the county administer the federal grant as well as having the funds channeled through the county's budget whereas ECICOG would administer the grant and the funds would be a part of their budget. Vermedahl questioned if there is a conflict of interest in awarding the project to Meyer, as Meyer is the chairman of the Emergency Management Commission. The county attorney questioned if Meyer performed work for the commission or the emergency management office. Supervisor Sanders stated that Meyer has performed planning services for the commission in the past. The county attorney stated that Meyer is considered a county official and under Iowa Code the matter should go through written competitive bidding and publicly opened. Thompson stated if the county does not go through the competitive bid process it would be an illegal contract with Meyer. Thompson further stated that the county might go ahead and consider the bids that were received, but due to comments heard from ECICOG regarding statements made to them during the quoting process that it would be ill advised. Thompson stated that he believed that Meyer could perform the job well, but that this was a matter that the law needs to be followed. Supervisor Sanders stated that Meyer has been active in developing mitigation plans for other communities. Vermedahl stated that he did not object to advertising for the service. Moved by Buch, seconded by Sanders, that this matter should follow a bidding process to insure compliance with state law. All members voting aye thereon. Motion carried. The county attorney stated that it should be published with bids due on a certain date in the auditor's office and the auditor should contact Meyer and ECICOG.

The auditor explained that she had received the Project Worksheet for the law enforcement center from FEMA. FEMA has estimated that the cost to replace the current law enforcement center at \$5,627,889.00. The figure does not include site preparation or if necessary the purchase of another site. It does not include contents or communications equipment although it does include security systems, etc. The cost does include demolition costs. Discussion was held as to whether quotes would have to be received for engineering services for the construction or repair of a new facility. The auditor stated that she believed FEMA would require competitive quotations. Mike Ruden, Durrant Engineering, stated that the worksheet should be reviewed to insure that it included everything. Moved by Sanders, seconded by Buch, to request that Durrant Engineering review the Project Worksheet for replacement of the law enforcement center to determine if it includes all necessary requirements. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the board regarding the purchase of a portable building for the housing of communications equipment. Forsyth had presented two quotes at an earlier meeting, however no action was taken depending on the requirements for support structure needed for each building. Mike Ruden stated that both buildings would require basically the same support system. Moved by Sanders, seconded by Buch, to purchase the portable building from Telcom Discount Warehouse (TDW) located by Miami, Florida, at a cost of \$23,195.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of a new manure management plan submitted by Team Dairy, LLC, located in the SW1/4 of the SW1/4 of Section 20, Jackson Township. All members voting aye thereon. Motion carried.

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

214

Moved by Sanders, seconded by Buch, to table a fireworks permit requested by Thomas S. Pingenet for an Iowa Pyrotechnic Association event to be held on November 22, 2008, at 5990 28<sup>th</sup> Avenue Dr., Vinton, Iowa, pending submittal of the required insurance forms. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of October 16, 2008. All members voting aye thereon. Motion carried.

The board viewed the color of aluminum angles for the courthouse clock tower. The board decided that the bronze angles offered better aesthetics. Durrant also spoke to the board about the possibility of drafting a change order to cover costs of tuck-pointing inside the clock tower. Durrant estimated the cost to be approximately \$11,000.00. (Supervisor Buch left the meeting to speak with the contractor). The board directed Durrant to draft the change order.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

October 23, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of October 21, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the auditor to sign the FEMA project worksheet for the flood damage to the law enforcement facility in the amount of \$5,632,889.00. All members voting aye thereon. Motion carried.

The Board received the initial bargaining proposal from the Teamster's representing the sheriff's department employees.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Kevin and Deb Hesson, 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. Supervisor Vermedahl questioned if there was any control on the other two parcels for homes. Vermedahl stated that the county has never approved more than 2 acres in the past and questioned the impact of approving a large area. Greenlee stated that this is unique, but how the tracts end up being divided is not known at this time. Greenlee stated that it will be controlled by the subdivision. It was questioned what control would be if there was no division of land, for example placing ten mobile homes on ten acres. Greenlee stated that could not be controlled once the land use change is approved unless a limit is placed on the number of homes. Greenlee added that the application is for single-family residential up to three residences. The board discussed the possibility of approving a limited number of acres and not the entire 11.97 acres. Vermedahl also questioned if the board approved limited acres that could be divided across the parcel and if the use did not commence would the use cease after one year. Vermedahl further questioned if one drive is constructed would that suffice for the entire parcel as the use being commenced or only one residential area. Greenlee responded that he would probably take the position that it would. Moved by Buch, seconded by Sanders, to approve a land use change on a parcel located in the SW1/4 of the SE1/4 of the NW1/4 of 18-85-10, for three single-family residential uses. Further that the land use change has the stipulation that development is approved on two two-acre parcels and one 1.87 acre located, which is located in a separate forty-acre part of the NW1/4. Sanders requested that the motion include that each building site be reviewed as to the specific site. Buch questioned why the county would care where the building site ends up. Sanders questioned Greenlee if he believed additional language needed to be in the motion to enable to regulate the development. Greenlee stated that he believed that the land use application and site review provided adequate oversight and gave him regulatory authority. Question - All aye. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-57. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-57**

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and  
WHEREAS: Upon the completion of the probationary period the base wage may be increased from the starting wage  
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Kevin Atkinson be set at \$16.43 effective October 28<sup>th</sup>, 2008. This position carries a Labor Grade IVB classification.

Signed this 23<sup>rd</sup> day of October, 2008

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Benton County Auditor

Moved by Sanders, seconded by Buch, to approve the preliminary plat for West Views Addition to Benton County, Iowa. The preliminary plat is for a one-lot residential subdivision located in section 27 of Benton Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-.55, WEST VIEWS ADDTION TO BENTON COUNTY, IOWA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-55  
WEST VIEW ADDITION TO BENTON COUNTY IOWA**

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

215

WHEREAS, A Plat of West Views Addition to Benton County, Iowa, containing one (1) lot has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

A part of Parcel E in the SW1/4 NE1/4 of Section 27, Township 85 North, Range 9 West of the 5<sup>th</sup> Principal Meridian, Benton County, Iowa described as follows:

Commencing at the Center of said Section 27; thence N00°50'10"W along the west line of said SW1/4 NE1/4, 665.24 feet; thence N89°09'50"E, 645.22 feet to the point of beginning; thence N00°42'43"W, 275.75 feet to the north line of said Parcel E; thence S89°44'57"E along said north line, 13.92 feet; thence S89°52'27"E, 250.15 feet to the east line of said Parcel E; thence s06°20'28"E along said east line, 262.51 feet; thence S87°11'21"W, 289.99 feet to the point of beginning, containing 1.71 acres, which includes 0.30 acres of road-right-of-way.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and WHEREAS, the Benton County Board of Supervisors have granted the owners a change in land use from agricultural to a nonagricultural use for the above-described real estate; and WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa. NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of West Views Addition to Benton County, Iowa, will be and same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981, and April 17, 2008.
2. Any new private water supply will be constructed with the approval of the Benton County Health Department.
3. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

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

This resolution passed and approved on the 23<sup>rd</sup> day of October, 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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Ronald R. Buch

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

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #08-56, RIVER VALLEY FIRST ADDITION TO BENTON COUNTY IOWA. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

RESOLUTION #08-56

RIVER VALLEY FIRST ADDITION TO BENTON COUNTY IOWA

WHEREAS, A Plat of River Valley First Addition to Benton County, Iowa, containing one (1) lot has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

River Valley First Addition to Benton County, Iowa, is a subdivision of Parcel 'D' in the Northwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter and Government Lot 3 all in Section 11, Township 85 North, Range 9 West, in the Fifth Principal Meridian, Benton County, Iowa, as described on Exhibit "A" attached hereto and made a part hereof.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and WHEREAS, the Benton County Board of Supervisors have granted the owners a change in land use from agricultural to a nonagricultural use for the above-described real estate; and WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa. NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said plat of River Valley First Addition to Benton County, Iowa, will be and same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981, and April 17, 2008.
2. Any new private water supply will be constructed with the approval of the Benton County Health Department.
3. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

216

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

This resolution passed and approved on the 23<sup>rd</sup> day of October 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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Ronald R. Buch

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

ATTEST:

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Jill Marlow, Benton County Auditor

Rick Osterkamp met with the board to request that the planning and zoning commission be convened to consider an amendment to Benton County Ordinance #26 as amended. The amendment would strike the language prohibiting individual septic systems in subdivisions located in the unincorporated areas of the county. Osterkamp further asked that his proposal be considered and responded to by January 31, 2009. Supervisors Vermedahl and Buch stated that they were willing to present the proposal to the planning and zoning commission, and would further like to address changes to the county's subdivision ordinance prior to the end of the year. Moved by Buch, seconded by Sanders, that the zoning commission be convened to review and act upon the request made by Rick Osterkamp that language prohibiting individual septic systems in Benton County Ordinance #26, as amended, be stricken. All members voting aye thereon. Motion carried.

Roger Witt and Jill Marlow met with the board to discuss how to proceed with moving furniture and supplies in anticipation of mold remediation and construction work on the Governor Sherman building, transportation building, and courthouse and reserve garage. Witt advised that it would be necessary to remove all furniture and books prior to the beginning of the work. Witt also stated that there was a file cabinets and discarded electronics left in the Governor Sherman building by Department of Human Services Case Management. Witt stated that Case Management told him he could dispose of the electronics and move the cabinets to another storage area. Marlow stated that it would cost the county to dispose of the electronics and for storage as well as the labor to move the items and that it should be Case Management's responsibility. The board advised that the jailers from the sheriff's department could assist with moving items as well as the courthouse maintenance staff. An area at the old Lincoln School has been rented to provide for storage of county records and materials.

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

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David Vermedahl, Chairman

ATTEST:

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Jill Marlow, Auditor

October 28, 2008

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

The Board discussed the status of the law enforcement center. Supervisor Vermedahl updated the board on the FEMA project worksheet submitted on the facility. The worksheet must be submitted to Des Moines for approval and then forwarded to Washington, D.C. for final approval. It was determined from the meeting with FEMA that the board needs to begin the process of determining whether it plans to build a new facility or repair the current facility, as well as where a new facility will be located if that is the route taken. Vermedahl's opinion was that if FEMA assists financially with the replacement of the facility, he would be in favor of a new facility. Sanders stated that if the county rebuilds the facility then the opportunity to move the facility would exist. Buch added that repairing the facility would require repairing components that are obsolete. Buch also echoed that he supported the replacement of the facility. Sheriff Forsyth stated that there have been problems with in the past, especially with the plumbing and the roof in the current facility and those two areas were not affected by flood damage and therefore would need to be addressed as well if the current facility was repaired. Supervisor Vermedahl commented that he would support the construction of a jail and sheriff's administrative building, but it would need to be reasonable in size. Vermedahl added that if the county ends up having to repair the facility, then mitigation would be needed for flood walls, etc. Deputy Ferguson stated that if the facility were left in its current location, even if it is elevated, personnel would not be able to get to it if floodwaters were surrounding it. Moved by Sanders, seconded by Buch, to proceed with the possibility of replacement of the law enforcement center and to look at alternate locations, contingent upon the approval of the financial assistance. All members voting aye thereon. Motion carried.

Supervisor Vermedahl questioned if a citizen committee should be organized. Supervisor Buch commented that he was not sure if he thought a committee was necessary. Sheriff Forsyth stated that the committee formed when the current jail was constructed did not necessarily determine the location or the size, but rather if a jail facility should be constructed. Forsyth stated that it was a large committee and well attended. Vermedahl questioned if the facility should be constructed at the same size, smaller, larger, or with the ability to expand. Buch stated that he believed that a committee should be involved, but not in the determination of the location of the facility.

Moved by Buch, seconded by Sanders, to enter into and authorize the chair to sign the contract between Benton County and ServPro of Dubuque for mold remediation services. Said contract contingent upon receipt of ServPro's performance bond. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve Change Order #1 to the courthouse renovation project to provide for tuck pointing services on the inside of the clock tower. Said services to be completed by Janssen Waterproofing, Inc. at a cost of \$11, 600.00. All members voting aye thereon. Motion carried.

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

217

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Premier Election Services and Benton County, Iowa, for the purchase of twenty Auto mark ballot marking devices and related hardware and software. All members voting aye thereon. Motion carried. The purchase of the equipment was approved in a contract between Benton County and the Iowa Secretary of State earlier in the year, with the Secretary of State paying the cost of the actual equipment. This agreement is being requested by Premier Elections as the equipment was purchased from them through the Secretary of State. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of October 23, 2008. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

October 30, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of October 28, 2008. All members voting aye thereon. Motion carried.

Marc Greenlee presented the final plat of Hidden Meadow First Addition submitted by Hidden Meadow Farms. Greenlee advised that this is for a four-lot subdivision, for which a land use change was done on three lots with the other lot being a pre-existing use. Greenlee stated that the board had a previous meeting approved the preliminary plat, and all required documentation has been submitted and meets the county's requirements. Moved by Buch, seconded by Sanders, to adopt Resolution #08-58, HIDDEN MEADOW FIRST ADDITION. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**HIDDEN MEADOW FIRST ADDITION  
BENTON COUNTY, IOWA  
RESOLUTION APPROVING PLAT**

RESOLUTION NO. 08-58

**WHEREAS**, A Plat of Hidden Meadow First Addition, Benton County, Iowa, containing four (4) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

See Exhibit "A" attached hereto and made a part hereof and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Benton County Board of Supervisors that said plat of Hidden Meadow First Addition, Benton County, Iowa, will be and same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

4. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981, and April 17, 2008.
5. Any new private water supply will be constructed with the approval of the Benton County Health Department.
6. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

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

This resolution passed and approved on the 30<sup>th</sup> day of October 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

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

Moved by Sanders, seconded by Buch, to adopt Resolutions #08-59 and #08-60, AMENDING RESOLUTIONS NO. 08-55 AND NO. 08-56. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION NO. 08-59  
AMENDING RESOLUTION NO. 08-55  
WEST VIEWS ADDITION  
TO BENTON COUNTY IOWA**

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

218

**WHEREAS**, A Plat of West Views Addition to Benton County, Iowa, containing one (1) lot was presented to the Benton County Board of Supervisors on October 23, 2008, consisting of the following described real estate:

A part of Parcel E in the SW1/4 NE1/4 of Section 27, Township 85 North, Range 9 West of the 5<sup>th</sup> Principal Meridian, Benton County, Iowa described as follows:

Commencing at the Center of said Section 27; thence N00°50'10"W along the west line of said SW1/4 NE1/4, 665.24 feet; thence N89°09'50"E, 645.22 feet to the point of beginning; thence N00°42'43"W, 275.75 feet to the north line of said Parcel E; thence S89°44'57"E along said north line, 13.92 feet; thence S89°52'27"E, 250.15 feet to the east line of said Parcel E; thence s06°20'28"E along said east line, 262.51 feet; thence S87°11'21"W, 289.99 feet to the point of beginning, containing 1.71 acres, which includes 0.30 acres of road-right-of-way.

and

**WHEREAS**, said resolution 08-55 erroneously states that a land use change was granted; and **WHEREAS**, the Board of Supervisors desires to amend said Resolution #08-55 and strike the erroneous language, **NOW, THEREFORE, BE IT RESOLVED** by the Benton County Board of Supervisors that Resolution #08-55 West Views Addition to Benton County, Iowa, adopted on October 23, 2008, is hereby amended by striking the following from said resolution:

"**WHEREAS**, the Benton County Board of Supervisors have granted the owners a change in land use from agricultural to a nonagricultural use for the above-described real estate"

All other parts of Resolution #08-55 West Views Addition to Benton County, Iowa, adopted on October 23, 2008, remain in full force and effect.

This resolution passed and approved on the 30th day of October 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

ATTEST:

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

**RESOLUTION #08-60  
AMENDING RESOLUTION NO. 08-56  
RIVER VALLY FIRST ADDITION  
TO BENTON COUNTY IOWA**

**WHEREAS**, A Plat of River Valley First Addition to Benton County, Iowa, containing one (1) lot was presented to the Benton County Board of Supervisors consisting of the following described real estate:

River Valley First Addition to Benton County, Iowa, is a subdivision of Parcel 'D' in the Northwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter and Government Lot 3 all in Section 11, Township 85 North, Range 9 West, in the Fifth Principal Meridian, Benton County, Iowa, as described on Exhibit "A" attached hereto and made a part hereof.

and

**WHEREAS**, said resolution #08-56 erroneously states that a land use change was granted; and **WHEREAS**, the Board of Supervisors desires to amend said Resolution #08-56 and strike the erroneous language, **NOW, THEREFORE, BE IT RESOLVED** by the Benton County Board of Supervisors that Resolution #08-56 River Valley First Addition to Benton County, Iowa, adopted on October 23, 2008, is hereby amended by striking the following from said resolution:

"**WHEREAS**, the Benton County Board of Supervisors have granted the owners a change in land use from agricultural to a nonagricultural use for the above-described real estate"

All other parts of Resolution #08-56 River Valley First Addition to Benton County, Iowa, adopted on October 23, 2008, remain in full force and effect.

This resolution passed and approved on the 30th day of October 2008.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

ATTEST:

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

Mary Halstead, Transportation Director, requested authority to apply for federal STP (Surface Transportation Program) grant funds to purchase a transit vehicle. Halstead explained that the funds would be the 2010 through 2013 grant program, so the vehicle would not arrive until 2010. Halstead said that a new vehicle should be delivered next summer (2009) to replace a current bus, however the vehicle purchased with STP funds would probably be for a mini-van that is wheel chair accessible. The STP funds are the same funds used for road projects as well. Current projects include

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

219

resurfacing north of Norway, the City of Blairstown, and the City of Van Horne. The application process has changed slightly in that ECICOG needs to be contacted by October 31<sup>st</sup> notifying them of the project. The application is due in December. The applications will then return to the supervisors for prioritization of the various projects. Halstead is seeking permission to apply for funds. Moved by Buch, seconded by Sanders, to authorize the transportation director to apply for 2010-2013 STP grant funds for the purchase of a vehicle. All members voting aye thereon. Motion carried.

The sheriff presented quotes to the board for the installation of alarm panels in the transportation department and courthouse. Quotes were received as follows:

Courthouse:

Midwest Alarms Systems – \$6,250.00

Hawkeye Alarm and Signal – no quote on courthouse due to the wireless detectors

Transportation building and reserve garage:

Midwest Alarms Systems - \$4,915.00 (uses existing detectors)

Hawkeye Alarm and Signal - \$5,250.00 (includes new detectors)

Moved by Buch, seconded by Sanders, to contract with Midwest Alarm Services to install alarm panels in the courthouse and the transportation building and reserve garage. Supervisor Vermedahl questioned if the county would be further ahead to replace the detectors in the transportation/garage facilities. The sheriff advised that the cost quoted for detectors was very reasonable. Supervisor Buch and Sanders then withdrew their motion. Moved by Buch, seconded by Sanders, to contract with Midwest Alarm Services to install an alarm panel in the courthouse at a cost of \$6,250.00 and Hawkeye Alarm and Signal to install detectors and an alarm panel in the transportation building and the reserve garage at a cost of \$5,250.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, that it is board's intent that the windows in the remainder of the courthouse will not be replaced this year as previously bid. Zephyr Aluminum is released from that portion of the bid awarded earlier in the year. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a claim from Benton County Sanitary Disposal for flood related debris removal in the amount of \$26,746.60. All members voting aye thereon. Motion carried.

The board questioned if they could go into closed session to discuss the possible locations for a new jail facility. The county attorney advised that the board could only go into closed session if they had specific property in mind to prevent the increase of cost to the county. The county attorney that just to brain storm on locations would not meet the requirements of entering into a closed session. The board stated that they believed that specific properties would be discussed. Moved by Buch, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.5(j). All members voting aye thereon. Motion carried at 10:15 a.m.

Moved by Sanders, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 10:40 a.m.

The board discussed the creation of jail study committee regarding the construction of a new jail facility. Supervisor Sanders commented that the committee would need the assistance of the architect and he believed that appointing a committee at this time was premature. The county attorney stated that a committee had been formed when the current facility was built that included the juvenile probation officer, a district judge, the newspapers, and the supervisors just to name a few. County Attorney Thompson further commented that he would suggest that committee of approximately nine people be formed that includes a district court judge, Magistrate Judge Anders Norgaard, Vinton police chief, the sheriff and first deputy, county engineer, county attorney, a person with construction expertise, and a board of supervisor member. Thompson warned that if all three supervisors were on the committee that a public meeting would need to be held with minutes taken at each committee meeting. Sheriff Forsyth stated that the membership should be based on what the committee is expected to do and that appointment may be premature, explaining that if a bond issue would be needed then committee membership should include newspapers, someone from the southern part of the county, as well as people who would be willing to go out and meet with the public. Supervisor Buch stated that the committee should be people who know about jails. Thompson questioned if the board felt that they knew more about the matter and believed they should not involve the public. Supervisor Sanders reiterated that the county does not have an architect on board and it would be the architect that would provide guidance on the make up of the committee based on what the committee is to accomplish. Sheriff Forsyth responded that he is not against a committee, but the committee membership should be based on what the duties of the committee will be, for example site selection or facility design. Supervisor Buch stated that the supervisors should determine the site location. Thompson responded that if the board did not want to form a committee it was their decision, but it was his opinion that the public should be involved. Supervisor Buch stated that Thompson's membership suggestions have nothing to do with a jail other than the sheriff. Supervisor Vermedahl commented that the board would make a note of Thompson's suggestions, but also believed that the county needed to get the architect on board before going any further, adding that a first glance he did not have an issue with using a committee on the project. Sheriff Forsyth reiterated however that the purpose needs to be defined prior to selection of committee members. Vermedahl reiterated that what really needs to happen is that the request for proposal (RFP) for professional services needs to be done. Supervisor Buch questioned how the county was going to go about developing. Vermedahl responded that as soon as the general election is over and the county auditor had more time, that he and she would work on the development of the RFP.

Moved by Buch, seconded by Sanders, to approve the bond and authorize the chair to sign the contract between Benton County and Garling Construction for repair and construction work to the Governor Sherman building, transportation building, courthouse, and reserve garage. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

November 4, 2008

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

220

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

Supervisor Buch attended the meeting by telephone and was placed on speakerphone for the public to hear.

Moved by Buch, seconded by Vermedahl, to approve Change Order #2 to the courthouse remodeling project to allow for beam repair, sealant, and stone at a cost of \$27,042.00. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

November 6, 2008

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 20, 2008, and November 4, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 69 hours of vacation carry-over requested by Roger Witt, to be used no later than April 1, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve vacation payout of 138.25 hours requested by Delane Kalina. Kalina's anniversary date is November 17<sup>th</sup> and she will not be able to use the vacation prior to that date. Kalina is retiring on December 31<sup>st</sup> and therefore unable to use the vacation time. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the installation of telephone lines to the transportation building as the current phone lines originate from the law enforcement center and will no longer be available. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Kurt's Enterprises to move furniture and books from facilities to allow for mold remediation and reconstruction at a cost of \$40.00 per man-hour. All members voting aye thereon. Motion carried.

Representatives of Friends of the Shelter met with the board to provide a status update on the dog shelter. Jenny Corbett, Donita Casey, Julie Havran. Building built in 1972 and was constructed as a temporary shelter for three days and it does not meet current needs. Corbett stated that the group has been working with the city for the construction of a new facility. The number of animals being received by the facility has increased dramatically. Vermedahl questioned if the group would be managing the shelter and the group responded that they were. The group was asking for continued support from the county. Vermedahl responded that he was in support of the group but that there needed to be a formal agreement. Vermedahl also requested that the group present a budget to the board for review.

Moved by Buch, seconded by Vermedahl, to approve a request submitted by Farmers Mutual Telephone to place utility lines in the county's right-of-way in section 19 of Canton Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Morris Higgins from Benton County Secondary Roads, effective December 31, 2008. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on October 31, 2008, was \$18,615.54.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

November 10, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. Chairman Vermedahl called the meeting to order at 11:00 a.m. in the courtroom.

Moved by Sanders, seconded by Buch, to approve the minutes of November 6, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 103586, and 109292 through 109625, and payroll numbered 109201 through 10929, 109291, and 109626 through 109829, and ACH deposits numbered 4108 through 4206 and 4207 through 4306. Check number 109625 was voided. The check numbers reflect a change in check stock and numbering due to the bank routing number changing. All members voting aye thereon. Motion carried.

The board discussed the field tiling to be done at the landfill property. Jerry Rabe was the only bidder on the project with a completion date of June 2009. The property is currently leased to Tim Sage with stipulations that the rent would be lowered until the field tiling was completed. Moved by Buch, seconded by Sanders, to authorize Tim Sage to deduct the rental payment on two and one-half acres from the amount due for the 2008 crop year. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Mark Wessling effective December 31, 2008. Wessling is retiring from county employment. All members voting aye thereon. Motion carried.

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

RESOLUTION #08-  
ABATEMENT OF TAX

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

221

**BE IT RESOLVED** by the Benton County Board of Supervisors that tax, interest and penalty in the total amount of \$900.00 is hereby abated on parcel numbered 240-39950 pursuant to the request by the City of Vinton and Iowa Code 445.63.

Dated this 11th day of November 2008.

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

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

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

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Deputy Auditor

Moved by Buch, seconded by Sanders, to acknowledge the intent to annex property by the City of Vinton described as the NW SE EX S 6-1/2 AC & W 3 A of the NE SE EX S6-1/2 RD and EX Parcel A of 18-85-10. The property is located west of Vinton along 58<sup>th</sup> St. Drive. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to renew the Agreement with Employee Benefit Systems for administration of the county's flex spending program for 2009. All members voting aye thereon. Motion carried. The cost is \$4.75 per participating employee per month.

Moved by Buch, seconded by Sanders, to approve the fireworks permit requested by Charles Yedlik for an event to be held on November 22, 2008, at 5898 28<sup>th</sup> Avenue Dr., Vinton, Iowa. All members voting aye thereon. Motion carried.

The time of 12:30 p.m. having arrived, and this being the time and date for canvassing the November 4, 2008 General Election, the board took up the matter for consideration. Having reviewed all vote tallies and drawing winners from the hat as required by law, it was moved by Sanders, seconded by Buch, to approve the results of the November 4, 2008 General Election, and to order the auditor to file the necessary abstracts and records with the respective offices. All members voting aye thereon. Motion carried.

**County Officials Elected:**

David H. Vermedahl, Board of Supervisor

Ronald R. Buch, Board of Supervisor

Jill Marlow, Auditor

Randall L. Forsyth, Sheriff

The following **township trustees** were elected:

Benton – Larry O'Brian and Steve Cronk

Big Grove – Ilene N. Kreider and Craig Selk

Bruce – Ervin Krug and Loren Miller

Cedar – Steve Runyan and Paul Zander

Canton – Kirk Tumilty and Charles Ries

Eden – Everett Heitshusen and Dwight Sanders

Eden – to fill a vacancy – John Holst

Eldorado – Scott Thompson and Tracy Seeman

Florence – James Hemesath and Roy L. Schulze

Fremont – Donald Drug and Timothy Bidel

Harrison – Roger Bistline and George Geater

Homer – Lindsay Staton and John Buhr

Iowa – Jim Sayers and Dean Jensen

Jackson – John Buhr and John McKenna

Kane – Todd Hennings and Jay Wilson

Leroy – Larry Ohlen and Helen Grunewald

Monroe – Douglas Mehnhaus and Mike Knupp

Polk – Scott H. Hepker and Bill Kester

St. Clair – Bryce Brecht and Dennis L. Frese

Taylor – Kirk Appleby and Charles Yedlik

Union – Steve Van Deusen and Dick Pickart

The following persons were elected to the **Benton County Agricultural Extension**: Scott Hepker, Nancy Jensen, Ben Olson, Judi Hertle,

The following persons were elected to the **Soil and Water Conservation**: Russell Lindberg, Robert Ritscher, Harold Cassens

Moved by Sanders, seconded by Buch, to recess until 6:00 p.m. at the Luzerne fire station. All members voting aye thereon. Motion carried.

The board reconvened at 6:10 p.m. at the Luzerne fire station to discuss the lighting of the Luzerne bridge.

Moved by Buch, seconded by Sanders, to share the cost on a 50/50 basis with the City of Luzerne for the installation of a light and pole on the bridge in Luzerne. Further, that Benton County continues with the current maintenance agreement between Benton County and Luzerne. All members voting aye thereon. Motion carried.

The board also discussed the replacement of culverts in Luzerne and the water run-off problems associated with the new bridge. The engineer advised that his department would either replace the culverts or create a waterway to address the situation.

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

222

David Vermedahl, Chairman

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

November 13, 2008

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

Moved by Sanders, seconded by Buch, to approve the minutes of November 10, 2008. All members voting aye thereon. Motion carried.

Marc Greenlee requested that he paid for his unused vacation, stating that he his anniversary date is December 6, 2008, and he will be unable to use the vacation before that time. Moved by Buch, seconded by Sanders, to approve 80 hours of vacation payout and 17-1/2 hours of vacation carry-over requested by Marc Greenlee. All members voting aye thereon. Motion carried.

Roger Witt met with the Board regarding the courthouse fire alarm system. Witt advised that Midwest Alarm currently has the fire alarm system in the courthouse. Witt advised that issues remain with the operability of the alarm system and the alarm being received at the sheriff's department through a dialer system. Witt stated that the county currently is holding several invoices for Midwest Alarm due to remaining issues with the system. Witt requested that the board investigate other vendors for the alarm system. Moved by Buch, seconded by Sanders, to rescind the action taken on October 30, 2008, approving Midwest Alarms to install an alarm panel in the courthouse, and to investigate other vendors for the same type of services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the application for an alcohol permit submitted by Kimm's Sinclair's. All members voting aye thereon. Motion carried.

The board discussed snow removal in parking lots around the courthouse. Supervisor Vermedahl advised the Gary McKenna has in the past removed the snow in the sheriff's parking lot, alley, and area by the rescue garage. Moved by Buch, seconded by Sanders, to continue to have McKenna remove the snow in the parking lot adjacent to the sheriff's department, alley, and rescue garage at a cost of \$55.00 per month. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into and authorize the chair to sign the contract between Benton County and Zephyr Aluminum for the replacement of windows in the courthouse clock tower at a cost of \$73,232.00. All members voting aye thereon. Motion carried.

Representatives of ServPro, Garling Construction, Design Dynamics and MB Environmental, met with the board regarding the reconstruction and mold remediation at the Governor Sherman Building. ServPro reported that when they removed the acoustical ceiling in the Governor Sherman building that there was mold on the primary ceiling and insulation. ServPro stated that two options for remediating the mold were available. The first would require removal the entire ceiling including insulation and all mechanical and electrical located there. Garling Construction representative Bud Maynard interjected that the cost to the county to replace the ceiling and mechanicals could cost in excess of \$100,000.00 if that was the direction taken. ServPro stated that a second option was available although it was not as thorough as the first option. The second option would be to leave the ceiling, with the exception of the moldy drywall (plus one foot) and then treat the remaining drywall (ceiling) with a product to kill and destroy the mold. ServPro stated that the product would draw the mold out of the drywall but would not remove it all. The remaining molds when then be encapsulated in a polymer substance, and would resolve the issue as long as the area stayed dry. ServPro warned that if the area becomes wet or too humid that the dormant encapsulated mold may become active and therefore should be visually inspected at least twice a year. ServPro estimated the cost to apply the sealant would be in the \$15,000 to \$20,000 range; however that was not a concrete figure. Garling Construction advised that addressing the demolition caused by remediating the additional mold would require replacing the entire ceiling grid, pads, flexible ductwork and acoustical tile. Maynard said that subject to final estimation, the cost could be in the range of \$15,000 just for the additional work. ServPro and Garling Construction were asked to present a formal proposal for board action at the next meeting.

ServPro provided a status report on the mold remediation completed and the timeline for completion. They recommended that an electrician review the wiring at the Governor Sherman building.

Moved by Sanders, seconded by Buch, to pursue Option #2 contingent on the final cost and a change order to be submitted by Garling Construction and ServPro. All members voting aye thereon. Motion carried.

The board discussed the construction work at the transportation building. Garling Construction and the county's architect recommended that the doors be replaced instead of just parts advising that the cost difference would be minimal and that was the recommendation of the original building contractor as well. The board indicated that they would be in agreement with the change pending a formal change order and cost.

Moved by Buch, seconded by Sanders, to approve an application for a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way located along 59<sup>th</sup> Street in Monroe Township. All members voting aye thereon. Motion carried.

The engineer requested authority to advertise for the position of maintenance superintendent for his department. The position will become vacant due to retirement and the engineer seeks to fill the position. Moved by Sanders, seconded by Buch, to authorize the engineer to advertise to fill the position of maintenance superintendent. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

November 18, 2008

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

223

Moved by Sanders, seconded by Buch, to approve the minutes of November 13, 2008. All members voting aye thereon. Motion carried.

The engineer reported that the second half of the landfill rent remains unpaid. Supervisor Buch advised that he spoke with the renter and an agreement to waive the rent on 2-1/2 acres for 2008 due to the county not tiling the ground had been reached. Buch stated that the board discussed this when the ground was rented initially.

The board discussed the vacation policy with the county department heads. Supervisor Vermedahl stated that the board wanted to discuss specifically the payout of unused vacation. Vermedahl stated that the employee handbook does allow for payout, but what happens that when it gets enough later that a person gets paid out vacation out at a higher wage than at what it was earned. The board also believes the employees should be taking their vacation. Vermedahl stated that the board is considering returning to a policy that vacation that isn't used it is lost. Mary McLaughlin questioned how budgets could absorb a vacation payout stating that she would be unable to. Supervisor Buch stated that the change would go into effect July 1<sup>st</sup>, 2009. Buch reiterated that employees should be taking the vacation. Buch stated the public will have to plan their schedules around the employees' vacation. McLaughlin stated that some auditing firms require that consecutive two-week vacations be used to allow for improprieties be discovered. Williams asked about the carry-over provision in the policy. Buch stated the vacation should be used and not carried over. Sanders stated that some employees state they have a vacation coming up, but carry-over seems to perpetuate itself. Williams stated that with small offices it is sometimes hard to get the required vacation in unless they close the office. Mary Ann Blumer stated that one of the problems is the requirement to use compensation time prior to vacation. Treasurer Geater requested the reason for requiring compensation time before vacation. Auditor Marlow responded that federal law requires that compensation time be taken or paid whereas vacation time can be a "use it or lose it" policy. Blumer stated that payout was never done for quite a while, whereas employees have utilized carry-over for quite some time. Blumer stated that if an employee has a large trip planned that they should be allowed to carry-over vacation. Sanders responded that an occasional carry-over is allowable but continually carrying over vacation is an issue. Supervisor Buch stated he was not prepared to make a decision on the issue today. Vermedahl stated that he wanted to research the compensation issue as well. Williams stated that two issues are being discussed – pay out and carry-over. Vermedahl stated that the policy will probably go back to what it was before this year but he could not speak for the other supervisors and stated that a decision will be made on December 2, 2008. Engineer Parizek questioned if the payout was requested because they were not able to take vacation due to the flooding and the payout is an attempt to "zero the books". Parizek stated that since he is an exempt employee that unless he takes a week at a time he cannot use the vacation allotment up. Vermedahl stated that employees should take vacation. The matter was placed on a future agenda for action by the board.

The board discussed the FY10 budget schedule and recommendations. Budgets will be due to the county auditor no later than January 5<sup>th</sup>, 2008. Vermedahl and Buch stated that FY10 does not look good due to flood damages and loss of revenue. The treasurer stated that taxes due next year are on property values prior to the flood. Vermedahl stated that it is obvious that budgets need to be held to their current level and that there is no extra money. Scott Hansen questioned when salaries would be discussed and/or decided. Vermedahl responded that the unions are in the midst of negotiations and he was unable to answer the question. The engineer stated that many small departments are made up primarily of wages and if you don't give them an idea of wages then it is difficult for them to submit a realistic budget. McLaughlin stated that maintenance costs on computer software and hardware have increased dramatically and therefore her budget will be increased. McLaughlin advised that the maintenance increases are due to vendors granting wage increases to their employees. Vermedahl stated that eventually those companies will go out of business because everything trickles down to the consumer. Vermedahl stated that if there were any advice on wages it would be that small increases are in order but not any large increases.

Moved by Buch, seconded by Sanders, to approve a change order for ServPro for additional mold remediation in the Governor Sherman building at an additional cost of \$19,578.15. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a change order requested by ServPro to cover the cost for a performance bond required by ServPro under Iowa law but not included in the request for proposals. Moved by, seconded by, to approve a change order to increase the cost of the contract with ServPro by \$1,850.00 to cover the costs of the required performance bond. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to give preliminary approval for change orders to the Flood Reconstruction Project with Garling Construction Inc. as follows:

- #1. Remove and replace the upper 4' of drywall on the south and east walls of room #006 of the Courthouse – add \$673.00
- #2. Replace all acoustical ceiling tile in the Governor Sherman Building on a time and material not to exceed basis – add \$5,000.00
- #3. Replace all acoustical ceiling grid in the Governor Sherman Building on a time and material not to exceed basis – add \$6,000.00
- #4. Replace all flexible ductwork in the Governor Sherman Building on a time and material not to exceed basis – add \$3,000.00
- #5. Replace all underlayment flooring over basement area in Governor Sherman Building, lump sum – add \$808.00
- #6. Remove the existing OSB sheathing from the west wall of room #104 (both sides) and replace with ½" plywood sheathing (both sides) Transportation Building lump sum – Add \$404.00
- #7. Delete door #107A from the Transportation Building lump sum credit – Deduct \$612.00
- #8. Delete door #104 from the Transportation Building lump sum credit – Deduct \$612.00
- #9 – Delete door #101 from the Reserve Garage lump sum credit – Deduct \$612.00

Moved by Buch, seconded by Sanders, to eliminate the west basement restroom in the courthouse with the new use to be determined at a future board meeting. All members voting aye thereon. Motion carried.

The board met with Jerry Petermeier regarding contracting with him to perform the duties of a Program Manager for the replacement of the law enforcement facility, which include assisting with selection of an engineering/architect, project oversight and coordination. Petermeier questioned the specific duties expected and after

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discussing the same indicated that he would be willing to serve in that capacity. Petermeier is to return to the board with a cost to perform the service.

Sheriff Forsyth updated the supervisors on the portable building for the communications equipment needed near the current law enforcement center. The building is needed to house equipment that can no longer be located in the law enforcement facility but needs to be near the radio tower. A building that is four years newer than the original building has been located at the same price as the original. The board had given Forsyth approval to purchase a portable building at an earlier board meeting.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

November 25, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl was gone. The vice-chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of November 18, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve payment of checks numbered 109830, 109929 through 11021, payroll numbered 109831 through 109928, and 110122 through 110133, and ACH payments numbered 4307 through 4404. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request to carry-over 54.75 hours of vacation requested by Mary Ann Blumer. Said vacation carry-over is to be used no later than May 1, 2009. Both members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, requested approval to hire Dale Peterson, Steven Benham and James Ludden as part-time drivers. Supervisor Sanders stated that the hire of Peterson violated county policy, as his brother is currently an employee in the transportation department. Moved by Sanders, seconded by Buch, to approve the hire of Steven Benham and James Ludden as part-time drivers with Benton County Transportation, effective November 25, 2008, at a wage of \$10.99 per hour. Further, the hire of Dale Peterson is denied, as it would be in violation of the county's nepotism policy. Both members voting aye thereon. Motion carried.

Delane Kalina, Deputy Auditor, requested guidance from the board as to the payment of late fees on the sheriff's credit card account. Kalina advised that after repeated attempts, the sheriff still fails to provide claims for credit card charges on timely basis to enable payment of credit card statements. Kalina advised that some charges were for expenses incurred in September. The auditor advised that no other departments had problems with submitting claims for credit card charges to avoid late fees. Moved by Sanders, seconded by Buch, to approve payment of \$39.00 in late fees on the sheriff's credit card, however a discussion should be held with the sheriff regarding the matter, as late fees cannot be incurred on a regular basis. Both members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, presented the Benton County Mental Health/Mental Retardation/Developmental Disabled Management Plan FY2008 Annual Report to the board. Williams reviewed the report with the board explaining the various components of the plan and the reporting requirements. Moved by Sanders, seconded by Buch, to approve the Benton County MH/MR/DD Management Plan FY2008 Annual Report and direct the social services director to file the same with the appropriate agencies. Both members voting aye thereon. Motion carried.

Patti Gilbaugh met with the Board regarding to request the county's support for the Children's System of Care Grant Project through SAMHSA. Gilbaugh stated that a consortium of individuals (juvenile probation, county officials, Decat, Department of Human Services, Four Oaks) from the region is preparing to submit a grant application. The grant is for approximately \$9 millions dollars distributed over a six-year period. Gilbaugh explained that the grant will provide funding to repair a fragmented system that is allowing children to fall through the cracks for necessary services. The new system will provide for early detection to prevent children from becoming involved with juvenile court, welfare, etc. Supervisor Buch stated that there are already services in place; however Gilbaugh stated that those services are hard to access. Gilbaugh stated that many services cannot be accessed without going through the juvenile court system. The grant will fund resources to be provided locally by creating a network locally and done in a way that allows planning and processes to identify at risk children early. Buch questioned why some of the services that go into home aren't identifying those children. Tammy Wetjen-Kesterson, DECAT Coordinator, stated that those children are identified in some cases but providing services are delayed. Wetjen-Kesterson stated that there is nothing in place that is concrete that reaches out to these children. Gilbaugh explained that a new oversight board would be created made up of stakeholders from the region. The grant requires six specific positions that are funded by the grant. Supervisor Buch questioned what happened when the grant runs out. Gilbaugh stated that the intention is to see the funding be provided by locally. Wetjen-Kesterson stated that the State of Iowa will step in and provide funding. Buch questioned if the state funding was a guarantee. Wetjen-Kesterson stated that it "was close". Buch commented then that if the State fails to provide the funding, the county will be on the hook. Gilbaugh stated that the county may have to fund the system in the future anyway. Wetjen-Kesterson stated that the grant will provide the system to be put in place locally instead of the state and federal government dictating how the system will be designed. Buch questioned if the funds would be done through the county's mental health fund. Gilbaugh stated that she did not see that happening. The system would be designed to provide services and move children out of the system and not keeping them in the system. Wetjen-Kesterson stated that the system would remove some of the county's load. Buch questioned what the county's match would be. Gilbaugh stated that currently they are requesting a letter of support, but that local financial funding could possibly be derived from other grants. Wetjen-Kesterson reported that the local match could be reached through current DECAT and Empowerment funding, although federal funding to those programs could not be considered. Buch reiterated his question as to what would happen to the program once the grant was used up and the state failed to participate in funding the system. Gilbaugh stated that the program would fail and just go away. Buch responded that he has yet to see a program "just go

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away". Supervisor Buch stated that he was not comfortable acting on the request for support until a full board was present. Mary Williams stated that the application for the grant must be done in January and that action by the supervisors could not wait long. The matter was placed on the December 2, 2008 agenda for action.

Stuart Towe, Florence Township Trustee and Wayne Riley, Florence Township Clerk met with the board regarding the purchase of a fire truck. Iowa law requires that townships that need to borrow money must have the county borrow the money on their behalf. Towe explained that the township currently has about 2/3<sup>rd</sup> of the funding in place. Jill Marlow, county auditor, suggested that the shortfall be funded in part by the local option sales tax money and that the board consider loaning the remainder to the township from remaining local option sales tax money. Supervisors Buch and Sanders were in support of further researching the auditor's suggestions and requested that she present more concrete information at the next board meeting.

Will Heber and Mark Pingenot met with the Board regarding Benton County Conservation funding and expenses due to flood related repairs as well as other conservation projects.

Moved by Sanders, seconded by Buch, to approve the request for a utility permit submitted by Farmers Mutual Telephone to place utility lines in the county's right-of-way in section 10 of Benton Township along 57<sup>th</sup> Street Trail. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request for a utility permit submitted by East Central Iowa REC to place utility lines in the county's right-of-way in Section 7 of Polk Township, along 52<sup>nd</sup> Street. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-61 REGULATORY SIGN PLACEMENT, Voting aye were Buch and Sanders. Nays none. Motion carried.

**RESOLUTION #08-61**

WHEREAS: The Garrison Quarry (Wendling Quarries, Inc.) has a stripping operation underway with an excavating contractor (Steger Construction Inc.), and

WHEREAS: The stripping material will be transported across County Route E22 (61<sup>st</sup> Street), and

WHEREAS: A steel plate will be placed on the paved road for the heavy loads crossing the pavement, and

WHEREAS: The present traffic will need to stop before crossing this steel plate,

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that for the safety of the traveling public, the east and west traffic be required to stop and that regulatory signs be placed at the following locations along County Route E22 (61<sup>st</sup> Street).

1. Approximately 600 feet west of the SE corner of Section 28, T85N, R11W.
2. Approximately 650 feet west of the NE corner of Section 33, T85N, R11W.

AND, BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that these regulatory signs be removed at the completion of the project.

Dated this 25th day of November 2008.

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

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

ATTEST:

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

Moved by Sanders, seconded by Buch, to adopt Resolution #08-62, WEIGHT RESTRICTIONS. Voting aye were Buch and Sanders. Nays none. Motion carried.

**RESOLUTION #08-62**

WHEREAS, this structure at this location due to design and current traffic loads has reached another 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:

BG-4830                      **3 ton**  
0.8 mile east of the NW corner of section 23-84-11 (Big Grove Township) on 65<sup>th</sup> Street.

Dated this 25th day of November 2008.

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

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

ATTEST:

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

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

David Vermedahl, Chairman

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

December 2, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders and Buch present. The chair called the meeting to order at 8:40 a.m. in the auditor's office of the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of November 25, 2008. All members voting aye thereon. Motion carried.

Patty Gilbaugh did not appear before the supervisors to discuss the county's support for the Children's System of Care Grant Project. Gilbaugh had telephoned and stated that Linn County was not willing to administrate the grant and therefore no further discussion was needed at this time. Mary Williams, Social Services Director, reviewed the services provided through the grant and the funding mechanisms. The grant would provide services for children to prevent them from entering or staying in the judicial system. Williams voiced concern on the future funding of the project once the grant funds were deleted. The board agreed that more information is necessary regarding financing and county representation before a decision is made.

Russell Kreutner and Shawn Kreutner met with the board regarding the property where the county's communication tower is located. R. Kreutner advised that he is retiring from farming and that his nephew, Shawn, will be renting his ground. The county has an agreement with R. Kreutner that allows him to farm the four acres owned by the county at no charge as long as he or his wife farms the adjoining property. The board is to seek an opinion from the county attorney as to whether the current agreement with R. Kreutner would allow for S. Kreutner to farm the county's property or if the county would have to advertise the acreage for rent.

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 Charles and Janet Goddard, the board took up the matter for consideration. Marc Greenlee presented that technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the classification to a commercial purpose. The new use would allow an eighteen hundred foot building to be constructed to house Goddard's business, Hawkeye Alternative Heating. The building would provide for a showroom and storage facility for corn and pellet stoves. Moved by Sanders, seconded by Buch, to approve a land use change from agricultural to non-agricultural on approximately 1/4 acre for a commercial purpose for the specific use as a storage and showroom facility for the sale of corn and pellet stoves. The change is approved only for the intended specific use and is restricted to this specific applicant and is on a parcel generally described as being a Part of the NW1/4 of the NE1/4 of Section 12-82-9 (Florence Township). All members voting aye thereon. Motion carried.

Marc Greenlee requested approval to pay Barbara Greenlee for unused vacation in excess of ten days of carry-over vacation. Sanders questioned if Greenlee's budget could absorb the additional cost. Greenlee responded that it would not. Moved by Sanders, seconded by Buch, to approve paying Barbara Greenlee for 37.5 hours of vacation, and to approve the carry-over of 7.5 hours of vacation to be used no later than January 2, 2009. All members voting aye thereon. Motion carried.

Mark Janssen with H & H Lighting met with the board to discuss changing the courthouse rotunda lights to fluorescent lighting. Janssen explained the advantages of installing fluorescent lighting and showed examples that would be available to maintain the historic look of the courthouse. The board directed Rick Bramow, Maintenance Director, to implement fluorescent lighting in the alcoves with glass covers, and to determine the replacement of overhead rotunda lighting with energy saving fluorescent bulbs as needed.

Scott Hansen, Emergency Management Coordinator, met with the board regarding the weather satellite dish on the courthouse roof. The current dish is attached to the window in the clock tower and the windows are scheduled to be replaced. The board stated that the matter would be investigated further to determine the future location of the dish.

The board continued their discussion on the county's vacation policy including the ability of employees to carry-over unused vacation and being paid for unused vacation. Supervisor Vermedahl stated that he would like to go back to the original position where vacation is only paid out upon retirement. Discussion also included the board's desire that employees use their entire earned vacation during the year. Moved by Sanders, seconded by Buch, to adopt a board policy that unused vacation will only be paid out in accordance with the county's existing policy and only in extenuating circumstances. The restriction on pay out is effective July 1, 2009. Voting aye were Vermedahl, Buch, and Sanders. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-63, A RESOLUTION RELATING TO FINANCING OF PROPOSED PROJECTS TO BE UNDERTAKEN BY BENTON COUNTY, IOWA; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## **RESOLUTION NO. 08-63**

Resolution relating to financing of proposed projects to be undertaken by Benton County, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

BE IT RESOLVED by the Board of Supervisors (the "Board of Supervisors") of Benton County, Iowa (the "County"), as follows:

Recitals.

The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the County for project expenditures made by the County prior to the date of issuance.

The Regulations generally require that the County make a prior declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing and that the borrowing occur and the reimbursement allocation be made from the proceeds of such borrowing within a certain period after the payment of the expenditure or the date the projects are placed in service; and

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The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified. Official Intent Declaration.

The County proposes to undertake the following projects and to make original expenditures with respect thereto prior to the issuance of bonds, notes or other obligations (the "Bonds") and reasonably expects to issue the Bonds for such projects in the maximum principal amounts shown below:

<u>Projects</u>	<u>Maximum Amount of Bonds Expected to be Issued for Projects</u>
Law Enforcement Center	\$6,500,000
Other flood-damaged county facilities	\$400,000

Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds or (ii) expenditures made not earlier than sixty days prior to the date of this Resolution or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the projects have heretofore been made by the County for which the County will seek reimbursement from the proceeds of the Bonds.

This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Budgetary Matters.

As of the date hereof, there are no County funds reserved, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long term basis or otherwise set aside) to provide permanent financing for the expenditures related to the projects, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof, all within the meaning and content of the Regulations.

Reimbursement Allocations.

The County's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make payment of the prior costs of the projects. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds, shall specifically identify the actual prior expenditure being reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid, and shall be effective to relieve the proceeds of the Bonds from any restriction under the bond resolution or other relevant legal documents for the Bonds, and under any applicable state statute, which would apply to the unspent proceeds of the Bonds.

Repealer.

All resolutions, parts of resolutions, or actions of the Board of Supervisors in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved December 2, 2008.

\_\_\_\_\_  
Chairperson

Attest:

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

The sheriff told the Board that his department was in need of additional office space at the ICAS building. Sheriff Forsyth stated that due to the anticipated long-term displacement of his department due to the June 2008 flood it was necessary that he obtain additional space. Forsyth presented an addendum to the current lease agreement between Benton County and ICAS that would provide for additional rental space at no cost in exchange for the county providing snow removal in the ICAS parking lot. Forsyth reported that snow removal would cost the county \$75.00 per occurrence where current office rental is \$300 per month. Moved by Sanders, seconded by Vermedahl, to enter into an addendum to the current lease agreement between Benton County, Iowa and ICAS for additional office space at no charge and requiring the county to provide snow removal for the parking lots only. All members voting aye thereon. Motion carried. The auditor questioned if the action would have an effect on the lease agreements submitted to FEMA. The auditor also questioned whether the snow removal expense would be eligible for FEMA reimbursement. The board requested that FEMA be contacted for guidance.

The sheriff questioned if he should have the water pipes drained in the current law enforcement center, stating that some equipment may have salvage value. The board directed the sheriff to have the law enforcement center winterized.

The sheriff informed the supervisors that upon further review, FEMA has determined that they will not participate in the reimbursement of a portable building for temporary placement of communication equipment if the building is placed in any flood plain even if it is elevated above the flood plain. The board had taken prior action approving the purchase of a portable building to house communications equipment at the base of the radio tower. The equipment must be placed in close proximity to the tower in order to operate correctly. The equipment had been in the law enforcement center but could no longer be housed there due to the condition of the facility. The sheriff advised that the only other option was to construct a temporary radio tower elsewhere and move the equipment. Supervisor Vermedahl stated that he was willing to have the county purchase the portable building (approximately \$25,000) without FEMA funding as it would save money in the long run since it was a temporary placement. The auditor questioned if FEMA would fund the communications equipment (over \$100,000) inside the building. The board asked that FEMA be contacted for guidance on the issue.

The sheriff asked if it would be prudent to continue putting "Flood Related Issues" on each supervisors' agenda to allow discussion on various items. The auditor explained that "Flood Related Issues" had been placed on each agenda to allow for discussion while the county was still in an emergency response mode. However, she believed that it was no

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longer necessary and that specific agenda items should now be used to better inform the public. The board did not request that the agenda item be placed on future agendas, adding that emergency board meetings could be held with 24-hours notice, if necessary.

Moved by Sanders, seconded by Buch, to reinstate Sadja Sondag as a part-time matron in the sheriff's department. All members voting aye thereon. Motion carried. The board of supervisors took action prior to today wherein all part-time employees who had not actually worked for at least one year were removed from the county's payroll. Forsyth explained that Sondag's employment was one where she could be called at any time and there were no predetermined hours due to the nature of the work.

Moved by Sanders, seconded by Buch, to adjust the wage of Beth Zelle, a part-time dispatcher in the sheriff's department, to \$14.46 per hour retroactive to July 1, 2008. All members voting aye thereon. Motion carried. The increase is retroactive due to a mistake in the hiring document submitted by the sheriff wherein Zelle's wage should have been set a 2-year dispatcher's wage due to Zelle's experience rather than a one-year wage.

Renaee Becker and Dave Coulter, representing Benton Development Group, requested that the \$10,000 budgeted for grant money be allocated to Benton Development Group for operating funds. Coulter stated that BDG is struggling - Supervisor Sanders commented that the \$10,000 is a band aid fix and if the board is not willing to do a permanent fix then why provide the band aid. Supervisor Vermedahl stated that he may be willing to provide a permanent fix and Supervisor Buch echoed the comment. Vermedahl stated that he has watched BDG's involvement with the businesses lately and believed that things were being accomplished. Becker stated that BDG's role has evolved with the involvement of Priority One and other organizations. Coulter questioned what would happen if BDG dissolved - adding that he believed the county has gotten their money's worth and if they are to compete with other economic development groups then additional resources will be required. Moved by Buch, seconded by Vermedahl, to fund BDG an additional \$10,000 for FY09, with said funds being diverted from those budgeted for business grants. Supervisors Vermedahl and Buch voting aye. Supervisor Sanders voting nay stating that he needs to see additional information before he would support providing additional funding for the organization. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

December 5, 2008

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

Moved by Sanders, seconded by Vermedahl, to approve the following change orders with Garling Construction, Inc. for the flood reconstruction project:

#1 – Transportation building – repair HVAC ducting in the office area to operate more efficiently by providing adequate ducting and installation of electronic zoning in lieu of manual dampers – add \$2,968.00

#2 – Transportation building – to insulate with sound bats for the restroom and insulate above the 4-foot line as indicated due to removal of existing insulation to the ceiling level – add \$325.00

Both members voting aye thereon. Motion carried.

The paperwork for the change orders for the courthouse restoration project was not ready for this morning's meeting and therefore no action was taken on the matter.

Moved by Sanders, seconded by Vermedahl, to enter into a contract with Affordable Hazards Removal, Inc. for the removal of asbestos in the basement of the courthouse in the following areas: corridor, IT room, GIS room, and Public Health/Sanitarian room. Contract also includes Option #1 for the removal of copper pipe with asbestos adhered to it. The total cost for said contract is \$7551.00. Both members voting aye thereon. The vendor is to submit a proposal for removal of the remaining asbestos in the Emergency Management area of the basement.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

December 9, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, and Sanders present. Supervisor Bush was absent. The chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse.

Supervisor Buch arrived at 9:05 a.m.

Moved by Sanders, seconded by Buch, to approve 52.25 hours of vacation carry-over requested Elaine Bolton. Said carry-over is to be used no later than May 1, 2009. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blaiirstown landfill account on November 30, 2008, was \$22,861.95.

Supervisor Buch reported that employee Pam Gorsch contacted him about the status of the new building at the landfill. Buch discussed the current status of the project with the engineer.

Moved by Sanders, seconded by Buch, to approve the minutes of December 2, 2008 and December 5, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 110245 through 110426 and payroll numbered 110143 through 110244, and ACH deposits numbered 4405 through 4503, for payment. All members voting aye thereon. Motion carried.

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Jerry Petermeier met with the board to discuss being a Project Manager for the construction of a new law enforcement facility. Petermeier stated that he would approach the hire of an architect/engineer by requesting companies submit their proposals, and then either interview all interested companies or trim it down to a short list. Petermeier suggest that the interviews include time frames and encourage that the project utilize as many Benton County businesses as

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4 major contracts all under a prime contractor – general contract subs heating, ventilation, and would encourage the general contractor to utilize local labor; should have a site selected prior to the hire of the architect so that he can be pointed in that direction; architect then drafts plans; progress reports during interview process should be addressed; Petermeier stated that he would hope that late spring should be a reasonable time to let the bid. Construction phase may require too much of Petermeier's time and he may have to step back due to his other commitments. Petermeier stated that he holds a current engineering license and requested that he be compensated at the rate of \$75.00 per hour; in addition the county would have to pay for a professional liability insurance policy. Petermeier would help with site selection. Petermeier stated that his fee would be \$75.00 per hour if the county paid for his professional liability insurance for the project. Supervisor Vermedahl is to research the insurance matter.

Paul Greufe did not meet with the board to discuss his consulting services for human resource management due to the weather.

Moved by Sanders, seconded by Buch, to adopt Resolution #08-64 ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION 08-64  
ABATEMENT OF TAX**

**BE IT RESOLVED** by the Benton County Board of Supervisors that tax, interest and penalty in the total amount of \$900.00 is hereby abated on parcel numbered 830-18920, a building on leased land, that was assessed for the 2003 and 2004 valuation years pursuant to an order of the bankruptcy court.

Dated this 9th day of December 2008.

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

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

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

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #08-65 RELEASE OF MORTGAGE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #08-65  
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 9th day of December, 2003, made and executed by Nancy M. Engelking, for the following described property in the City of Blairstown, County of Benton, State of Iowa.

**To WIT:**

LEGAL DESCRIPTION: MORRIS 2<sup>ND</sup> S120' OF E 115.25' LOT 14 BLK 5, BLAIRSTOWN, IOWA  
Which has the address of 305 Cross Street SE, Blairstown, 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, REC002286, Mortgage/Town Book 4, Page 2999, on the 28th day of May, 2004, 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 9<sup>th</sup> day of December 2008.

THE COUNTY OF BENTON

By: \_\_\_\_\_  
Chairman, Board of Supervisors

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

County Auditor

Moved by Sanders, seconded by Buch, to approve the Veterans Affairs' quarterly report for the 2<sup>nd</sup> quarter of fiscal year 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve changes to the contract between Benton County and Affordable Hazards Removal, Inc. to remove asbestos in the basement of the courthouse as follows:

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Bid #2 – back offices on south side of basement (Emergency Management area) – add \$3,700.00

Bid #3 – main hall on east side of stairs – add \$2,255.00

All members voting aye thereon. Motion carried.

Roger Witt provided an update on the flood reconstruction project relative to the Gov. Sherman Building, transportation building, courthouse, and reserve garage. Witt reported that drywall was being completed in the transportation building, furnace has been installed in the reserve garage; insulation should be completed soon in the Gov. Sherman building; courthouse has passed air clearance for mold remediation but will need the asbestos removal done prior to the construction begins. Witt advised that check valves should be installed in the basement drains and possible an outside shut-off valve to the sewer to prevent back up. The asbestos removal will take place over the weekends to prevent other work place

Moved by Sanders, seconded by Buch, to approve change orders with Garling Construction, Inc. for the flood restoration project as follows:

#1 – Transportation building – replace wall-hung lavatory and reinstall toilet to make both functional – add \$533.00

#2 – Governor Sherman Building – insulate the Food Pantry (3 exterior walls, one shared wall, and ceiling) – add \$1,335.00

#3 – Governor Sherman Building - replace all furnace registers discarded by the mold remediation company – add \$898.00

#4 – Transportation building – replace door slabs only in the transportation building, except openings 100, 101, 102, and 106A per plan. – Probuilld to provide and install new doors (6) – Total Deduct \$2,693.00.

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set December 17, 2008, at 4:00 p.m. as the time and date that proposals for consulting services for a Pre-Disaster Hazard Mitigation Plan be submitted, and further that selection of a consultant be set for December 18, 2008, at 9:00 a.m. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the resignation of Delane Kalina, an employee of the auditor's office. Kalina resignation is due to retirement on December 31, 2008. All members voting aye thereon. Motion carried.

The auditor advised that the tuckpointing and steel beam reinforcement work being done by Janssen Waterproofing, Inc. for the courthouse restoration project had reached substantial completion.

The auditor stated that the county attorney spoke with her about the definition of "farm" in the Paragraph 11 (g) of the purchase agreement between Benton County, Iowa and Russell and Ann Kreutner entered into on August 19, 2003. The auditor advised that it was the attorney's opinion that the term allows Kreutner to rent the four-acre parcel to a third party for farming purposes provided all other aspects of the purchase agreement are adhered to. Moved by Buch, seconded by Sanders, that Kreutner be notified that he can proceed with a farm lease agreement between himself and a third party, providing the lease agreement is solely for farming the four acre parcel owned by Benton County and that all other aspects of the purchase agreement must be adhered to. All members voting aye thereon. Motion carried.

The board briefly discussed the status of the purchase of a portable building to house communications equipment. The auditor advised that FEMA has taken the position that they are not interested in placing any structure or equipment, temporarily or permanently, in the 100-year flood plain. Therefore they would probably not participate in the reimbursement of the costs of the building nor the costs of any equipment placed inside the building if it is to be placed in the 100-year flood plain. The sheriff is to research other options for the temporary placement of the radio equipment; however it will require the placement of temporary radio tower near the equipment as well.

Moved by Sanders, seconded by Buch, to approve to adopt Resolution #08-66, ESTABLISHING A REVOLVING LOAN FUND AND PARAMETERS FOR GIFTING LOCAL OPTION SALES AND SERVICES TAX MONEY FOR EMERGENCY SERVICES EQUIPMENT. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

## **RESOLUTION #08-66**

### **ESTABLISHING A REVOLVING LOAN FUND AND PARAMETERS FOR GIFTING LOCAL OPTION SALES AND SERVICES TAX MONEY FOR EMERGENCY SERVICES EQUIPMENT**

WHEREAS, the voters of the unincorporated areas of Benton County, Iowa, voted to initiate a local option sales and services tax and the Benton County Board of Supervisors passed Ordinance #56, An Ordinance Imposing A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Atkins, City Of Blainstown, City Of Norway, City Of Urbana, City Of Shellsburg, City Of Vinton, and the Unincorporated Area Of Benton County, All Situated in Benton County, Iowa, on March 6, 2008, and

WHEREAS, the Benton County Board of Supervisors has dedicated a portion of the revenue received from the local option sales and services tax to assist in the purchase of emergency equipment that benefits the unincorporated areas of the county; and

WHEREAS, the Board of Supervisors desire to establish parameters for gifting and loaning a portion of the local option sales and services tax funds to local jurisdictions,

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

1. That the amount of funds received from the Local Option Sales and Services Tax (LOSST) for the purchase of emergency services equipment shall be determined by the Board of Supervisors on, at the minimum, an annual basis. The amount of LOSST to be dedicated for said purpose shall be at the sole discretion of the Benton County Board of Supervisors.
2. Townships may request funds for the purchase of emergency service equipment from the Board of Supervisors. The requests shall be made in writing or at a board meeting of the Benton County Supervisors.
3. That the amount of said funds provided to townships may be in the form of a gift or loan at the sole discretion of the Board of Supervisors and contingent upon available funds.
4. Gifts to townships shall not exceed 10% of the cost of the equipment.

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- 5. Terms of loans made pursuant to this resolution shall be as follows:
  - a. Amount of loans shall be determined and at the sole discretion of the Board of Supervisors
  - b. The interest rate shall be 1.5% above the current money market rate being paid to the county.
  - c. Loans are contingent upon the availability of funds allocated for said purpose.
  - d. Repayment schedule for loans shall be determined by the Board of Supervisors.
  - e. There will be no penalty for early re-payment.
  - f. Proceeds received from the repayment of loans shall be deposited into an interest-bearing special revenue fund. Said fund is to be used for future financing of emergency equipment requested by townships.

FURTHER, this resolution sets out the basic guidelines to gift and loan funds to townships for emergency equipment and is subject to legal review.

Dated this 9<sup>th</sup> day of December, 2008.

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

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

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

ATTEST:

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

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

December 11, 2008

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

Six Benton County librarians met with the Board to express their appreciation of the county's financial support over the past year and the inclusion of libraries in the Local Option Sales and Services tax. The librarians reported that their libraries are being used more and more due to the economic times. The use of computers in the libraries is increasing dramatically for job searches, applications, tax information, etc. and more people are checking out books, movies, etc. as the cost is much less than buying or renting materials from stores. They explained that a resident of Benton County can access the materials and/or services of any library in Benton County.

Mary McLaughlin, Information Technology Director, met with the Board regarding the scanning software in the recorder's office. McLaughlin requested that the board enter into an agreement with Tyler Technologies, Inc. for the scanning software in the recorder's office. McLaughlin advised that the money is included in this year's budget. Moved by Sanders, seconded by Buch, to authorize the chair to sign the System Agreement between Tyler Technologies, Inc. and Benton County Board of Supervisors to upgrade and maintain the scanning software/system in the recorder's office at a cost of \$4,190.00. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth met with the Board regarding the purchase of the portable building, communications equipment, and FEMA's (Federal Emergency Management Agency) position of their location. Forsyth stated that he has begun to research options for the temporary location of the communications equipment. Forsyth stated that it has been determined that any option will require a temporary building for the equipment. Supervisor Buch stated that the county owns the property by the county home and a tower could be placed there. The Board traveled to the county care facility to view the possible locations for a temporary tower and spoke with the Cedar Valley Ranch manager about possibly renting a room for dispatch services on a temporary basis.

Moved by Buch, seconded by Sanders, to acknowledge the change in employment status of Susan Schirm, a dispatcher in the sheriff's department, from full-time to part-time. The employee has already gone to the part-time status however the sheriff did not know the effective date. All members voting aye thereon. Motion carried.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Auditor

December 16, 2008

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Buch present. Supervisor Sanders was absent. Chairman Vermedahl called the meeting to order at 2:00 p.m.

The Board proceeded to canvass the results of the Belle Plains School Election held on December 9, 2008. Having reviewed the results and finding no errors, it was moved by Buch, seconded by Vermedahl, to approve the canvass of the Belle Plaine School Special Election, and that the auditor notify the necessary entities and file the official results in the official records of the county. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the FY08 Weed Commissioner's State Report. Both 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. Both members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The engineer met with the board to request a change in employment status for Scott McLaughlin. The engineer requested that McLaughlin be changed to Roads Superintendent, a non-bargaining position in the secondary roads department. The position had been vacated due to the retirement of Morris Higgins. The engineer reported that he advertised for the position as required by law and receive four applications. After reviewing the applications, and conducting interviews, it was the recommendation of the engineer to hire McLaughlin to fill the position, stating that McLaughlin was a current employee with supervisory experience as foreman on the bridge crew. Supervisor Buch commented that another applicant had more experience in the secondary roads department. The engineer agreed that the applicant that Buch spoke about was the "go to" guy for questions from new operators in his department, but that he believed the supervisory experience of McLaughlin trumped the qualifications of the other applicant. Supervisor Buch stated that he would not make a motion to approve the change in employment status and that the matter should be discussed when a full board was present.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

Jill Marlow, Benton County Auditor

December 18, 2008

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

The time of 9:00 a.m. having arrived, and this being the time and date set for awarding the quote for a Pre-Disaster Hazard Mitigation Plan, the board took the matter up for consideration. Two quotes were received as follows: Steve Meyer & Robin Reese – for just the unincorporated area of the county - \$11,000.00; multi-jurisdictional - \$40,000 East Central Iowa Council of Governments- no plan for the unincorporated area submitted; a multi-jurisdictional plan - \$50,000. The chair advised that the board must first decide whether to pursue a multi-jurisdictional plan or simply a plan for the unincorporated area of the county.

Moved by Sanders, seconded by Buch, that the county proceed with the development of a Multi-Jurisdictional Pre-disaster Hazard Mitigation Plan. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to award the quote to Steve Meyer and Robyn Reese to prepare a Multi-Jurisdictional Pre-Hazard Mitigation Plan at a cost not to exceed \$40,000. Meyer and Reese are to apply for federal and state grant funds as a part of the agreement. The county's portion of the cost will be derived from a soft-match of in-kind labor. Further, if any city entities do not participate in the multi-jurisdictional plan, the cost to prepare the plan should be adjusted proportionately. All members voting aye thereon. Motion carried.

Andy Lent, Vinton City Coordinator, met with the board regarding the operation agreement for the animal shelter. The city is currently negotiating an agreement Friends of the Shelter for the operation of the county/city animal shelter. Lent advised that it was the city's intent to have the agreement finalized by this time; however there were several areas still being worked through. The agreement does not set a specific amount of funding from the county but that any funds received by the city from the county would be given to the Friends of the Shelter for operation costs. Supervisor Buch questioned if a new facility could be located next to the current county home and allow residents to assist with the care. Lent suggested that the county consider placing a new facility next to the new law enforcement center. Supervisor Vermedahl stated that there is barking noise associated with an animal facility and that may not be conducive to a jail facility. Lent stated that the city wanted the facility moved from its current location as they city hopes to develop the area surrounding the current facility with housing and do not want the barking to affect the residents. Jill Marlow questioned why then the city would be considering constructing a facility at the airport in close proximity to occupied residents in that area.

Roger Witt met with the board about a new phone system for the courthouse. Witt questioned if the county still planned to purchase the system as it was budgeted for this fiscal year. Witt also stated that the social services director was also requesting that the Governor Sherman building receive a new phone system as well although a phone system was only budgeted for the courthouse. Witt explained that the proposed system in the courthouse could be expanded to include outside facilities. Witt stated that it would be beneficial to begin the work now while construction is being performed. Moved by Buch, seconded by Sanders, to proceed with the installation of a new phone system in the courthouse and to obtain quotes for adding outside facilities. All members voting aye thereon. Motion carried.

Paul Greufe of Greufe Associates met with the board regarding human resource services. Greufe explained that he provides consulting services for Iowa and Cedar Counties, by providing on-site monthly meetings with county officials. The county officials make recommendations about changes they would like or training that they would like completed and Greufe then provides those services. Greufe offered to conduct an audit on the county's current employee policies to determine if there are areas that pose liability to the county. Supervisor Buch stated that he was in full support of contracting with Greufe Associates to do an audit of the county's personnel policies and personnel files. The auditor stated that her office was extremely busy and that she did not have time to sit down and explain and go through all of the county documents, forms and files with Greufe. Greufe stated that could look at the personnel files himself. The auditor stated that she would need legal advice from the county attorney as some personnel files are confidential and she questioned whether Greufe could access those files. Greufe stated that legally he could look at the files just as the county's audit firm can look at county records. The auditor responded that the county's auditors do not have access to confidential employee files. Supervisor Vermedahl stated that he would like to speak with references and review the documentation provided prior to making a decision. The matter was placed on a future agenda for action.

Moved by Buch, seconded by Vermedahl, to approve change orders for Garling Construction, LLC.

#1 - \$9,144.00 Governor Sherman Building -additional electrical work, etc. due to additional repair work necessitated by demolition work done by ServPro and Electric Code compliance in the Governor Sherman building

#2 - \$8,819.00 – Courthouse basement – additional electrical work due to demolition work done by ServPro

#3 - \$655 credit – courthouse – replacing wood base trim with vinyl trim

#4 - 4034.00 – adding carpet to Emergency Management offices and vinyl base trim

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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#5 - \$893.00 - replace plywood sheeting between two rooms in reserve garage  
All members voting aye thereon. Motion carried.

Supervisor Vermedahl advised that the time-line for completion on the flood reconstruction work is as follows: Transportation building – December 29, 2008; Governor Sherman building – January 30, 2009; Courthouse – February 13, 2009. The auditor advised that a notice for termination of the lease agreement between Benton County Transportation and ICAS would need to be served immediately.

Supervisor Vermedahl advised that he has not received the information on professional liability insurance for a project manager for the law enforcement center. The matter was placed on the next agenda.

Supervisor Vermedahl advised that he has not received the information on flood insurance for county facilities. The matter was placed on the next agenda.

The board discussed the site selection for a new law enforcement center. The auditor advised that FEMA advised that site selection should be completed by the end of January 2009. The county attorney questioned the status of hiring an architect. The board advised that the Request for Qualifications for an architect has not been developed yet. The county attorney stated that perhaps FEMA would grant an extension if they were aware that an architect was being hired. Supervisor Sanders stated that Jerry Petermeier, a possible project manager, stated that he believed he was qualified to assist with the site selection. The county attorney questioned if a committee would be appointed to assist with the process as well. Thompson stated that if the public's input is sought via a committee would alleviate any public outcry that things were not done properly. Supervisor Buch stated that the board could select the site and then hold public hearing on that site. Thompson stated that the creation of a committee was the board's prerogative; however that would be against the advice of Durrant Engineering and the county attorney. Supervisor Sanders questioned what the goal of the committee would be. Thompson responded to make recommendations. Sander asked who would be on the committee. Thompson responded that people with experience with law enforcement, jails, the judicial system, engineering. Supervisor Vermedahl stated that he has not decided on his position with the creation of a study committee. Sheriff Forsyth stated that study committees are fine as public input is always great. Forsyth stated that the make-up of the committee will determine the outcome as to where the recommendation for the facility to be located. Supervisor Vermedahl requested that the supervisors consider the formation of a committee with the possible duties of recommending the site, size, and type of a new law enforcement center. The county attorney stated that having an architect to assist in the site selection would be advantageous.

The sheriff spoke about the using the old Lincoln School building as a minimum security prisoner housing facility for housing inmates, including a kitchen and laundry. Forsyth reported that the owner of the building is preparing a cost estimate for remodeling a portion of the facility for housing approximately fifteen inmates. Forsyth stated that FEMA will compare the costs of remodeling versus the cost of housing prisoners in other counties. Forsyth stated that the state jail inspector has approved the housing on a temporary basis contingent upon the final plans. Forsyth stated that the county would have to lease the facility; however dependant upon who pays for the remodeling expense will factor into the cost to lease.

The board discussed the placement of the temporary tower at the county care facility. The board questioned the sheriff of his plans regarding the permanent placement of the FEMA replaced communications equipment. The sheriff advised that new communications equipment would be moved to the new law enforcement facility when constructed and old equipment would be placed at the care facility if the temporary tower changes to a permanent back-up tower. Moved by Buch, seconded by Sanders, to direct the sheriff to continue with plans to place a temporary communications tower at the county's county home ground. All members voting aye thereon. Motion carried.

The county attorney spoke to the board about a Stipulation in Case No. EQCV007120, Quiet Title Action, between Kenneth S. Stahnke, Sharon J. Stahnke, Joseph H. Becker, Lynne F. Becker, John Becker, Jeff Becker, Lesley Becker, Joseph S. Becker and Valentina M. Becker, Plaintiffs, v. Mark N. Gross, Elaine D. Gross, Kirk McQuilken, Wanda McQuilken, Benton County Iowa, Unknown Parties, Defendants. The county attorney advised that the parties had stipulated about the property and requested authority to sign the Stipulation on behalf of Benton County. Moved by Buch, seconded by Sanders, to authorize the county attorney to sign the Stipulation in Case No. EQCV007120 on behalf of Benton County, Iowa. All members voting aye thereon. Motion carried.

The county engineer met with the board regarding the change in the employment status of Scott McLaughlin, by changing his classification from bridge foreman to maintenance superintendent. Vermedahl advised that the decision was between McLaughlin and Randy Sherwood. Supervisor Sanders requested more information regarding the employees and the decision being requested. The engineer reported that Sherwood is a maintainer operator in the Van Horne area and McLaughlin is a bridge foreman and resides near Mt. Auburn. Sherwood has been a motor grader operator for 23 years and McLaughlin has been bridge foreman for 13 years. The engineer continued telling the board the qualifications of both individuals. Supervisor Buch added that Sherwood had supervisory experience prior to working for Benton County secondary roads. Buch continued that in discussing the hire with the engineer prior to the meeting, the engineer stated that both applicants were very close in qualifications. The county attorney advised that the auditor contacted him about who had the authority to hire employees in the secondary roads department - the engineer or the supervisors? Thompson stated that Iowa Code states that the supervisors appoint the county engineer, however Iowa Code 309.67 speaks to the duties of the county engineer and the supervisors. The engineer has to follow the policies and guidelines established by the board of supervisors and the engineer recommends how best to accomplish the goals with equipment and employees. Also, the engineer's job description does give him the authority to hire. Thompson explained that the law looks back at past custom as well, but lacking a written document that provides the engineer with the authority to hire, then the supervisors could rely on the Code of Iowa where the engineer makes the recommendation. Thompson asked the supervisors what the county's policy is on hiring? Supervisor Vermedahl responded that the board's past practice has taken the engineer's recommendations and approved them without question. Vermedahl continued that the board has not been involved in the interview process or looked at the resumes/applications of any of the engineer's prior hires. The county attorney advised that the board could set future policy now as to their involvement in hiring. Supervisor Sanders questioned if there was a reason to deny the recommendation. The attorney stated that the board can deny, but the board needs to decide what involvement they are going to have in the hire of personnel in secondary roads. Supervisor

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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Buch stated that the performance of the secondary roads department reflects more on the supervisors than any other office because the engineer is appointed by the supervisors. The attorney stated that the supervisors have weighed in on previous hiring decisions and made ultimatums regarding some hires. Supervisor Buch stated that he would like to be involved more in the hires in secondary roads. Thompson asked if that would be for all positions or just management positions. Buch responded the involvement would primarily be for management positions. Supervisor Vermedahl was not sure if he wanted to move into the area of more involvement. Discussion also included whether the board would be involved in termination of employees as well. It was asked that the issue be placed on the next agenda to take action on a policy regarding the board's involvement in hiring decisions with the intention that the board takes an active role.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

December 23, 2008

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

Moved by Buch, seconded by Sanders, to approve checks numbered 110427, and 110531 through 110731, and payroll numbered 110428 through 110530, and ACH deposits numbered 4504 through 4605, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of December 9, 11, 16, and 18, 2008. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he has not received information on flood insurance from Heartland Insurance Risk Pool as of this date. Vermedahl stated that he has made numerous requests.

Moved by Buch, seconded by Sanders, to appoint Rod Kubicek to the Benton County Compensation Board as a representative for the supervisors. This appointment is to fill the vacancy created when Dewayne Luze moved out of the county. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Coordinator, met with the Board to discuss funding for a gauge on the Cedar River. Hansen stated that the United States Geological Society (USGS) is requesting that an electronic water gauge be placed in the Cedar River in Vinton. The installation cost is \$17,000 including the first year of maintenance. Annual operation and maintenance thereafter is approximately \$14,100. The USGS will pick up 40% of the cost with local government at 60% of the annual maintenance, but does not participate in the installation. The USGS will only participate if they have funding in their budget. Hansen stated that the City of Vinton is also interested in having an electronic gauge be placed here as well. Hansen stated that there is a possibility that additional funding may be available through another program of the USGS, but there is no commitment.

Moved by Sanders, seconded by Buch, to approve 19.5 hours of vacation carry-over requested by Hayley Rippel. Said carry-over is to be used no later than May 1, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Rinderknecht for the facility located in Section 8 of Eldorado Township. The plan also includes updates. All members voting aye thereon. Motion carried.

The Board discussed the creation of a policy on the board's involvement in hiring decisions in appointed offices. The board discussed the various positions that they may be involved with including the secondary roads maintenance superintendent, shop foreman, the assistant in the transportation department, the clerical staff in the social services department and land use offices, the assistant in the maintenance department, and the assistant in the information technology department. The board also discussed being involved with only those positions that had a supervisory role over other employees. The board spoke about the amount of involvement and whether it would be the entire board or a single member. A single member involved in the process would eliminate open meeting issues. No decision was reached.

Randall Sherwood met with the Board for the purposes of being interviewed for the position of secondary roads maintenance superintendent. Sherwood did not request to go into closed session.

Scott McLaughlin met with the Board for the purposes of being interviewed for the position of secondary roads Maintenance superintendent. McLaughlin did not request to go into closed session.

Supervisor Vermedahl advised that he is still working on the professional liability insurance for a project manager for a new law enforcement center. The action on the hire of the project manager is contingent upon procuring the insurance; however due to the urgent need to hire, it was moved by Sanders, seconded by Buch, to hire Gerald Petermeier as a project manager on a contract basis to provide guidance and direction on the construction of a new law enforcement center. Petermeier will be paid \$75.00 per hour with the county providing professional liability insurance. It is stipulated that if the cost of the insurance is prohibitive that this matter will become null and void. All members voting aye thereon. Motion carried.

The board continued their discussions on the selection of a site for a new law enforcement center. Jerry Petermeier discussed several areas and their advantages and disadvantages. The board requested that Petermeier research other locations as well. The auditor and sheriff briefly updated the board on the status of a temporary minimum-security jail facility and FEMA's requirements for such a facility.

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

\_\_\_\_\_  
David Vermedahl, Chairman

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

December 30, 2008

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "K-K"**

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The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Sanders and Buch present. The chair called the meeting to order at 9:00 a.m. in the auditor's office of the courthouse. Moved by Sanders, seconded by Buch, to approve the minutes of December 23, 2008. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #08-67. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

## RESOLUTION #08-67 SERVICE AREA BUDGET AMENDMENT

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2009 budget on March 6, 2008; 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 areas: Service Area 1, 9, and capital projects. The auditor is directed and authorized to amend said service area as needed.  
Dated this 30<sup>th</sup> day of December 2008.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
David Vermedahl, Chairman

\_\_\_\_\_  
Ronald Buch

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

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

Jill Marlow, Auditor

Mary Lou Erlacher with Workplace Learning Connection (WLC) updated the supervisors on their activities in 2008. Erlacher explained WLC involvement with the schools and students in Benton County. Benton County has 144 employers with 266 students involved in job shadowing. Erlacher advised that Renae Becker currently serves on the WLC board; however she has been unable to attend meetings due to conflicts and questioned the board if there were other Benton County residents who may be interested in the board position. The board provided the names of several individuals for Erlacher to contact.

The Board discussed the need for flood insurance for the transportation building, reserve garage, Governor Sherman building, and courthouse to comply with FEMA funding requirements. The auditor advised that elevation certificates are needed on two facilities and that she has contacted an individual to complete those. Moved by Buch, seconded by Sanders, that the amounts of coverage be set at \$40,000 for the courthouse building and \$40,000 for courthouse contents, \$140,000 for Governor Sherman building NS \$25,000 for contents, \$130,000 for the transportation building, no contents coverage, and \$21,000 for the reserve garage with no contents coverage. The coverage is to be obtained from Heartland Insurance Risk Pool. The auditor is directed to submit the required elevation certificates to the insurance company when received. All members voting aye thereon. Motion carried.

The board discussed the creation of an advisory committee on a new law enforcement facility. Supervisor Vermedahl stated that five of the members of the committee be comprised of non-governmental persons. The size of the committee will be nine persons. The board listed approximately ten persons who they thought would be knowledgeable committee members. The board is to contact the various individuals to ascertain if they would indeed serve with the formal appointment to be placed on the next agenda. A initial meeting of the committee is scheduled for January 6, 2008 at 6:00 p.m. in the jury room of the courthouse.

The board briefly discussed the board appointments for 2009 to be made on January 2, 2009.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan for Christensen Farms Midwest LLC, located in the NW1/4 of the NW1/4 of 2-85-11. All members voting aye thereon. Motion carried.

The board discussed the position of secondary roads maintenance superintendent. The board discussed at length with the engineer the two applicants being considered and their qualifications. The engineer recommended that Scott McLaughlin be hired for the position. Supervisor Buch stated that Sherwood has 22 years experience whereas McLaughlin has 13 years and if both are equally qualified then the position should go to the employee with the most experience. Supervisor Sanders stated that he considers the positions held during the employees' employment. Moved by Buch, seconded by Sanders, to place Randy Sherwood in the position of secondary road maintenance superintendent, effective immediately. All members voting aye thereon. Motion carried.

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

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David Vermedahl, Chairman

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

Jill Marlow, Auditor