

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

1

January 2, 2009

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch and Sanders present. The chair called the meeting to order at 9:20 a.m.

Moved by Buch, seconded by Vermedahl, to appoint Dave Vermedahl as the Board Chairman for 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Ron Buch as the Vice-Chairman for 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of December 30, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to designate the official newspapers for Benton County for 2009 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve change orders requested by Garling Construction as follows:

Request #3R - Add: \$4061.00 for ceiling grids and tile removed (includes \$2721.00 previously approved)

Request #3 - Deduct: \$2,818.00 – doors and frames in reserve garage

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint the following persons to an advisory committee on a new law enforcement center Jim Hodgson, Ken Popenhagen, Vinton Mayor John Watson, Bill Sellers, Delane Kalina, Wayne Siela, a board of supervisor member, Sheriff Randall Forsyth, Chief Deputy Mike Ferguson, Vinton Police Chief Jeff Tilson, Magistrate Anders Norgaard, and County Attorney David Thompson. Supervisor Sanders questioned whether there was enough representation from the southern part of the county. Supervisor Buch stated that the law enforcement center will be located in the Vinton area and believed the list of appointees was sufficient. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint the following persons to the Benton County Eminent Domain for 2009. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

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

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum
Mike McNamara
Jeff Geiger

Dave Coulter
Eldon Zumbach
Harold Knaack Jr.
Melissa McBride

Owner-Operator Agricultural Property

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

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 Buch, to adopt Resolution #09-1 Authorizing Auditor to Issue Checks. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-1

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.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

2

Signed this 2nd day of January 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to appoint the following members to the respective boards for 2009. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl

Regional HACAP –Supervisor Sanders

Emergency Management Commission - Supervisor Sanders

Supervisor Vermedahl, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

North Benton Ambulance - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

Moved by Sanders, seconded by Vermedahl, to appoint Myron Parizek as Benton County's ADA Coordinator.

All members voting aye thereon. Motion carried.

No action was taken to appoint a civil rights coordinator.

Two applications were received to fill two positions on the Public Health Board. Moved by Sanders, seconded by Vermedahl, to appoint David Kelly and Paula Happel to the Benton County Public Health Board for a three-year term ending December 31, 2010. All members voting aye thereon. Motion carried.

Two applications were received to fill one position on the conservation board. The supervisors requested that the applicants appear before the board before filling the position.

Moved by Sanders, seconded by Vermedahl, to appoint Steve Thompson and Larry Koster to the Benton County Zoning Commission for 3-year terms. One position remains unfilled. All 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. All members voting aye thereon. Motion carried.

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

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

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

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

Moved by Sanders, seconded by Buch, to adopt Resolution #09-02 Construction Evaluation. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #09-02 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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

3

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, 2009 and January 31, 2010 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 2009.

David Vermedahl, Chairman

Jason Sanders

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to appoint Deb Christianson to the Vinton Airport Board of Adjustment for a five-year term and John Stiegelmeier to the Eastern Iowa Airport Zoning Board for a three-year term. All 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. All members voting aye thereon. Motion carried.

EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Bill Daily
Ron Buch, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

Andy Lent

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Myron Parizek
Remove Nick Rissman with a replacement to be determined later
No Alternates

Moved by Sanders, seconded by Buch, to appoint Dr. Brian Meeker as Benton County Medical Examiner, Dr. Mark Dearden as Deputy Medical Examiner, Michelle Burnes, PA-C and Mary Phillips as Medical Examiner –Investigators for two-year terms. All members voting aye thereon. Motion carried.

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

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

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

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

Van Horne Benefited #1 – Dean Werner
Keystone Benefited #2 – Jeff Kromminga
Newhall Benefited #4 – Duane Rinderknecht
Ben-Linn Benefited #3-#5 – Allan Schanbacher

Moved by Sanders, seconded by Buch, to appoint Michael Beumer as Weed Commissioner, and Bruce Anderson as Assistant Weed Commissioner for 2009. The appointments do not form a contract of employment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to appoint Deb Christianson, Wayne Shannon, and Melody Lohf to the Pioneer Cemetery Commission for terms ending December 31, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to three-year terms on the Benton County Historic Preservation Commission: Charles Yedlik (Alternate) and Robert Spangler. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to reappoint Ambrose Gibney to the Benton County Veterans Affairs Commission to a term ending June 30, 2011. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint the Myron Parizek as the county engineer for a period not to exceed three years pursuant to Iowa law. The appointment does not form a contract of employment. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

4

Moved by Buch, seconded by Sanders, to set January 22, 2009, as the date for amending the FY09 county budget. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign a contract between Benton County and Allen Hospital Mental Health for mental health/substance abuse committal services. The cost is set at \$440.00 per day. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 45.75 hours of vacation carry-over requested by Dan Higdon. Said carry-over is to be used by May 1, 2009. All members voting aye thereon. Motion carried.

Jerry Petermeier met with the Board regarding the new law enforcement center and site location.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 6, 2009

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 January 2, 2009. All members voting aye thereon. Motion carried.

Kaye Hanzlik and Donna Burnell met with the board regarding Patten's First Addition to Benton County. Hanzlik commented that when the supervisors approve a subdivision that someone should be required to maintain the roads. Hanzlik questioned who should be maintaining the road during the winter months. It was also stated that the winter of 2007 had a lot of snow and Charles Patten only plowed out certain areas and the road was not fixed after the flood of 2008. The individuals added that access needs to be maintained, especially during the winter months, and requested that the supervisors act to ensure that the property is accessed. Marc Greenlee briefed the supervisors on the passage of the original subdivision and the type of housing to be placed in the area. Greenlee stated that the permit issued for the land use change of that property stated that it was for recreational vehicles; however since Benton County does not have building codes in the unincorporated areas it is not possible to enforce to some degree. The board advised that the individuals should obtain legal counsel, as the issues are a private matter.

The board continued discussions on contracting with PJ Greufe & Associates, LLC for human resource consulting services. Supervisor Buch stated that he contacted Iowa and Cedar Counties. The auditors in those counties stated that they appreciated the services provided by Greufe. Buch stated that he believed that \$2500 for an audit and if he cannot find \$10,000 in savings then the audit is free. The auditor questioned where the funds would come from for the services, as it was not a budgeted expense. Moved by Buch, seconded by Sanders, to contract with PJ Greufe & Associates, LLC to perform a human resource audit. Sanders stated that he had reservations as the county has a lot on its plate right now and did not necessarily believe now was the right time to begin a new project. Supervisor Buch stated that the board has commented over the past several years that the county's handbook needed to be reviewed. Supervisor Sanders responded that the county has also said the same about land use policies and that projects need to be completed prior to starting another new project. Buch stated that the construction of a new jail was no longer the board's responsibility as a committee has been created. Buch stated that he has done his homework although the other supervisors did not contact any ones. Sanders stated that he would rather the board direct its attention towards the land use issues before starting something new. Supervisor Vermedahl stated that the matter should be included in the FY10 budget so that it isn't an issue. Buch voting aye. Supervisors Sanders and Vermedahl voting nay. Motion failed.

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

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Certificates of Appointments for deputies in the sheriff and auditor's office. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-03, HIRING RANDALL SHERWOOD AS MAINTENANCE SUPERINTENDENT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-03

WHEREAS: The Benton County Secondary Roads Department has a need to hire an individual in the office due to the retirement of the Maintenance Superintendent, and

WHEREAS: Applications were received for the position and

WHEREAS: These applications have been narrowed to two and these two applicants have been interviewed by the County Engineer and the Board of Supervisors

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Randall Sherwood be hired to work in the office of the Secondary Roads Department as the Maintenance Superintendent at an hourly base wage of \$18.93 per hour. Effective date will be January 5, 2009.

Signed this 6TH day of January 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #09-04 SETTING COMPENSATION FOR ATTORNEYS PURSUANT TO IOWA CODE 229.81(1) AND 125.78(2). Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

5

RESOLUTION #09-04

SETTING FEES FOR COURT APPOINTED ATTORNEYS

WHEREAS: Iowa Code 229.81(1) and Iowa Code 125.78(2) requires that the compensation for attorneys representing respondents in involuntary hospitalization proceeding be paid by the county board of supervisors when the respondent is financially unable to pay an attorney, and

WHEREAS: The rate paid to attorneys paid by the county shall be set by the board of supervisors, and

WHEREAS: the board of supervisors shall set the rate in substantially the same manner as provided in Iowa Code 815.7, and

WHEREAS: Iowa Code 815.7 provides for that attorneys are entitled to reasonable compensation and expenses, and

WHEREAS: Iowa Code 815.7 further provides amounts considered reasonable compensation,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the compensation for attorneys paid by Benton County pursuant to Iowa Code 229.81(1) and 125.78(2) be set at \$60.00 per hour.

IT IS FURTHER resolved that reasonable expenses as defined in Iowa Code 815.7 shall be paid by Benton County.

IT IS FURTHER resolved that the mileage rate will be paid the rate established by the State Public Defender's office. The rate is currently .35 per mile.

Dated this 6th day of January 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The engineer spoke with the board about the landfill fees for FY10. Moved by Sanders, seconded by Buch, to set the per capita rates for the landfill for FY10 at \$25.00 rural and \$20.00 city. All members voting aye thereon. Motion carried. The rate reflects a \$1.00 per capita increase in the rural and no increase in the city.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

January 8, 2009

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 auditors' office of the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of January 6, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set January 29, 2009 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Alice Timmerman on a parcel located in the NW1/4 of the SE1/4 of 33-86-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Veteran's Affairs Quarterly Report for the period ending December 31, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint the following members to the Judicial Magistrate Commission for six-year terms: Jim Magdefrau, Mary O'Brien, and Bill Strong. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve change orders for Garling Construction regarding the flood reconstruction project for a ADA compliant mirror in the transportation building (Change Order #8) at an additional cost of \$146.00 and to provide a sliding security window in the Governor Sherman building (Change Order #9) at an additional cost of \$1,308.00. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported on the initial meeting of the Law Enforcement Building advisory committee. Vermedahl stated that several sites were identified and additional research will be conducted on their availability and feasibility. Supervisor Sanders stated that the Emergency Management Executive Board met on January 7, 2009, to discuss the construction of a new emergency operations center. It was their opinion that a new center should be located adjacent to the new law enforcement.

Chris Justice, City Clerk for the City of Urbana, met with the board regarding amending the Urbana Urban Renewal Area. Justice explained that the city would like to expand their urban renewal area to include area that lies in the unincorporated area of Benton County. The area in the unincorporated area is for easement purposes. The city must obtain approval from the county in order to include unincorporated areas. Moved by Sanders, seconded by Buch, to adopt Resolution #09-05 CONSENTING THAT THE CITY OF URBANA MAY EXERCISE URBAN RENEWAL POWERS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-05

WHEREAS, the City of Urbana, Iowa (the "City") has begun the process of amending the Urbana Urban Renewal Area, Pursuant to Chapter 403 of the Code of Iowa, to add certain real property; and

WHEREAS, a portion of the property which is proposed to be added to the Urbana Urban Renewal Area is located outside the city limits, such property being described on Exhibit A hereto (the "Additional Property"); and

WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a city may exercise urban renewal powers with respect to property which is located outside but within two miles of the boundary of that city only if the city obtains the consent of the county within which such property is located; and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

6

WHEREAS, the City Council of the City has requested that the Board of Supervisors of Benton County adopt this resolution giving its consent that the City may exercise urban renewal powers with respect to the portions of the Additional Property lying within two miles of the incorporated city limits;

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. The Benton County Board of Supervisors hereby gives its consent that the City of Urbana may exercise urban renewal powers pursuant to Chapter 403 of the Code of Iowa with respect to the Additional Property.

Section 2. This Resolution shall be deemed to meet the statutory requirements of paragraph 4 of Section 403.17 of the Code of Iowa and shall be effective immediately following its approval and execution.

Passed and approved this 8th day of January 2009.

Chairperson, Board of Supervisors

ATTEST:

County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

7

EXHIBIT A

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

8

Sheriff Forsyth met with the Board about the temporary relocation of the communications center to the county's property commonly known as the "county home". Cedar Valley Ranch has agreed to provide space in their building for the dispatch center and the county would be able to place a tower on the county's property. The cost estimate for a new tower is approximately \$200,000.00. The current tower will be moved to the site of the new law enforcement center. The tower at the county home would become a "backup" tower. The new communications equipment will be placed in a building at the county home and then moved to the new law enforcement center. Old communications equipment will then be placed at the county home to keep it operational. FEMA may require that the tower constructed at the county home either be removed or the county pay salvage value once the permanent tower at the new law enforcement center is complete. The sheriff stated that he did not believe that the Cedar Valley Ranch would charge the county for rent for a room in the building, but was not sure. Moved by Sanders, seconded by Buch, to place the sheriff's communications center at the county home with the erection of a new tower and relative equipment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 22.5 hours of vacation carry-over requested by Nancy Jorgensen, an employee in the treasurer's office. The vacation carry-over is to be used no later than May 1, 2009, to allow her to attend a band trip. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at Benton County State Bank on December 31, 2008, was \$26,701.23.

The engineer requested that he be paid for 136.5 hours of unused vacation. The engineer stated that he carried over vacation from last year and was never able to use his entire vacation amount. The engineer stated that if he works extra hours four days a week, he can take one day off each week and not have to use any leave. Moved by Buch to approve the payout. Supervisor Sanders questioned the payout of the entire amount. Supervisor Buch withdrew his motion. Moved by Sanders, seconded by Buch, to pay out two weeks of unused vacation and to carry-over the remainder. Supervisor Vermedahl commented that the engineer then would be required to take six weeks off during the next year. Buch stated that the engineer has been turning a timesheet reflecting that he is having to work many extra hours due to the year the county has undergone. Sanders voting aye. Buch and Vermedahl voting nay. Motion failed. Moved by Buch, seconded by Vermedahl, to pay the engineer the entire 136.5 hours of unused vacation. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 13, 2009

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.

Moved by Buch, seconded by Vermedahl, to set the deductible on the county's flood insurance at \$5,000.00. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the release of Local Option Sales and Service Tax collected for conservation in the amount of \$8,560.65. Both members voting aye thereon. Motion carried.

The weed commissioner presented one quote for chemicals for 2009. The commissioner advised that he requested quotes from Farm Service in Vinton, Tama Benton Cooperative, Krob of Mt. Auburn, O'Grady Chemical in Van Horne, Heartland Coop in Belle Plaine, Linn Coop in Newhall but only O'Grady Chemical submitted a quote. Moved by Buch, seconded by Vermedahl, to award the chemical quote for weed control to O'Grady Chemical at a cost of \$72,667.50. Both members voting aye thereon. Motion carried.

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

Roger Witt updated the board on a new phone system for the courthouse. Witt stated that Steadfast has quoted a phone system. The cost to include the Governor Sherman building in the new system would be cost prohibitive. Witt recommended that the courthouse's old phone system could then be placed in the Governor Sherman building at a cost of \$2700.00.

Supervisor Sanders arrived at 9:30 a.m.

Moved by Buch, seconded by Sanders, that the old courthouse phone system be installed in the Governor Sherman building after July 1, 2009, to allow for the \$2700 installation fee to be included in the FY10 budget. All members voting aye thereon. Motion carried.

Witt advised that the food pantry will be purchasing new shelving for their area in the Governor Sherman building.

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

Moved by Buch, seconded by Sanders, to approve the treasurer's semi-annual report for the period ending December 31, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of January 8, 2009. 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

January 14, 2009

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

9

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch, and Sanders present. Supervisor Sanders and Buch attended by telephone. 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 expense checks numbered 110732 through 110737, and 110843 through 111123, payroll checks numbered 110738 through 110842, and ACH deposits 4606 through 4706, 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

January 14, 2009

The Benton County Board of Supervisors met in special adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent. The chair called the meeting to order at 6:00 p.m.

The Board met with Dale Henry regarding appointment to the Benton County Conservation Board. Henry explained his interest in the position and responded to various questions posed by the supervisors.

Meeting was adjourned at 6:30 p.m.

David Vermedahl, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

January 15, 2009

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.

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 13, 2008. Both members voting aye thereon. Motion carried.

Members of the Benton Development Group Board met with the board to request funding for FY10. Renae Becker, Executive Director of BDG, reviewed various financial reports as well as different projects BDG has undertaken. Supervisor Vermedahl questioned BDG's interaction with Vinton Unlimited. Becker responded that she attends all Vinton Unlimited meetings, communicates with the VU director on a regular basis, and assists the director with some projects and prospects. Don Eells, Vinton Unlimited Board member, explained his role with Vinton Unlimited and the committees on which he serves. Eells reported that Becker has served a critical role in helping the newest committee on developing packets, making contacts, working with IDED, and that she regularly attends meetings. Eells reported on various prospects that his committee has spoken with, one of which would employ several hundred persons if it locates in Vinton. Eells stated that he did not believe this to be the time to cut back on economic development funding. Marty Junge, BDG Board Member, stated that the services of BDG were vital to small communities who do not have the individuals available for economic development. It was questioned if the association with economic development groups west of Benton County were advantageous. Becker responded that it was as she was include in many training opportunities and projects through that association. Eells added that by being involved with other associations provided more diversity whereas d was providing those opportunities to the east at no charge. Vermedahl stated that Benton County pays for a membership in Priority One. BDG requested an additional \$20,000 per year in funding over and above the current year level, which was just recently raised to \$49,000. Supervisor Buch stated that Becker is doing an excellent job. Supervisor Vermedahl questioned if Becker was full-time. Becker responded that she was working 8:30 a.m. to 4:30 p.m. Monday through Thursday with a one-hour lunch and Fridays from 8:30 a.m. to noon. Marlow questioned if the group wanted the county to maintain the relationship with Priority One as it was indicated a few months ago that the relationship should be severed due to Priority One's lack of involvement with Benton County. Eells reported that Priority One plays a vital role and the relationship should be maintained. Supervisor Sanders stated that the funding will be tight this year and he wasn't sure how many increases the county's general basic fund could handle. Sanders stated that he would discuss the issue more.

Supervisor Sanders arrived at 9:40 a.m.

Moved by Buch, seconded by Sanders, to accept the resignation of Don Krug and appoint Martha Long to the Benton County Pioneer Cemetery Commission for a term expiring 2011. All members voting aye thereon. Motion carried.

The board discussed the wages of non-union employees who are non-elected. The auditor advised that this matter was placed on the agenda to begin the budget process and discussions on wages. Vermedahl stated that the papers are reporting increases of 2.5% to 3.0%. Buch stated that there is only so much money available and will depend on how budgets come in as to the amount available for wage increases, adding that the state was not giving any raises.

The board interviewed Bob Mahood for the position of conservation board member.

Moved by Sanders, seconded by Buch, to appoint Bob Mahood to the Benton County Conservation Board for a period of five years. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint Nancy Jensen to the Benton County Zoning Commission for a three-year term. All members voting aye thereon. Motion carried.

No action was taken to appoint a member to the East Central Iowa Council of Government's Business Assistance Revolving Loan Fund Loan Review Committee.

Moved by Sanders, seconded by Buch, to appoint Chris Justice, Urbana City Clerk, to the East Central Iowa Council of Governments Region 10 Transportation Technical Advisory Committee. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept and state that Janssen Waterproofing, Inc. has reached Substantial Completion of the contract for work on the courthouse restoration project. Janssen Waterproofing has provided a Contractor's Affidavit of Release of Liens, Partial Waiver of Lien, Contractor's Affidavit of Payment of Debts and Claims, and Consent of Surety to Final Payment. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

10

Moved by Buch, seconded by Sanders, to approve the following change orders relative to the flood reconstruction: Add: \$7,574.00 for installation of a backflow device in the courthouse; Add: \$1357 for the replacement of countertop desk and work table in the courthouse; Add: \$825.00 for the replacement of 2 toilets in the transportation building. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Contract Change Order increasing the sum of the contract with Garling Construction to \$250,685.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept and state that Garling Construction has reached Substantial Completion of the contract for the flood reconstruction work on the Transportation Building and Reserve Garage. Subcontractors relative to these projects are hereby notified that the retainage will be released in thirty days unless Garling requests early release of said retainage pursuant to Iowa law. All members voting aye thereon. Motion carried.

The auditor advised that there was no update on the law enforcement site selection, as FEMA did not have the required analysis completed as of this date.

Myron Parizek, County Engineer, spoke to the board about changes in rules issued by the Department of Natural Resources relative to the county's landfill. Parizek reported that two cells in the current landfill may no longer have material deposited in them; however the county may be open cells to the east side of the property. Parizek stated that the costs could be substantial and no provisions have been made for the expense in the FY10 budget proposals.

The matter of veterans' affairs and the FY10 budget and July 1st legislation was delayed until the veterans' affairs director could be present.

Moved by Sanders, seconded by Buch, to RESCIND Resolution #40-89 and adopt in lieu thereof Resolution #09-06, PROCUREMENT POLICY FOR BENTON COUNTY, IOWA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-06 PROCUREMENT POLICY FOR BENTON COUNTY, IOWA

PURPOSE

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

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for Benton County, Iowa (hereinafter referred to as "County") as related to the implementation and administration of an award of federal grants. All procurement will be done in accordance with applicable federal laws.

POLICY

METHODS OF PROCUREMENT

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

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
 1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
 - (a) A complete, adequate and realistic specification or purchase description is available.
 - (b) Two or more responsible bidders are willing and able to compete effectively for the County's business; and
 - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
 2. When sealed bids are used for a procurement under a grant, the following requirements apply:
 - (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
 - (b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

11

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

CONTRACT PRICING

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

PROCUREMENT RECORDS

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

Adopted this 15th day of January 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

12

David H. Vermedahl, Chairman

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.

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 20, 2009

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.

Roger Witt presented a quote to the board for insulating the heating pipes in the basement of the courthouse. Witt advised that he had requested two bids; however one bidder declined. Moved by Sanders, seconded by Buch, to approve the hire of Personified to insulate the basement heat pipes at a cost of \$5,310.00. All members voting aye thereon. Motion carried. The work is to begin immediately.

Roger Witt spoke to board a placing drywall in the break room in the basement. Witt explained that the paneling currently in place on the walls has sustained damage due to moisture and age. Moved by Sanders, seconded by Buch, to authorize the replacement of the walls and cupboards in the break room at a cost of \$3,600.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Kathy Van Scoy to the ECICOG Business Assistance Revolving Loan Fund Loan Review Committee. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to terminate the lease agreement with ICAS for social services office space effective February 12, 2009. All members voting aye thereon. Motion carried.

Jerry Petermeier provided an update on the selection of a building site for a new law enforcement center. Petermeier reported that the selection committee had reviewed six different sites and have narrowed it down to two locations. Petermeier stated that various issues were discussed including the placement of fill in a flood plain, available infrastructure, flood plain, ease of accessibility, etc. Petermeier reviewed each site and the specific pros and cons. The next step will be to contact the property owners to determine if they are willing to have an environmental review completed on their properties.

No action was taken to designate an Administrative and Technical Contacts for the Emergency Watershed Protection Program pending discussion with the county engineer.

The board discussed the budget impact of legislation that is effective July 1, 2009 regarding veterans affairs. Walt Kollmorgen, the VA Director, stated that the law will require that his office be open 20 hours per week effective July 1, 2009. Supervisor Vermedahl questioned if Kollmorgen will work the 20 hours per week. Kollmorgen replied that the bigger concern is certification requirements that go into effect July 1st and the ability to meet those requirements.

Supervisor Ron Buch reported on the North Iowa Juvenile Detention Center (NIJDC) currently being used by Benton County for detention services. Buch advised that NIJDC recently implemented a lower rate of \$80.00 per day per individual to continue to be competitive. Buch reported that the number of individuals being detained is dropping dramatically due to new directions being taken by the judicial system. Buch stated that new programs are beneficial to the juveniles; however it is making it more difficult to maintain detention facilities. Buch also stated that NIJDC will also transport the juveniles.

The board began work on the FY10 budget.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 22, 2009

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 of the courthouse.

Moved by Buch, seconded by Sanders, to adopt Resolution 09-07, ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-07
ABATEMENT OF TAX**

WHEREAS, a bankruptcy court has issued a settlement relative to Digital Teleport, and
WHEREAS, there were taxes levied against certain parcels owned by Digital Teleport that will not be paid under the bankruptcy settlement,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that taxes, penalty, and cost levied against Digital Teleport on the following parcels is hereby abated. The total abatement is \$9,744.00 tax, \$10,699.00 penalty, and \$40.00 costs.

Parcel numbers: 46015501, 47015501, 48015501, 54015501, 55015501, 70015501, 74015501, 75015501, 81015501, 90015501

Dated this 22nd day of January 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

13

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Treasurer Geater met with the board to explain what she was requesting for wage increases for her department in FY10.

The time of 9:15 a.m., the board proceeded with amending the FY09 budget. The amendment had been published in accordance with Iowa law. There were no members of the media present. There were two department heads present. Having reviewed the budget and discussed the same. Moved by Sanders, seconded by Buch, to adopt Resolution #09-08 AMENDING FY09 BUDGET and APPROPRIATION OF THE SAME.

RESOLUTION #09-08

AMENDMENT OF THE FY09 BUDGET AND APPROPRIATION OF THE SAME

BE IT REMEMBERED on this, the 22nd day of January 2009, 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 6, 2008. There was present a quorum as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published in accordance with law. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for and against the amendment as follows: No objectors were present. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	+1,600,000
Health & Social Services	+25,000
Mental Health	+1,500
County Environment	+270,000
Roads & Transportation	+500,000
Administration	+200,000
Capital Projects	+600,000

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	+2,475,500
Licenses & Permits	+5,000

All line items shall be amended where necessary within each department budget as long as amended budget as appropriated is not exceeded. All departmental appropriations are amended to reflect the above increases/decreases in expenditures except appropriations in Public Safety is set at \$805,241.00

There will be no tax increase for FY09.

This resolution adopted on the 22nd day of January 2009

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The county engineer updated the board on the status of the regulations being enforced at the landfill. The engineer stated the changes will cause additional costs in order to comply and that he will return with estimates next week. The engineer stated that the compliance requirements were not as bad as originally thought, but will still add significant costs to the landfill budget.

The engineer spoke about the resurfacing project along 22nd Avenue Drive, Vinton. The engineer spoke about the assessment to the property owners and the time line. The project cannot be assessed to the adjacent property owners until the project is completed and the total project costs determined. The project will not be completed until later this summer.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

January 26, 2009

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 1:15 p.m. in the auditor's office of the courthouse.

The Board continued working on the FY10 budget with discussions on the impact of wage increases, tax increases, and overall inflationary issues. Discussion also included the affect of FEMA related expenses and revenues. The Board recessed at 4:45 p.m.

The Board reconvened at 7:10 p.m. in the office of Emergency Management with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

14

The Board discussed the impact of the Emergency Management Coordinator's proposed salary increase on other county offices. Steve Meyer, Chair of the EMA stated that the coordinator has not received the same increases in the past two years as other county officials and that a 5% increase is an attempt to correct that.

The Board thanked EMA for doing a great job during the 2008 flood, recognizing all of the additional work required of the EMA coordinator.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 27, 2009

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 9:08 a.m. in the auditor's office of the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of January 15, 20, 22, and 26th. All members voting aye thereon. Motion carried.

Marc Greenlee advised that new wastewater treatment regulations under Iowa Code Chapter 69 will become effective March 18, 2009, which will require changes to the county's subdivision ordinance and wastewater treatment ordinance. Greenlee advised that probably one of the biggest changes will be private versus public sewage system. Greenlee stated that the county's ordinances should, at a minimum, be the same as Chapter 69. Greenlee reported that the county could change the language so that a private system is four homes or less serving sixteen people or less. A public system could be defined as five or more homes serving sixteen or more people. Greenlee questioned if the Board would also want to change the subdivision ordinance to allow private on-site systems instead of central sewer system and individual wells. Greenlee suggested that private on-site systems be allowed, if topography allowed, on lots of two acres or more. Greenlee said an engineering review by a licensed engineer would have to be completed when determining the type of sewer system and wells. Greenlee stated that once those changes are made, he would recommend that no other changes be made to the current subdivision ordinance. Greenlee told the Board that the zoning commission would have to review the proposed changes as well. The Board stated that they would need time to consider Greenlee's proposals.

Sheriff Randy Forsyth stated that ICAS has rewritten the rental agreement with the county removing the expiration date and adding an additional room. Forsyth stated that the sheriff's department will be renting seven to eight rooms. Moved by Buch, seconded by Sanders, to enter into an amended lease agreement between Benton County and ICAS for the rental of office space for the Benton County Sheriff's Department. This action rescinds the amendment approved on December 2, 2008, wherein the sheriff's department was responsible for snow removal in exchange for an additional office. Rental from January 1, 2009 through April 30, 2009 at a rate of \$2100 per month, May 1, 2009 through September 30, 2009 is set at \$1620 per month, and for each following year beginning October 1st through April 30th at \$2100.00 per month, and May 1st through September 30th at \$1620.00 per month. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to change the status of Beth Zelle from part-time dispatcher to full-time dispatcher, effective February 1, 2009, at a wage of \$14.46 per hour. All members voting aye thereon. Motion carried. Forsyth stated that he is still short one full-time dispatcher.

Mindy Brittain of the Blairstown Ambulance Service and Larry Ohlen of the Leroy Township Trustees met with the Board to request funding for the Blairstown ambulance. The ambulance has been ordered and is seeking money from the Local Option Sales and Services Tax. The request was for 10% of the purchase price of \$139,000 or approximately \$14,000. Larry Ohlen made the formal request. The money would be needed in approximately seven months. Moved by Sanders, seconded by Buch, to designate up to \$14,000 of LOSST funds for the purpose of gifting to Leroy Township to be used for the purchase of a new ambulance. All members voting aye thereon. Motion carried. No final amount can be determined until the final purchase order is received.

Moved by Buch, seconded by Sanders, to approve checks numbered 111124 through 111389, and ACH deposits numbered 4707 through 4804, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to appoint the Benton County Engineer as the technical and administrative contact for the Emergency Watershed Protection Program. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the installation of a manual shutoff valve to the courthouse sanitary sewer system at a cost not to exceed \$600.00. All members voting aye thereon. Motion carried.

Roger Witt presented a quote to paint the floor in the Governor Sherman building in the storage area and food pantry at a cost of \$2,440.00. Moved by Sanders, seconded by Buch, to approve the change to the initial agreement with Garling Construction to include painting the floor in the Governor Sherman building at a cost of \$2,440.00. All members voting aye thereon. Motion carried.

Witt further explained that Mary Williams, Social Services Director, would like to have changes made to the windows and office door at the Governor Sherman Building. Williams had originally requested a change to the contract to allow for installation of a security window in her office. Williams is now requesting that the window not be changed but that a Dutch door be installed instead. Garling Construction has already purchased the window and door and advised to change to the Dutch door and leave the window would be \$1595.00. Moved by Buch, seconded by Sanders, that no change be made to the current project regarding the request to eliminate the security window and install a Dutch door in the Governor Sherman building. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve Change Orders for Garling Construction as follows: All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolutions #09-09 and 09-10, **DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE AND LOCAL MATCH FOR THE HAZARD MITIGATION GRANT PROGRAM**. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-09

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

15

DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE

Benton County (applicant) states that Jill Marlow, Benton County Auditor, is hereby authorized to execute on behalf of Benton County, this mitigation project and to file it with Iowa Homeland Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29C.
Passed and Approved this 27th day of January 2007

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Resolution #09-10

LOCAL MATCH FOR THE HAZARD MITIGATION GRANT PROGRAM

WHEREAS, Benton County Board of Supervisors (hereinafter called "the Subgrantee"), County of Benton, has made application through the Iowa Homeland Security and Emergency Management Division (HSEMD) to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, in the amount of \$40,000.00, and

WHEREAS, the Subgrantee recognizes the fact that this grant is based on a cost share basis with the federal share not exceeding 75%, the state share not exceeding 10% and the local share being a minimum of 15% of the total project cost. The 15% local share can be either cash or in-kind match, and
THEREFORE, the Subgrantee agrees to provide and make available \$6000.00 (cash, in kind or combination of both) of local monies to be used to meet the 15% match requirement for this mitigation grant application.

The resolution was passed and approved this 27th day of January 2009

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #09-11 ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-11
ABATEMENT OF TAX

WHEREAS, a bankruptcy court has issued a settlement relative to Sunrise Energy Corporation, and
WHEREAS, there were taxes levied against grain owned by Sunrise Energy Corporation that will not be paid under the bankruptcy settlement,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that taxes, penalty, and cost levied against Sunrise Energy Corporation on the following parcels is hereby abated. The total abatement is \$1878 tax, \$1718 penalty, and \$12.00 costs.
Parcel number: 770-28275

Dated this 27th day of January 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Kelly Geater, Benton County Treasurer, questioned what the Board's future policy would be on the closing county offices on Christmas Eve. Moved by Buch, seconded by Vermedahl, that all full-time non-union positions be given 3.5 hours of paid time off on the afternoon of each December 24th. The courthouse will close at noon on said date. In the event an employee is required to work during said time off, the employee will not be paid any additional compensation unless required by federal or state law. Full-time non-union employees required to work during that time may take 3.5 hours off at another time determined by the department head. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the applications for flood insurance coverage for the courthouse, transportation building, and reserve garage. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-12, To Amend the Electronic Transactions Clearinghouse

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

16

28E Agreement. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-12 To Amend the Electronic Transactions Clearinghouse 28E Agreement

WHEREAS, Section 10 of the Electronic Transactions Clearinghouse 28E Agreement provides for amendment of the 28E Agreement by resolution of the ISAC Board of Directors, if the amendment is then submitted to a vote of the individual members counties; and

WHEREAS, the 28E agreement should not be amended to provide a more flexible and equitable funding formula for ETC that does not fall disproportionately on counties of any one population size as there is no mechanism to control future costs and budget for the same.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the Section 7 of the Electronic Transactions Clearinghouse 28E Agreement should **NOT** be amended.

Approved by the Benton County Board of Supervisors on January 27, 2009.

Board Chair

County Auditor

The Board continued with FY10 budget work.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 29, 2009

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders were 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.

Moved by Sanders, seconded by Buch, to approve the minutes of January 27, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolutions #09-13 and #09-14, EMERGENCY SERVICES EQUIPMENT LOAN AGREEMENT and EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #09-13

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Loan Agreement with Florence Township in the amount of \$ 55,000.00 for the purchase of equipment, to be repaid in 10 equal installments on a semiannual basis for five years.

Adopted this ____ day of _____ 2009.

Ronald R. Buch, Vice-Chairman

Attest: _____

Jill Marlow, County Auditor

EMERGENCY SERVICES EQUIPMENT LOAN AGREEMENT

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Florence Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

1. The County agrees to loan to the Township the principal sum of \$55,000.00. Interest will be charged on the unpaid principal at an annual rate of 1.85%.
2. The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

A new truck for the Norway Fire Department.
3. The Township agrees to repay said amount to the County by making 2 equal semiannual principal and interest payments in the amount of \$5,792.63 due on the 1st day of November and the 1st day of May of each year, beginning on November 1, 2009, with the unpaid balance due May 1, 2014. Semiannual payments will be payable to Benton County and sent to: Benton County Auditor, P.O. Box 549, Vinton, Iowa, 52349.
4. The County agrees that there will be no penalty for early repayment of the loan amount.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

17

- 5. The Township represents that it has examined its present and projected revenues and costs in light of its request for this loan, and that it believes, in good faith, that it has the ability to repay the entire loan amount as agreed above.
- 6. The Township agrees to promptly submit to the County any relevant reports or information that the County may request during the term of this agreement.
- 7. The Township agrees that the equipment obtained with the proceeds of this loan shall be devoted principally to rural fire protection and life support operations, consistent with the intended use of the money from the Benton County EMS Fund.
- 8. The county does not waive any right or remedy, which may be available to recover money due under this agreement. Upon any material breach of the terms of this agreement by the Township, the County may declare the entire unpaid balance to be immediately due; and, after giving the Township reasonable notice and opportunity to cure the breach, the County may initiate any available action or procedure to protect its interests.

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

Chairman
Florence Township Trustees

Date: _____

Date: _____

Attest: _____
Benton County Auditor

Attest: _____
Florence Township Clerk

Date: _____

Date: _____

RESOLUTION #09-14

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with Florence Township in the amount of \$ 18,000.00 for the purchase of equipment.

Adopted this ____ day of _____ 2009.

Ronald R. Buch, Vice-Chairman

Attest: _____
Jill Marlow, County Auditor

EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Florence Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

- 9. The County agrees to gift to the Township the sum of \$18,000 or 10% of the price of the equipment, whichever is less.
- 10. The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

A new truck for the Norway Fire Department.
- 11. The Township agrees to promptly submit to the County any relevant reports or information that the County may request relative to this agreement, including but not limited to, invoices reflecting the actual cost of the equipment, when available.
- 12. The County will release said funds upon the written request of the Township on or about April 1, 2009. The request shall include either a signed purchase order or actual invoice for the equipment.
- 13. In the event that the funds received pursuant to this agreement exceed the 10% limitation stated in Paragraph 1, the Township will promptly refund the amount over 10% to the County.
- 14. The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

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

Chairman
Florence Township Trustees

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

Date: _____

Date: _____

Attest: _____
Benton County Auditor

Attest: _____
Florence Township Clerk

Date: _____

Date: _____

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 Alice Timmerman, 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 proposed use is a veterinary clinic. Marc Greenlee explained the proposal in detail. Greenlee stated that a driveway would need to be constructed and has been permitted by the Department of Transportation. The driveway was designed by the DOT. Dell Hansen expressed his concern that the driveway would restrict water flow forcing the water onto his neighboring field. Greenlee stated that the applicant would have a septic system, but that there may need to be a pump installed so that the absorption lines could be located to the east of the building site. There were no anticipated issues with the placement of a well on the site. Greenlee stated that the animal waste would have to be collected and disposed of in a manner approved by the Department of Natural Resources. Most discussion centered on the water table issue and the affect on its flow. The applicant advised that she had met with a qualified excavator who had informed her that the water issues could be addressed. Hansen was still unsure that water would not be forced onto his property, but added that this type of development should be located where the infrastructure was already in place. A letter was introduced into the public record that was submitted by Deb Christianson, another property owner in the area. Christianson voiced her objection to the proposal stating that development should occur in existing communities and that agricultural ground should be preserved. The board discussed the issues presented and expressed a desire to view the site. The applicant respectfully requested that if her proposal was denied that she not be insulted by allowing an animal shelter to be placed at the Vinton airport property. Moved by Sanders, seconded by Buch, to table the request for a land use change from agricultural to non-agricultural on approximately three acres for a commercial purpose on a parcel generally described as being a Part of the NW1/4 of the SE1/4 of Section 33-86-10 (Harrison Township), until the board has an opportunity to view the site. Both members voting aye thereon. Motion carried.

Bill Daily with the City of Belle Plaine met with the Board to request that the county as for financial support from the county for a Belle Plaine Streetscape project. Daily said the project is estimated at \$2 million dollars. Daily stated that the city is applying for various grants, which require local support. Daily said that the project would benefit the entire county. Daily requested that Benton County provide funding to Belle Plaine for \$2,000.00 each year for the next ten years. The Board questioned if the county provided funds to the City of Vinton when they improved the downtown area. The auditor advised that Vinton did a special assessment to the property owners and the county was required to contribute due to the special assessment. The county has provided letters of support and was involved with the City of Urbana for the development of Benton Commerce Village; however that was paid back to the county through tax increment dollars. Supervisor Buch asked if there was money available through local option sales tax revenue. The auditor responded that it would depend on how the board chose to budget it. Supervisor Sanders said the county's budget is having difficulties and may need the local option sales tax for their own purposes. Daily said that many grants look at how much support is available from other local sources. The board said they would keep the request in mind when completing the budget. Daily expressed his appreciation for any assistance the county could provide.

Moved by Sanders, seconded by Buch, to approve the application to Adopt-A-Road for 77th Street Drive near Norway, submitted by the Norway Beautification Committee. All members voting aye thereon. Motion carried.

Jerry Petermeier updated the Board on the meeting arranged by the City of Vinton with FEMA regarding the law enforcement center site. Petermeier stated that a new facility could be erected at its current site if it was elevated approximately four feet. Petermeier said that the option was feasible and he believed it could be accomplished. Supervisor Sanders questioned what the access would be to the facility in the event of another flood. Petermeier said there had been discussion on closing 3rd Street to accommodate leaving the structure in its current location. Petermeier stated that FEMA is willing to consider various options relative to the current location. Moved by Sanders, seconded by Buch, to approve the publication of a legal notice requesting qualifications from architects and engineers for the construction of a new law enforcement center. Both members voting aye thereon. Motion carried.

The board recessed from 12:15 p.m..

The board reconvened at 1:40 p.m. to continue work on the FY10 budget with all supervisors present.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 4:35 p.m.

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 2, 2009

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.

The Board worked on the FY10 budget and met with various department heads to discuss their individual department budget requests.

Moved by Buch, seconded by Sanders, to recess. All members voting aye thereon. Motion carried at 12:15 p.m.

The Board reconvened at 1:15 p.m. to continue working on the FY10 budget.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 3, 2009

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. The chair called the meeting to order at 9:08 a.m. in the auditor's office of the courthouse.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 29, 2009, and February 2, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set the date for a land use hearing requested by Rick and Pam Primmer for February 27, 2009, at 9:15 a.m. in the NW1/4 of the SW1/4 of 26-86-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan submitted by Prairie View Hog Farm located in Section 33 of Kane Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of annual manure management plan submitted by Swine Designs located in Section 18 of Union Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-15, CONSENT TO ANNEXATION. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

#09-15

CONSENT TO ANNEXATION

WHEREAS, the City of Van Horne has requested a voluntary annexation of property into the City of Van Horne; and WHEREAS, the Benton County Board of Supervisors has no objection to said annexation, NOW THEREFORE BE IT RESOLVED that Benton County consents to the annexation of the following described property into the City of Van Horne:

Parcel B in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Eleven (11), all in Township Eighty-three (83) North, Range Eleven (11) West of the Fifth Principal Meridian per Survey recorded in Book 12 Page 4. Dated this 3rd day of February 2009.

Dated this 9th day of September 2008.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to acknowledge the voluntary annexation into the City of Vinton of the following described property: City of Vinton annexation of the property legally described as the Northwest Southeast Except South 6-1/2 acres and West 3 acres Northeast Southeast Except South 6/2 Rod and Except Parcel A 18-85-10. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-16, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-16

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with Leroy Township in the amount of \$14,000.00 for the purchase of equipment.

Adopted this 3rd day of February 2009.

David H. Vermedahl, Chairman

Attest: _____
Jill Marlow, County Auditor
EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Leroy Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

- 15. The County agrees to gift to the Township the sum of \$14,000.00 or 10% of the price of the equipment, whichever is less.
- 16. The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

A new ambulance for the City of Blairstown.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

- 17. The Township agrees to promptly submit to the County any relevant reports or information that the County may request relative to this agreement, including but not limited to, invoices reflecting the actual cost of the equipment, when available.
- 18. The County will release said funds upon the written request of the Township on or about September 1, 2009. The request shall include either a signed purchase order or actual invoice for the equipment.
- 19. In the event that the funds received pursuant to this agreement exceed the 10% limitation stated in Paragraph 1, the Township will promptly refund the amount over 10% to the County.
- 20. The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

David Vermedahl, Chairman
Benton County Board of Supervisors

Chairman
Leroy Township Trustees

Date: _____

Date: _____

Attest: _____
Benton County Auditor

Attest: _____
Leroy Township Clerk

Date: _____

Date: _____

The engineer reported that the fund balance in the landfill account on January 31, 2009, was \$27,755.73. Supervisor Buch arrived at 9:33 a.m. (Buch had been attending a meeting with the Veterans Affairs

Commission).

Moved by Buch, seconded by Sanders, to rescind the motion on the 6th day of January 2009 setting the FY10 fees for the landfill, and to adopt in lieu thereof the following motion: Moved by, seconded by, to set the rates as follows: Cities at \$22.00 per capita (a \$2.00 increase) and the unincorporated area at \$27.00 per capita (\$3.00 increase). All members voting aye thereon. Motion carried.

The appointment of a person to replace Ruth Schafbuch on the Board of Adjustment was placed on the next agenda to allow time to speak with potential appointees.

Moved by Sanders, seconded by Buch, to direct the engineer to contract with Howard R. Green Engineering for design and construction of cells E & F at the landfill. All members voting aye thereon. Motion carried.

The county engineer spoke about flood-damaged homes in Vinton are being deemed asbestos containing and the requirements regulating asbestos containing material in the landfill. The demolition of these homes requires different operations at the landfill in order to accept the material, including wetting equipment. The material will have to be deposited in a delineated area of the landfill and covered immediately. Additional signage will be required indicating that asbestos is at the landfill site, as well as additional documentation. GPS coordinates must be maintained of each place asbestos is located. The landfill will need additional equipment and personnel to handle the receipt of the material. The engineer recommended that Benton County not accept asbestos containing material. The material can be taken to the Linn County landfill at a cost of \$120.00 per ton. Moved by Sanders, seconded by Buch, that the Benton County landfill not accept Regulated Asbestos Containing Material (RACM) due to the increased regulations and oversight required and that the associated costs make it financially prohibitive. Further it is clarified that this action does not affect any policies currently in place regulating private individuals from depositing asbestos containing material in the landfill. All members voting aye thereon. Motion carried.

The auditor respectfully requested that she no longer be the FEMA authorized representative and that another individual be appointed to perform those tasks. The Board deferred action on the appointment of an individual to perform the duties that include working on project worksheets, documentation, and necessary close out procedures.

Jerry Petermeier provided an update on the site selection for a new law enforcement center. Petermeier stated that he would be meeting with FEMA representatives later on today regarding the site of the current facility. Petermeier stated that the study committee is proceeding with four sites for review and would like permission to have an appraisal done on certain sites. Moved by Buch, seconded by Sanders, to authorize the hire of an appraiser for potential sites for the law enforcement center. The appraisals are needed in order to make an educated decision on the final site to be selected. All members voting aye thereon. Motion carried.

The board continued working on the FY10 budget.

Supervisor Vermedahl left the meeting at 12:00 p.m. to attend another meeting.

The board continued working on the budget.

Moved by Sanders, seconded by Buch, to recess until 2:00 p.m. Both members voting aye thereon. Motion carried at 1:00 p.m.

The Board reconvened at 2:00 p.m. with all members present.

The board continued working on the FY10 budget.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

21

February 5, 2009

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 February 3, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize payment from the Local Option Sales and Services Tax fund in the amount \$13,715.38 for the Wildcat Park house. All members voting aye thereon. Motion carried.

The Board discussed the payment of a claim submitted by the sheriff's department that did not have an original receipt. Moved by Sanders, seconded by Buch, to authorize the payment of the claim payable to Bill Reese for inmate meals with the understanding that this will only be allowed one time. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize payment of claims for registration fees for Supervisors Vermedahl and Buch to attend the ISAC Spring Conference. All members voting aye thereon. Motion carried.

Andy Lent, Vinton City Coordinator, met with the board to request that taxes be abated on the property located at 409 E. 2nd Street, Vinton, Iowa. Lent advised that the taxes were owing when the city acquired the property. Moved by Buch, seconded by Sanders, to adopt Resolution #09-17, ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-17 ABATEMENT OF TAX

WHEREAS, the City of Vinton acquired property located at 409 E. 2nd Street, Vinton, Iowa; and

WHEREAS, the City stated that taxes were owing when the property was acquired; and

WHEREAS, Iowa Code 445.63 provides that if the political subdivision does not immediately pay the taxes owing, the board of supervisors shall abate the tax.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that combined total \$929.00 of tax, penalty, and costs shall be abated in accordance to Iowa Code 445.63.

Dated this 5th day of February.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Any Lent spoke to the board about the maintenance of an electronic river gauge. Lent said the installation and maintenance costs would cost Benton County approximately \$7,000 per year if the costs were shared between five different entities. A gauge would be installed in Vinton and Palo. The board questioned the benefit to the county by sharing in the cost of a gauge in Palo. Lent explained that additional information will be obtained at a future meeting; however he has questioned why the City of Vinton and Benton County would be sharing an equal amount with the Linn County, City of Palo, and Duane Arnold Energy Center when the greater benefit would be to the other entities. The Board indicated that the county might entertain participation in the project dependent upon the division of costs amongst the entities and federal participation.

The auditor requested additional clarification on the board's recent action regarding paying non-union full-time employees for time off on December 24th. Moved by Buch, seconded by Sanders, to amend the board's action of January 27, 2009, pertaining to employee paid time off on December 24th by further stating that full-time non-union employees required to work during that time may take 3.5 hours off at another time determined by the department head but must be used by the end of the fiscal year (June 30th) in which it occurred. Further, that the paid time off will only be provided if December 24th falls on Monday, Tuesday, Wednesday, Thursday, or Friday. If December 24th falls on a Saturday or Sunday no paid time off will be given and/or earned. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the change order #003 with Garling Construction for the flood reconstruction project. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by, to raise the insurance limits on the courthouse \$5,900m. All members voting aye thereon. Motion carried.

Moved by, seconded by, to adopt Resolution #09-18, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-18 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$250,000.00 be transferred from the General Basic Fund to the Capital Projects Fund.

Dated this 5th day of February 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

22

ATTEST:

Jill Marlow, Benton County Auditor

The Board traveled to the site of a proposed land use change requested by Alice Timmerman located in the NW1/4 of the SE1/4 of Section 33-86-10. The applicant, Doug Kinzenbaw, and Dell Hanson were present at the site. After reviewing the site and discussing the water drainage issue and placement of the septic system, the board returned to the courthouse. The matter was placed on the February 12, 2009 agenda for a decision on the request for the change.

Supervisor Buch advised that Empowerment would be receiving less money due to the statewide reduction in funding. Therefore, Benton County Empowerment was requesting that the fiscal agent agreement with Benton County be amended to reflect a decrease in the fees being paid to Benton County. Moved by Buch, seconded by Sanders, to amend the Fiscal Agent Agreement between Benton County and Benton County Empowerment for FY09 due to a decrease in state funding. All members voting aye thereon. Motion carried.

The Board continued working on the FY10 budget. Discussions continued on the possibility of combining offices and/or duties in an effort to minimize future staff and other cost saving measures that could be implemented in an attempt to reduce expenses to the county.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

February 9, 2009

The Benton County Board of Supervisors met in special session with Supervisors Sanders and Buch present. Supervisor Vermedahl was in union negotiations. The vice-chair called the meeting to order at 1:30 p.m. in the auditor's office of the courthouse.

The Board continued with their work on the FY10 budget.

Supervisor Vermedahl arrived at 3:30 p.m.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

February 10, 2009

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.

Supervisor Sanders arrived at 9:02 a.m.

Will Heber, Conservation Director, reported his findings on the possible rental of a skid loader. Heber stated he could rent a skid loader for one month for \$1000.00 from United Rentals. Heber had originally included the cost of purchasing a skid loader and the supervisors asked Heber to look into rental since it was only for a temporary use.

Moved by Sanders, seconded by Buch, to approve checks including claims and payroll numbered 111390 through 111701, and ACH deposits numbered 4805 through 4902, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of February 5, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of February 9, 2009. All members voting aye thereon. Motion carried.

No action was taken on the appointment to fill the vacancy on the Zoning Board of Adjustment.

Pat Butz and Roy Becker met with the Board regarding the grant funds available for emergency equipment through the local option sales and services tax fund. The current parameters allow for grants and loans; however they must be requested through the township trustees. The board discussed allowing benefited fire districts the ability to request the funds as they provide fire services to rural areas within their districts. The Newhall Fire Department is trying to purchase a new grasshopper fire truck. The cost of the vehicle is approximately \$22,000.00.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-19, Amending Resolution #08-66. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION 08-19

AMENDING 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 Board of Supervisors adopted Resolution #08-66 on December 9, 2008, wherein guidelines were established for the purpose of loaning and gifting funds to townships for use in purchasing emergency services equipment; and

WHEREAS, Benefited Fire Districts provide fire protection in rural areas where said districts have been established under Iowa Code 357B; and

WHEREAS, townships cannot provide fire protection in areas located within a benefited fire district, and

WHEREAS, the Board of Supervisors believes that benefited fire districts should be allowed to access the Local Option Sales and Services Tax set aside for the purchase of emergency services equipment,

NOW, therefore be it resolved that Resolution #08-66 should and is hereby amended to state that all references to "townships" shall also include "benefited fire districts" with respect to said resolution.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

23

Dated this 10th day of February, 2009.

David H. Vermedahl, Chairman

Jason Sanders

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor
Moved by Sanders, seconded by Buch, to adopt Resolution #09-20, Emergency Services Equipment Gift Agreement. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.
RESOLUTION #09-20

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with the Newhall Benefited Fire District in the amount of \$2,200.00 for the purchase of equipment.

Adopted this 10th day of February 2009.

David H. Vermedahl, Chairman

Attest: _____
Jill Marlow, County Auditor
EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Newhall Benefited Fire District, a governmental subdivision, acting through its authorized officers ("Benefited Fire District"), as follows:

- 21. The County agrees to gift to the Benefited Fire District the sum of \$2,200.00 or 10% of the price of the equipment, whichever is less.
- 22. The Benefited Fire District agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

A new fire department grasshopper vehicle and costs to equip the vehicle. Equipment is limited to actual equipment attached to the vehicle.
- 23. The Benefited Fire District agrees to promptly submit to the County any relevant reports or information that the County may request relative to this agreement, including but not limited to, invoices reflecting the actual cost of the equipment, when available.
- 24. The County will release said funds upon the written request of the Benefited Fire District on or about March 1, 2009. The request shall include either a signed purchase order or actual invoice for the equipment.
- 25. In the event that the funds received pursuant to this agreement exceed the 10% limitation stated in Paragraph 1, the Benefited Fire District will promptly refund the amount over 10% to the County.
- 26. The Benefited Fire District agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

David Vermedahl, Chairman
Benton County Board of Supervisors

Date: _____

Attest: _____
Benton County Auditor

Date: _____

Duane Rinderknecht, Chairman
Benefited Fire District

Date: _____

Attest: _____
Tim Rathje, Secretary

Date: _____

Moved by Sanders, seconded by Buch, to approve the request of DHS Case Management to lease 55 square feet of storage space in the rear of the Governor Sherman Building. The space is restricted to the storage of file cabinets and is to be kept clean of clutter. The storage of office equipment will not be permitted with the exception of equipment designed for the storage of files or office material. The location of the storage area is to be determined by the Board of

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

24

Supervisors. Upon termination of the lease, DHS Case Management will be responsible for the removal of any and all their material and cabinets being stored in the area. All members voting aye thereon. Motion carried.

The board received an update on the selection of a site for a new law enforcement center. Supervisor Vermedahl reported that the committee discussed the architectural services and the meeting with FEMA. Vermedahl stated that FEMA is currently analyzing the current site and believes that it is being given a primary status.

The Board received a letter from Scott Hansen, Emergency Management Coordinator, requesting that a decision be made on the use of the new storage area created in the basement of the courthouse. Supervisor Buch and Sanders both stated that they had been contacted by the sanitarian's office about use of the storage area as well on a shared basis. Moved by Sanders, seconded by Buch, to state that the storage room located on the west side of the basement is a county storage area and the use thereof is to be determined by those offices needing storage area, including the sharing of the area between offices. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the submittal of a two claims to the State of Iowa for DeCategorization services in the total amount of \$9,625.00. All members voting aye thereon. Motion carried.

Supervisor Vermedahl provided a brief update on the status of the law enforcement site selection. The sites being considered include the site of the current facility as well as a site located near the First Christian Church. FEMA is reviewing the current site to determine if it is a viable alternative. Supervisor Vermedahl left the meeting in order to attend a meeting with FEMA officials.

The Board continued working on the FY10 budget.

Moved by Buch, seconded by Sanders, to recess. Both members voting aye thereon. Motion carried at 1:15 p.m.

The Board reconvened at 2:30 p.m. with all members present.

The Board continued working on the FY10 budget until 5:45 p.m. when they moved their meeting to the Farm Bureau building in Vinton.

The Board discussed the FY10 budget with Farm Bureau members as well as the status of various issues affecting Benton County.

Moved by Sanders, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 7:45 p.m.

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 12, 2009

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.

Chief Judge Remley telephoned the board to speak about the board's desire to reduce the publications being maintained in the law library. Judge Remley stated that the judges would like to see the Iowa Code Annotated continued as it is used. Judge Remley stated that other publications are available electronically. Judge Remley spoke about the courthouse security and the reduction in the court's schedule in Benton County. Judge Remley stated that there will be fewer days the remainder of FY09 and anticipates that FY10 will also see fewer trial dates in Benton County. Judge Remley stated that the state's budget situation is requiring the courts to reduce expense and he would anticipate - magistrate court will remain the same, child support recovery at one day a month will remain, criminal cases with speedy trial or defendant in custody will be tried in Benton County. Other criminal cases will be continued. Civil cases will be held in Linn County unless the parties do not agree and then they will be continued.

The board took up the matter of giving a final decision on the request for a land use change by Alice Timmerman on a parcel located in NW1/4 of the SE1/4 of 33-86-10 for the construction of a veterinary clinic. Timmerman stated that she has not decided on the final location of the facility as to whether it will be placed towards the front of the parcel or towards the back. Supervisor Vermedahl questioned whether a decision could be rendered without knowing the final location. Les Moore was present to support the land use change stating that the land met the criteria for this type of development. Supervisor Sanders stated that a decision could be given stating that each location was approved. Supervisor Vermedahl stated that the decision would have to be for one or the other site and should not be broad to allow a large overall change. Timmerman commented that she is relying on her excavator and did not want to cut into the hillside raised. Moved

Moved by Buch, seconded by Sanders, that a land use change be approved on approximately three acres on a parcel located in the NW1/4 of the SE1/4 of 33-86-10, as the use is compatible with surrounding uses with the only potential issue being surface water. The change is for a parcel located towards the center of the 20-acre parcel owned by the applicant

Moved by Sanders, seconded by Buch, to approve the application for Disabled Veteran's Homestead Tax Credit on parcel #240-76775. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the following change orders for Garling Construction relative to the flood reconstruction project:

Add: \$2,878 – install ductwork in courthouse basement

Add: \$351.00 – add brush sweeps on exterior and repair hardware on double door to food pantry

Add: \$954.00 – install manual and automatic backflow preventers in main sewer line in Governor Sherman Building

All members voting aye thereon. Motion carried.

The board continued working on the FY10 budget.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

25

February 17, 2009

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 set March 17, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Beau Chene, Inc. on a parcel located in the NW ¼ of the NW1/4 of 11-85-9. All members voting aye thereon. Motion carried.

Transportation Director Mary Halstead spoke with the board about staffing needs. Halstead requested that she be allowed to hire an additional part-time driver due the additional needs being requested of her department. Moved by Buch, seconded by Sanders, to authorize the hire of an additional part-time transportation driver and to authorize the advertisement for said employee. All members voting aye thereon. Motion carried.

Halstead also requested that she be allowed to carry-over unused vacation. Moved by Sanders, seconded by Buch, to approve the request to carry-over 10 days of unused vacation. Said carry-over is to be used by May 1, 2009. All members voting aye thereon. Motion carried.

The Board discussed the current status of the current arrangement between Benton County and Gerald Petermeier for consulting services for the site selection and construction of a new law enforcement center. Petermeier was initially hired as a contract worker with the stipulation that the county provided professional liability insurance for his services. Supervisor Vermedahl advised that it has become increasingly more difficult to obtain the insurance without it being cost prohibitive and that an employee relationship may be a better option for a consultant. Moved by Sanders, seconded by Buch, to advertise for the hire of a temporary part-time consultant to assist the county in the selection of a site and the construction and engineering of a new law enforcement center. All members voting aye thereon. Motion carried. Petermeier will continue on a contract basis until the position is filled.

Moved by Buch, seconded by Sanders, to extend the current contract between Benton County and Moor's Salvage for collection of white goods at the sanitary landfill. The contract extension is for a three-year period ending June 30, 2012, at the same cost of 6.00 per white good. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to raise the price to dispose of white goods at the sanitary landfill to \$6.00 per unit, effective July 1, 2009. All members voting aye thereon. Motion carried. This action sets the cost to dispose of white goods at the same rate that the county must pay to have the white goods removed.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plan for Cedar Valley Egg Farm, LLC. Located in Section 12 of Cedar Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize an expenditure from the Local Option Sales and Services Tax fund of \$4,218.68, as requested by Benton County Conservation towards the construction costs of the ranger's house at Wildcat Park. All members voting aye thereon. Motion carried.

The Board continued working on the FY10 budget with discussions on ways to provide services in a more efficient manner.

Moved by Sanders, seconded by Buch, to set March 12, 2009, at 10:00 a.m. as the time and date for a public hearing and adoption of the county's FY10 budget. All members voting aye thereon. Motion carried.

The board did not tour the storage area at the old Lincoln School due to time constraints.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 19, 2009

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.

The engineer spoke with the Board about a resurfacing project for the road next to Frontier Cooperative in Florence Township. The project could be paid by tax increment finance revenue (TIF); however the engineer's funds would have to carry the cost of the project until TIF revenues could be received, which may be two or three years. The project is estimated to cost around \$50,000.00 and is scheduled to start in FY10. The board stated that the project would be an appropriate use of TIF revenue and asked the auditor to draft the necessary paperwork.

The board discussed the possible gifting of land to the Department of Natural Resources. The property lies in Taylor Township and is immediately adjacent to property owned by the DNR. Another parcel is located in Harrison Township with the only access through private property or the DNR's property. The county attorney questioned if the county should sell the property. The auditor stated that the property is inaccessible in one area and would require the buyer to condemn an access and the other parcel is under water most of the time. Moved by Buch, seconded by Vermedahl, that the conservation board be consulted before reaching a decision. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Veterans Affairs Director Walt Kollmorgen, effective June 30, 2009. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 63 hours of vacation carry-over requested by Bruce Anderson. Said carry-over is to be used by June 30, 2009. Both members voting aye thereon. Motion carried.

Representatives of the Ben-Linn Benefited Fire Department and the Atkins Fire Department met with the board to request funding for a new vehicle. Moved by Buch, seconded by Vermedahl, to adopt Resolution #09-21, GIFTING LOSST FUNDS FOR EMS. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

RESOLUTION #09-21
GIFTING LOSST FUNDS FOR EMS

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

26

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with the Ben-Linn Benefited Fire District in the amount of \$20,000.00 for the purchase of equipment.

Adopted this 19th day of February, 2009.

David H. Vermedahl, Chairman

Attest: _____

Jill Marlow, County Auditor

EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Ben-Linn Benefited Fire District, a governmental subdivision, acting through its authorized officers ("Benefited Fire District"), as follows:

27. The County agrees to gift to the Benefited Fire District the sum of \$20,000.00 or 10% of the price of the equipment, whichever is less.
28. The Benefited Fire District agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

The purchase of a new fire truck.
29. The Benefited Fire District agrees to promptly submit to the County any relevant reports or information that the County may request relative to this agreement, including but not limited to, invoices reflecting the actual cost of the equipment, when available.
30. The County will release said funds upon the written request of the Benefited Fire District on or about January 1, 2010. The request shall include either a signed purchase order or actual invoice for the equipment.
31. In the event that the funds received pursuant to this agreement exceed the 10% limitation stated in Paragraph 1, the Benefited Fire District will promptly refund the amount over 10% to the County.
32. The Benefited Fire District agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

David Vermedahl, Chairman
Benton County Board of Supervisors
Date: _____

Chairman
Benefited Fire District
Date: _____

Attest: _____
Benton County Auditor
Date: _____

Attest: _____
James Keiper, Secretary
Date: _____

Moved by Buch, seconded by Vermedahl, to approve the amount of space being leased to the Department of Human Services at 559.20 sq feet of office space, 112.9 sq feet of common area, and 55 sq feet of storage for a total of 727.10 square feet. The cost is to remain at \$9.27 per square foot. Both members voting aye thereon. Motion carried.

Treasurer Kelly Geater met with the board about reducing the hours her office is open on Thursday evenings. Geater explained that the State's computer server goes down for backup and therefore she is not able to process any vehicle registrations after 6:00 p.m. Geater also stated that she would close her office on Thursdays at 6:00 p.m. unless the Board believed she should close at 4:30 p.m. due to budget constraints. The Board stated that Geater could leave her office open until 6:00 p.m. Moved by Buch, seconded by Vermedahl, to acknowledge that the treasurer will close her office on Thursdays at 6:00 p.m. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to provide a letter of support to Workplace Learning Connection for a grant they are requesting. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set March 24th, 2009, at 9:30 a.m. as the time and date for a public hearing on the county's mental health strategic plan. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Karen Peterson to fill the vacated position on the Benton County Zoning Board of Adjustment. Both members voting aye thereon. Motion carried. Peterson fills the position vacated by Ruth Schafbuch.

The Board discussed the request to fund a gauge on the Cedar River to monitor flooding. The gauges would be located in Vinton, Palo, and Cedar Rapids, but the cost would also be shared with Linn County, Benton County, and Duane Arnold Energy Center. The cost to install the gauge is \$17,000, which includes the first year of maintenance and operation. The ongoing cost is \$14,500.00 per year with an estimated 3% increase each year. Benton County would be responsible for \$5600.00 the first year and \$2900 the following years. The USGS would pick up 40% of the costs each year. Supervisor Buch expressed concern that Benton County should participate in gauges located up river so that better

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

27

preparation could be done in Benton County and that placement in Vinton would only provide advance notice to Linn County and Cedar Rapids. Supervisor Vermedahl believed that the county should participate, as Benton County is a part of the Cedar River basin. The board decided to defer the matter until Supervisor Sanders was present.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 20, 2009

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 1:00 p.m. in the auditor's office of the courthouse.

Moved by Buch, seconded by Vermedahl, to approve the minutes of February 10, 2009, February 12, 2009 and February 17, 2009. Both members voting aye thereon. Motion carried.

The board discussed the recommendations of the compensation board, which met on February 19, 2009. The compensation board recommended a 2.5% across-the-board increase for elected officials. The board discussed the recommendation, but did not take any action. The board then finalized the FY10 budget for publication.

The board also spoke about funding for a Human Resource consultant in FY10. Supervisor Buch had requested that the county contract with Paul Greufe to provide the service. However, after speaking with the department heads present, it was determined that the auditor's office has been providing human resource services for the county and there was no need to incur additional costs. The cost would have been \$1500 per month, plus additional fees for any specific services, i.e. updating the employee handbook, forms, negotiations, etc.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 24, 2009

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 set 9:15 a.m. on March 19, 2009, as the time and date for a public hearing on a land use change requested by Steven and Connie Spicher on a parcel located in the NE1/4 of the NW1/4 of 35-85-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 111702 through 1119803, and ACH deposits numbered 4903 through 5001, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a Class C Liquor License, Sunday Sales Permit, and Outdoor Sales Permit for Tara Hills Country Club. All members voting aye thereon. Motion carried.

The board met with the Veterans Affairs Commission, Veterans Affairs Director Walt Kollmorgen, and Dick Buch regarding the future of Benton County Veterans Affairs. Supervisor Buch advised that he and the Commission have been reviewing options available to Benton County under new legislation that becomes effective July 1, 2009. Director Kollmorgen has submitted his resignation effective June 30, 2009. Discussions included entering into a 28E Agreement with another county, aligning the duties within an existing office - possibly the auditor's office, or hiring another director with a minimum of 20 hours per week. Additional research into the matter will be done prior to a decision being made; however the commissioners were not in favor of a 28E Agreement as the believed Benton County may not be served as well.

Moved by Sanders, seconded by Buch, to approve a utility permit for Alliant Energy to place utility lines in the county's right-of-way in Monroe Township along 59th Street. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the request of the county engineer to attend the National Association of County Engineers conference being held in Peoria, Illinois. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request of the county engineer to attend the Greater Iowa Asphalt Conference. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a change order for Garling Construction to install backflow preventers in the courthouse basement at a cost of \$640.00, to replace the vertical blinds removed during mold remediation at a cost of \$1,341.00 in the Governor Sherman building and to replace two toilets damaged during the flood at a cost of 825.00 in the Governor Sherman Building. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a change order for Garling Construction to install deadbolt locks between the Social Services office and the Department of Human Services Case Management office located in the Governor Sherman building at a cost of \$208.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge that Garling Construction has reached substantial completion of the flood reconstruction project in the Governor Sherman Building and Courthouse. All members voting aye thereon. Motion carried.

The Board proceeded to the old Lincoln School building and courthouse attic to view storage areas and to determine what supplies/equipment could be disposed.

Moved by Buch, seconded by Vermedahl, to approve a change order for Garling Construction to install a deadbolt lock between the Public Health office and the GIS office in the courthouse basement at a cost of \$208.00. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

Moved by Buch, seconded by Vermedahl, that the Board proceed with replacement of their desks in the supervisors' room with a console style workstation to improve seating capacity in the room. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

28

The Board continued their discussion on funding electronic gauges on the Cedar River discussed funding. The matter had been discussed at an earlier session; however a full board was not present at that meeting. The Board discussed the advantages to areas down stream from Vinton, with Supervisor Vermedahl stating that Benton County was a part of the Cedar River Basin and that the county should participate. Supervisor Buch reiterated that he believed Benton County would be better served if electronic gauges were installed in Black Hawk County or in the northern part of Benton County. No action was taken on the matter, pending a determination if the funding could be funneled through the Benton County Emergency Management Agency.

The Board entered into the exempt portion of the agenda to discuss strategy relative to union negotiations.

Moved by Sanders, seconded by Buch, to enter into the Agreement Between Benton County Sheriff's Department And Teamsters Local 239 For 2009-2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into the Agreement Between Benton County Roads Department And PPME Local 2003 For 2009-2010 Contract. All members voting aye thereon. Motion carried.

The Board reviewed the proposed budget for FY10 to determine if other changes, with exception of possible changes to wages, needed to be made.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 27, 2009

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 9:15 a.m. in the auditor's office of the courthouse.

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 P.A.M.S. Incorporated, 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 multi-residential purpose. Greenlee explained that the applicant had purchased a property that was currently a commercial use; however now wished to place apartments in one of the structures. A similar request had been brought to the Board several years ago on the same property and incompatibility with surrounding uses was a concern and it ultimately resulted in the supervisors granting a single residential owner-occupied apartment in the facility. Greenlee continued that other places exist in the county where this type of mix is occurring. Greenlee stated that the City of Urbana has submitted a letter opposing the current proposal asking that the apartments be located within the Urbana City limits. Greenlee stated that the technical review of the property for the proposed use was favorable. Rick Primmer stated that he spoke with realtors about the potential for commercial use in the facility; however realtors were not optimistic – stating that if the facility was not occupied due to displacement of the flood then chances were not good. Supervisor Vermedahl stated that he could not vote on the matter as he has a business relationship with the applicant and with Supervisor Buch being absent action could not be made. Moved by Sanders, seconded by Vermedahl, to defer a decision on a land use change to a new non-agricultural use on approximately two acres for a multi-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) until March 3, 2009 due to a conflict of interest with Supervisor Vermedahl. Both members voting aye thereon. Motion carried.

The Board met with the Grand Jury and updated them on the various issues facing the county relative to facilities.

The auditor spoke with the Board about replacement of the chairs in the boardroom. The board asked that the costs for new chairs be brought to them as the current chairs are in need of replacement.

The board continued their discussions on replacing the desks in the boardroom with a bench type workstation to provide more room for the public. No decision was reached as more information on various design costs is being sought.

Moved by Sanders, seconded by Vermedahl, to appoint Dale Seeck as a Homer Township Trustee for the term ending December 30, 2012, and to appoint Don Callahan as a Homer Township Trustee for the term ending December 30, 2010. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the renewal agreement between Benton County and Wellmark for health insurance coverage for county employees for the period July 1, 2009 through June 30, 2010. 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 submitted by J and S Hogs, Inc., Steve Kromminga, located in Section 33 of Kane Township. Both members voting aye thereon. Motion carried.

The Board discussed the status of the law enforcement center. Supervisor Vermedahl reported that a meeting was held with FEMA yesterday and that an ultimate decision has to be made by the supervisors as to the location of the new facility. Mike Elwick, of Vinton Municipal Electric Utility (VMEU) was present to explain that VMEU has hired Stanley Consultants to assist with the flood work on the city's electric facility and flood mitigation. VMEU is looking at a sandbag replacement product called Hesco Barriers that could be placed along the VMEU utility and possibly continuing along the river toward the Vinton Parks and Recreation Department. The barriers are filled with sand and can be stacked up to four feet high and then traditional sandbags can be placed on top of that. Elwick stated that if the jail is located in its current location, the Hesco barriers could be used for approximately 1200 feet at a cost of approximately \$70.00 per foot and would provide four-foot barrier around the facility. The Hesco barriers have accordion folds and fold for storage and are pinned together when used. The VMEU would like to see removable floodwalls ultimately constructed. Elwick stated that there didn't appear to be any coordination between the City, County, and VMEU and he wanted the county to be aware of the options VMEU is considering. Supervisor Vermedahl stated that the County should participate with the VMEU in the project, as it could be beneficial to protecting county facilities.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

29

Jerry Petermeier questioned the time-line for selecting the architectural firm due to the fact that if the new law enforcement center is not placed in its pre-flood location that a delay of approximately three months or more will be incurred. Petermeier questioned if the county should delay the selection until the site and all reviews are completed. The board indicated that they would proceed with the selection of an architectural firm as established.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 2, 2009

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.

Mike Elwick, Chairman of the Vinton Municipal Electric Utility, met with the Board again to review the possibility of implementing Hesco barriers for flood mitigation as not all board members were present at the last meeting. Elwick stated that a 4-foot high barrier is approximately \$71.00 per foot, includes unit, sand, and labor to erect and tear down. Elwick stated VMEU could encircle the electric facility with a barricade at the river bridge, then east to the side of the light plant then south to 2nd or 3rd street through alley and then back north. Elwick stated that it has been reported that 3rd Street would have to be closed, and this may eliminate that requirement if the county rebuilds in its pre-flood location. Elwick stressed that the various governmental entities need to be aware of each other's actions so that if cooperation in those activities is in their best interest they can do so.

The Board discussed the location of a new law enforcement center. FEMA Public Assistance representatives were present to answer any questions as well. There have been two sites proposed: the current pre-flood site and a site near the Christian Church in Vinton along 13th Street. Other sites were considered including a site on 218 near the 4th Street intersection (old Romann Tractor site), as well as others. Vermedahl advised that FEMA has completed the 8-step flood study on the pre-flood site, which is completed except for the public comment period. Jerry Petermeier stated that the Law Enforcement Site Committee has chosen the pre-flood site as their primary choice with reservations. The committee questioned how high the structure could be or would have to be elevated and the type of elevating material that could be utilized. The high water mark plus two-feet of free board is desirable as far as elevation height. Vermedahl stated that if the board chooses the 13th Street site the project will be delayed approximate 90-days; however if the facility lasts for 30 years, 90 days is not that long. Vermedahl stated that the citizen committee wanted the facility in the downtown area and to reduce transportation costs from the jail to the courthouse. Petermeier stated that it should be brought out that the sheriff had made the comment at a prior meeting with FEMA, that with respect to transporting prisoners the cost was not a real high number and that there would be no increase in the number of sheriff's staff or vehicles needed. Sheriff Forsyth stated the most convenient place would be the pre-flood site; however with the opportunity to place the facility somewhere else it is time to consider the other issues that are associated with the site. There is a concern with access during a flood and that the pre-flood site would become an island during a flood event like 2008. The facility also houses the E-911 communications equipment. The cost to transport prisoners fluctuates and most counties use video court for magistrate court, which eliminates the transportation needs for those inmates and district court is only held one day a week. Supervisor Sanders stated that the limitation of space in the pre-flood site is a consideration when anticipating future changes. Vermedahl reported that the citizen committee's response to the concern about the space limitation issue at the pre-flood site was that additional property could be purchased where flooded homes currently exist. Supervisor Vermedahl questioned the impact of moving the fiber optics. Forsyth stated that he did not have any estimates as to the cost other than when it was "nicked" one time it cost \$100,000 just to fix. Moved by Sanders, seconded by Buch, that Benton County proceed with the acquisition of the property located near the First Christian Church on 13th Street in Vinton, Iowa, subject to the satisfactory completion of the environmental assessment by FEMA for the purposes of constructing a new law enforcement center. All members voting aye thereon. Motion carried.

The Board discussed leasing the old Lincoln School for use as temporary prisoner housing. The sheriff stated that the county currently has 14 persons in custody of which 9 could be housed at a temporary facility at the Lincoln School. Sheriff Forsyth expressed his concern as to the safety of inmates and employees when transporting on bad roads. Forsyth stated that the cost savings would be greater the longer the facility was utilized. Forsyth stated that all regulatory entities have give approval of the proposal to use the facility. Moved by Buch, seconded by Sanders, to approve the lease of the Lincoln School for the purpose of a temporary housing facility for inmates. All members voting aye thereon. Motion carried.

The Board reviewed the qualifications of interested architectural and engineering services for the construction of a new law enforcement center. Proposals were received from the following twelve firms: GA Johnson Construction, Inc./HMN Architects, Inc., Design Dynamics/Kimme & Associates, Inc., Invision, Struxture Architects, Treanor Architects P.A., Neumann Monson Architects, Genesis Architectural Design, Design Alliance, PGAV Architects, Durrant, and John F. Shaw. Petermeier stated that he looked at various criteria when reviewing the qualifications of the twelve proposals submitted. Moved by Buch, seconded by Sanders, to invite the following firms for an initial to interview with the supervisors: John F. Shaw, Durrant, PGAV, Design Dynamics and Invision. 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

March 3, 2009

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.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

30

Moved by Sanders, seconded by Buch, to approve the minutes of February 20, 2009, February 24, 2009, February 28, 2009, and March 2, 2009. All members voting aye thereon. Motion carried.

The Board discussed funding an electronic gauge on the Cedar River through a partnership with City of Vinton, City of Cedar Rapids, Linn County, Duane Arnold Energy Center, and City of Palo. Supervisor Buch expressed his concern on whether all entities would participate in the partnership. Supervisor Vermedahl questioned if it would be advantageous to transfer money to EMA and have them participate instead of Benton County. Scott Hansen, EMA Coordinator stated that the funds could be channeled through his budget, but would require a budget amendment in the spring of 2010. Supervisor Sanders was concerned about the high annual maintenance costs. Hansen stated that DAEC is no longer going to partner in the project with financial support but rather through equipment for the initial installation. DAEC would not participate in the annual maintenance costs. Supervisor Buch stated that he has had more public input opposing that the project be funded by Benton County than any other issue, adding that the benefit to Benton County and City of Vinton would not offset the expense. Buch stated that by the time the gauge recorded the flood depth in Vinton, it was too late and he would be more in favor of a gauge in La Porte City. Hansen stated that by placing the gauge in La Porte City, 2/3rd of the Cedar River basin was being excluded. Hansen further stated that the gauge will provide data to help anticipate future flooding. Supervisor Sanders reiterated his concern over the ongoing costs adding that a lot of organizations have requested funding this year and have been told no. Supervisor Vermedahl stated that Benton County is part of a region and that the county's concerns are up and down the river as well as all over the area. Vermedahl stated that if Waterloo had the same attitude as that expressed then there would be no flood predicting for this area at all. Vermedahl stated that the gauge would be halfway up the Cedar River Basin and that a good portion of that is in Benton County and stated that he believed Benton County should participate. Moved by Buch, seconded by Sanders, to not participate in the funding of an electronic gauge on the Cedar River. Supervisor Sanders stated that he hoped that Benton County will have the opportunity in the future to participate in this type of project at a reduced price. Buch and Sanders voting aye. Vermedahl voting nay. Motion carried.

The board took up the matter of the land use change requested by Rick and Pam Primmer tabled from an earlier date. The change is from a commercial to a multi-residential use on a parcel generally described as being a Part of the NW1/4 of the SE1/4 of Section 35-86-9 (Polk Township). Greenlee briefly reviewed the proposal that was presented on February 27, 2009, to allow for three apartments in an existing commercial building. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on a parcel generally described as being a Part of the NW1/4 of the SE1/4 of Section 35-86-9 (Polk Township) for a multi-residential purpose. It is further noted that this action is consistent with past actions by the county on this parcel. Buch and Sanders voting aye. Vermedahl abstained due to a business relationship with the applicant. Motion carried.

Moved by Sanders, seconded by Buch, that John F. Shaw, Durrant, PGAV, Design Dynamics and Invision be invited for the interview process for the new law enforcement center on March 17, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the application submitted by Marvin Bartosh/Aeiral Fx to conduct firework displays on April 11, 2009 and April 17, 2009 at 7612 21st Ave., Blairstown, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the request by the Vinton Car Cruise to use the courthouse lawn on July 18th, 2009. The approval is subject to the Vinton Car Cruise agreeing to enforce No Smoking regulations. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual updated manure management plan submitted by K & W Hogs, Harold Ritscher located in Section 18 of Union Township. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint Gary Thompson and Don Tiedemann as Union Township Trustees to fill the existing vacancies for terms expiring December 2010. 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

March 10, 2009

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 March 3, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 111984 through 112307 and ACH deposits numbered 5002 through 5099, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the claim submitted by Tammy Wetjen-Kestersen for DECAT services for January and February in the total of \$4,812.50. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a request submitted by Poweshiek Water Association for a Utility Permit to place utility lines in the county's right-of-way in Iowa Townships under 75th Street along 14th Avenue Drive and under 28th Ave in Eldorado Township northeast of Newhall. All members voting aye thereon. Motion carried.

The engineer reported that the bank balance in the landfill account on February 28, 2009, was \$31,138.43.

The engineer and the weed commissioner spoke with the supervisors about the possible merging of the two departments effective July 1, 2009. The engineer questioned how the positions would be melded into the union vs. non-union positions. The weed commissioner discussed the need to hire part-time drivers for the summer of 2009 and that they positions would need to be advertised. The Board encouraged the engineer and weed commissioner to work through the transition period, which realistically starts now.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

31

The auditor spoke with the Board about the taxable benefit to some employees who have non-dependant and/or non-qualifying relatives on their health insurance. The auditor explained that her office calculated the taxable benefit amount by following guidelines being used by the State of Iowa. The auditor also explained that it is necessary for the county to take a proactive approach towards compliance, adding that if an IRS audit is conducted on the county and they find that the county has not taxed the health benefit appropriately, that the county will lose its tax-exempt benefit and all employees will have to be taxed on their health benefit. The auditor added that the IRS can also make the tax retroactive as well. Moved by Buch, seconded by Sanders, to set the taxable portion of the county's health insurance premium for individuals who are non-dependant and/or non-qualifying relatives at \$329.41 per person. Effective January 1, 2009. The taxable portion for FY10 is set at \$344.69 per person. All members voting aye thereon. Motion carried.

The board discussed the acquisition of land for a new law enforcement center. Jerry Petermeier explained that he and Supervisor Buch met with John Anderson to discuss the purchase. Petermeier stated that Mayor Watson also attended. Petermeier stated that the City of Vinton would like to extend the street through the property straight north through the parcel, which would not provide for enough area. Petermeier stated that the City was willing to work with the county and the property owner as to the final location of the new street. Petermeier stated that he had requested 300 feet of road frontage along 13th Street. Petermeier advised that ultimately it was determined that a parcel approximately 300 feet by 600 feet would be appropriate for purchase due to various factors including street layout, viable parcels, etc. The parcel would contain approximately seven acres. It was agreed that an appraisal should be done to help with the determination of a price. The auditor stated that FEMA may or may not participate in the purchase of any acres in excess of the pre-flood site and reminded the Board that if FEMA does not participate, the county would have to fund the remaining purchase. Petermeier was to contact various appraisers and obtain cost estimates for their service.

Moved by Sanders, seconded by Buch, to approve the following change orders for Garling Construction relative to the flood reconstruction project. Courthouse – electrical repair – deduct \$940.00
Governor Sherman building – electrical repair - deduct \$290.00
Courthouse - Repair north stairwell to basement, including ceiling, metal wrapped door jams, oak casing, paint, etc. - add \$2,374.00

Further to deny the following change order:

Courthouse - Replace hollow core door with solid core door - \$1,025.00

All members voting aye thereon. Motion carried.

The Board discussed the costs to construct and install a console in the boardroom. Moved by Sanders to no longer consider installing a console in the boardroom due to the proposed costs. The motion died for a lack of second.

Moved by Buch to install the tall counter oak cabinets. Motion died for a lack of second.

Moved by Buch, seconded by Vermedahl, to install the tall counter with laminate cabinets at a cost of \$7,126.00. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

There was no discussion on the Community Disaster Grant funding as the new allocation of grant funds has not yet been determined by the state.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 12, 2009

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 March 10, 2009. All members voting aye thereon. Motion carried.

The Board met with AJ Narveson of ARJAY's to determine the laminate colors for the supervisor's desk console.

Moved by Buch, seconded by Sanders, to approve 37-1/2 hours of vacation carry-over for Penny Applegarth, to be used by July 1, 2009. All members voting aye thereon. Motion carried.

Sterling Truck no longer is in the truck building business, caterpillar no longer provides truck engines; and the other preferred truck by secondary roads is the Freightliner. The engineer received bids for two Freightliner M2 112V trucks as follows:

Harrison Truck Center - \$82,133.00 less \$6,000 cash price discount = \$76,133.00 each

Truck Country of Cedar Rapids Inc. - \$83,485.00 less \$3,500.00 cash price discount = \$79,985.00 each

Moved by Sanders, seconded by Buch, to accept the bid for two Freightliner M2 112V trucks from Harrison Truck Centers at a total cost of \$152,266.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the permit requested by Poweshiek Water to place utility lines in the county's right-of-way in Kane and Iowa Townships under 74th Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Canton Township along 31st Avenue. All members voting aye thereon. Motion carried.

The Board reviewed the four applications received for the position of Project Coordinator to assist with the construction of a new law enforcement center and flood mitigation efforts. The applications reflected that only one person was claiming veteran's preference. Moved by Sanders, seconded Buch, to offer the position of Project Coordinator to Gerald Petermeier as the Project Coordinator at a wage of \$50.00 per hour, effective March 15, 2009. Petermeier is a licensed engineer and met all qualifications of the position and claims veterans preference. All members voting aye thereon. Motion carried.

The Board discussed the wages of non-union employees of Benton County for FY10. Supervisor Vermedahl stated he would be in favor of a 2.5% increase for elected officials and would support the same percentage for all other employees. Supervisor Buch commented that the conference board granted 2.5% increases for employees of the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

32

assessor's office. Moved by Buch, seconded by Vermedahl, to approve a 2.5% increase across-the-board for all non-union employees. All members voting aye thereon. Motion carried.

Supervisor Vermedahl stated that the treasurer had requested that the across-the-board increase be divided differently between her employees earlier in the budget process. The Board indicated that they would support a change between employees within a department provided the total increase does not exceed the 2.5% across-the-board increase for that department. Those departments wishing to change the amount between employees will need to return to the board for action.

The time of 10:00 a.m. having arrived, the Board proceeded with the public hearing on the county's FY10 budget. The board took up the matter of the elected official's salaries for FY10. The compensation board recommended a 2.5% increase for all elected officials. Moved by Sanders, seconded by Buch, to approve the compensation board's recommendation for 2.5% increases in salary for elected officials in FY10. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-22, ADOPTION OF THE FY10 COUNTY BUDGET. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-22 ADOPTION OF THE FY10 COUNTY BUDGET

BE IT REMEMBERED that on this, the 12th day of March 2009, 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 2009-10 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 Star Press Union, Cedar Valley Times, 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 FY10 salaries for elected officials was approved as follows:

County Attorney – \$85,587.50
County Auditor – \$58,937.50
County Recorder – \$58,937.50
County Supervisors – \$36,387.50
County Treasurer – \$58,937.50
County Sheriff – \$71,750.00

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

General Basic - \$10,000 – Historic Preservation
General Basic - \$92,000 – Equipment/Vehicle Replacement
General Supplemental - \$50,000.00 – Emergency Response
General Supplemental - \$32,000.00 – Election equipment
Rural Services - \$7,000 – Vehicle Replacement
Other (Closure/Post Closure) - \$1,229,291

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

The budget as adopted will approve the following property taxes for fiscal year 2009-10.

General Basic	\$3,776,732
General Supplemental	\$ 734,912
Mental Health Services	\$ 908,642
Rural Services Basic	\$2,057,561

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY10 budget is hereby adopted. Dated this 12th day of March 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The board interviewed Invision, located in Waterloo, Iowa, for architect and engineering services on a new law enforcement center.

The Board briefly discussed possible uses for the Community Disaster Assistance Grant. No final decision was made pending the State's determination on the amount of the grant funds. Suggested uses included assistance with the purchase of land for the law enforcement center, repair to courthouse lawn, buyout of housing, and mitigation work south of Norway.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

33

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 16, 2009

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 6:00 p.m. at Vinton City Hall.

The Board met with the Law Enforcement Center Site Selection Committee and explained their reasons for selecting a site different than the primary site recommended by the committee. Various comments were heard from those attending the meeting. A larger number of the Law Enforcement Site Selection Committee questioned how the board reached the conclusion to change the site and what criteria was considered when making that determination. The committee explained all of the criteria they considered when making the recommendation, including but not limited to, prisoner transportation costs, existing utilities and infrastructure, leaving property on tax rolls, and the facility's impact on the downtown district. The committee questioned if the Board would reconsider their decision. The Board stated that they needed to speak with FEMA before they could decide whether to reconsider.

The Board also discussed the selection of an architectural and engineering firm for the design of a new law enforcement center and invited the committee to attend the interviews scheduled on March 17, 2009.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 17, 2009

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 auditor's office of the courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of March 12, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set a public hearing on a land use change requested by Myron and Esther Lown on April 14, 2009, at 9:15 a.m., on a parcel located in the NE1/4 of the SW1/4 of Section 26-86-9. All members voting aye thereon. Motion carried.

Mary Halstead advised that she has only received one request for an application for a driver in Belle Plaine. Halstead also questioned who would be purchasing paper towels for her department, as it is a different style than she had prior to the flood reconstruction. Supervisor Buch will speak with the maintenance staff.

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 Beau Chene, Inc., 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 for a single-lot subdivision. The Board also discussed the request to approve the preliminary plat for River Valley Second Addition, including the restrictive covenants that may be placed on the property. Moved by Buch, seconded by Sanders, to approve a land use change from agricultural to non-agricultural on approximately 5.7 acres for a single residential purpose on a parcel generally described as being a Part of River Valley First Addition to Benton County and located in Section 11 of Polk Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the preliminary plat for River Valley Second Addition to Benton County, located in River Valley First Addition to Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to purchase shelving for the clerk's storage of books in the old Lincoln School building. All members voting aye thereon. Motion carried.

The board discussed the Community Disaster Assistance Grant and the application. The county is eligible to receive approximately \$57,000.00.

Moved by, seconded by, to authorize the chair to sign the First Amendment to Lease Agreement between Benton County and Department of Human Services Targeted Case Management. The amendment changes the amount of square footage to 727.10 square feet to be leases and sets the amount of rent at \$561.68. The lease also addresses the tenant's janitorial services. All members voting aye thereon. Motion carried.

The Board proceeded with interviewing architectural and engineering firms for the construction of a new law enforcement center. Interviews were held with Design Dynamics, John Shaw, Durrant and PGAV. The interviews were conducted in the jury room and 3rd floor courtroom.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 19, 2009

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 auditor's office of the courthouse.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Steven and Connie Spicher, 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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

34

parcel generally described as being a Part of the NE1/4 of the NW1/4 of Section 35-85-10 (Taylor Township). All members voting aye thereon. Motion carried.

Bud Maynard with Garling Construction and Rob Peck with Design Dynamics discussed water proofing the window wells with the board. Discussion including removing an air conditioner currently serving a room in the auditor's office. The board determined that air conditioning was not required in said office, although Deputy Auditor Rippel recommended that the auditor be consulted prior to making a decision.

Moved by Buch, seconded by Sanders, to remove the stovepipe and air conditioner unit serving the auditor's office currently located on the NW corner of the courthouse and also remove the bushes and replace them with cement after waterproofing the window wells to the basement. 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: _____
Hayley Rippel, Deputy Auditor

March 24, 2009

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 checks numbered 112308 through 112629, and ACH deposits numbered 5100 through 5198, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 16, 2009, at 9:15 a.m., as the time date for a public hearing on a land use change requested by Kristeen and Marcus Opfer on a parcel located in the SW1/4 of the NW1/4 of Section 15 -86-9. All members voting aye thereon. Motion carried.

The board discussed the removal of the air conditioning unit from one of the rooms in the auditor's office. The Board directed Supervisor Buch to contact Garling Construction to determine alternatives for the air conditioning for the area.

Moved by Buch, seconded by Sanders, to authorize the closure of the Secondary Roads Department and Weed Department on Thursday, March 26, 2009, to allow employees to attend the funeral services of Tony Behounek, a current employee in the Secondary Roads Department. The engineer is further authorized to determine the operation of the Sanitary Disposal Department on that day. The payment of employees is to be determined by the engineer through discussions with the county's labor attorney. Further, it is stated that secondary roads performs critical services and in the event the safety and welfare of the public is threatened by the closure of the department on March 26th then this action shall be considered rescinded. That determination shall be at the discretion of the county engineer. All members voting aye thereon. Motion carried.

The time of 9:15 am. Having arrived, and this being the time and date for a public hearing on the Benton County Mental Health and Developmental Disability Services County Management Plan. There was one member of the public present. Mary Williams, Social Services Director, reviewed the plan with the supervisors and the level of services being provided by Benton County. Hearing no comment, the Chair declared the public hearing closed. Moved by Sanders, seconded by Buch, to approve the Benton County Mental Health and Developmental Disability Services County Management Plan. All members voting aye thereon. Motion carried.

Mary Williams spoke to the Board about the cleaning fees for the Governor Sherman Building. Williams stated that she is currently paying for the entire cleaning of the common areas from her Relief and Mental Health budgets, as well as her the cleaning for her offices. The Board asked Williams to return with exact figures as to the cost of cleaning and snow removal.

Richard Buch met with the Board regarding the assessment by the City of Belle Plaine a fee for water/sewer and storm water on rural residents. Buch explained that he does not live in the city limits; however purchases water from them. The city has now assessed him for sewer and storm water fees – something that does not benefit him. Buch stated that he came to the Board of Supervisors, as they are his elected representatives. The county attorney suggested that Buch review his contractual agreement and contact a private attorney or contact the Iowa Attorney General's office.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan submitted by K & W Hogs located in the SE1/4 of the SW1/4 of Section 18-83-11 (Union Township). All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to enter into the Planning Grant Agreement with Iowa Homeland Security & Emergency Management Division for Benton County Multi-Jurisdictional Multi-Hazard Plan. All members voting aye thereon. Motion carried.

The auditor updated the board on the administration of the veteran's affairs department upon the retirement of the current director. The auditor explained that she is waiting for information from the Iowa Department of Veterans Affairs relative to the merging of the veterans' affairs with an existing office. The auditor stated that she had an employee in her office who was willing to administer the day-to-day duties of the department, but stressed that an out-reach individual would need to be employed. The auditor stated that certification training takes one week and is being offered in Des Moines in October. The auditor further stated that if her office is to assume those duties that she and one other employee would need to take the certification training due to the responsibilities associated with federal documentation and regulations. The matter is on hold however pending advice from the state office.

The auditor presented two proposals for actuarial services that the county will be required to hire due to federal compliance with GASB 45 (Governmental Accounting Standards Board). The county is required to comply with federal accounting standards by July 1, 2009 that require governmental agencies to report their post employment benefit liabilities. An actuary must determine those liabilities. Proposals from Silverstone and Alliance Benefit were reviewed, both of which have been approved by the Iowa State Association of Counties, the Iowa School Board Association, and the League of Cities through an extensive Request for Qualifications process. Moved by Sanders, seconded by Buch, to contract with Alliance Benefits for the fiscal year ending June 30, 2009 for actuarial services required to comply with GASB 45 at a cost of \$3,000 for the basic service. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

35

The Board discussed the architect and engineering services for a new law enforcement center. The Board had requested that Project Coordinator Jerry Petermeier contact the references for the various firms that had been interviewed and provide a verbal report to the board. Petermeier reviewed his findings with each firm's references in detail. The board discussed the qualifications of each firm and their associates. After hearing all comments, including those from representatives of the sheriff's department and the law enforcement site selection committee, it was moved by Buch, seconded by Sanders, to hire Design Dynamics of Cedar Rapids, Iowa, to provide architectural and engineering services for the construction of a new jail subject to approval of a contract. The action is taken on review of the qualifications presented and is being made based on the same. All members voting aye thereon. Motion carried.

The board discussed the status of carpet replacement in the boardroom. Supervisor Sanders reported ...

The board discussed the possible uses of the Community Disaster Assistance Grant. Moved by Sanders, seconded by Buch, to request that the Emergency Management Coordinator prepare an application on the county's behalf for the following projects: purchase of additional land; repair the damage to the courthouse lawn from flood response; and repair to the road at Rodger's Park. All members voting aye thereon. Motion carried.

Renaë Becker of Benton Development Group did not update the board on activities within her department due to time constraints. Becker as well as Alberta Reifenhahl with Volunteer Cooperative and Will Heber of Conservation questioned bills they received from Price Electric for computer cable installation. Roger Witt explained that Price Industrial installed the electronic cabling according to the plan specifications and that after it was installed; the various departments had changes due to their Internet provider. The costs were over and above what was previously installed and that the board had stated in an earlier meeting that the additional costs were the responsibility of the departments.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 26, 2009

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 8:00 a.m. in auditor's office of the courthouse.

Representatives of Design Dynamics met with the Board regarding the award of the architectural and engineering services for the new law enforcement center. Rob Peck discussed the issues surrounding site selection for the facility. The Board reviewed the insurance coverage of Design Dynamics and asked for more specific information from Peck. A possible timeline was discussed with commencement of construction around March 15, 2010, with a one-year maximum construction period. Design phase could take six to eight months, with eight months being more optimistic with the site selection issues being considered. Bidding could be done in November 2009, which is not an optimum time and Peck recommended that bidding possibly be pushed into early 2010 with construction beginning in March 2010. Peck stated that winter construction for a masonry type facility could potentially add significant costs to the project. However, Peck stated an analysis would need to be done to determine if costs for housing prisoners out-of-county and loss of income would offset the cost savings of an earlier construction start date. It was stressed that a site selection needed to be done as quickly as possible. Peck stated that portion of the project would be an add-on to the contract and was estimated as high as \$15,000. Peck stated that some guidance would need to be provided as to how in-depth the site analysis should be done by his firm – drawings completed for both sites, or just grading, access, utilities, with a two-foot above flood-of-record elevation, which would present some grading issues. Peck stated that his firm would spend more time on the initial analysis while Dennis Kemme would work on the basic preliminary facility design and placement on the various sites. The Scope of Services would include schematic design, design development, cost analysis, construction documents for bidding and construction, bidding negotiation, and construction phase. Kemme will provide education and guidance on building occupation and utilization. The services will include change orders. Some of the additional services being provided include programming, measured drawings, civil engineering, landscape design, value analysis, and cost estimating. The firm will hold a weekly meeting and one additional monthly meeting with the county throughout the project. The firm does not provide for the soils report, site staking, environmental impact study, or hazardous material study. Peck advised that the proposed contract provided for mediation and arbitration in the event of a dispute. Peck stated that the cost for his services is \$400,000.00 or approximately 7.85% of the estimated cost of the new facility. Peck stated that if the scope of work should change significantly that the cost of his services could change. A proposed contract was presented to the county attorney and county auditor for review. The board asked that Peck contact the Chairman of the board to schedule the various design meetings, etc. throughout the project. The Chairman will then notify the appropriate personnel.

Moved by Sanders, seconded by Buch, to set April 21, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Doug Jellison on Parcel A located in the NE1/4 of the NE1/4 of 17-83-11. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to affiliate with the Abbe Center for Community Mental Health for FY2010 relative to mental health services. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a provider contract with Cedar Valley Ranch for client services at the rate of \$79.70 per day. Additionally, no future increases will be considered unless the Cedar Valley Ranch searches out alternative funding sources. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting at 9:30 a.m.

The Board discussed the janitorial services of the Governor Sherman Building. Mary Williams, Social Services Director, requested that other offices within the facility share in the cost of cleaning. It was moved by Sanders, seconded by Vermedahl, that the conservation department, Benton Development Group, and Social Services share in the cost of the janitorial services. Said cost to be \$100 per year each for Benton Development Group and Benton County Conservation. The remaining cost to be paid by Social Services. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-23, AMENDING RESOLUTION #08-. Vermedahl and Sanders voting aye. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

36

**RESOLUTION #09-23
AMENDING RESOLUTION #08-33**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #08-33 on June 26, 2008 establishing the depository limits for county funds in various financial institutions, and

WHEREAS, the treasurer has requested that the depository limit be increased for Cedar Valley Bank & Trust, NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #08-33 adopted on June 26, 2008, is hereby amended to reflect the depository limit for Cedar Valley Bank & Trust as follows:

Cedar Valley Bank & Trust
La Porte City/Mt. Auburn **\$2,000,000**

All other parts of Resolution #08-33 adopted on June 26, 2008, remain in full force and effect.
Signed this 26th day of March, 2009.

David H. Vermedahl, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-24, ABATEMENT OF TAX AND PENALTY. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-24
ABATEMENT OF TAX AND PENALTY

WHEREAS, the Benton County treasurer has been unable to collect tax and recommends that tax and penalty be abated on certain parcels in accordance with Iowa Code 441.16,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the tax and penalty on the following mobile home parcels is hereby abated in full: 090-0830291, 190-51425, 370-BU4089F, 370-HB1281, 370-31125, 370-442426085, 370-N04772, and 370-260RA2KDA41502

Dated this 26th day of March 2009.

David H. Vermedahl, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt and filing of the updated annual manure management plan submitted by Pig Palace, LLC located at 5192 30th Ave., Walker, Iowa. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 16, 17, and 19, 2009. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 31, 2009

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 March 24, 2009 and March 26, 2009. All members voting aye thereon. Motion carried.

The auditor requested that the board consider changing the conservation area on the first floor into a display area for courthouse antiques. Marlow stated that the area had not had anything displayed in it for some time and that she approached the conservation board in January. She had been informed that the area would be updated by the end of January; however nothing had been done. Karen Phelps, Benton County Naturalist, stated that she had been contacted by the auditor in January and had failed to do anything due to other issues she had been dealing with, i.e. office move, use of compensation time and was too busy with everything last year to change it. Moved by Buch, seconded by Sanders, that the area remain a conservation display area. All members voting aye thereon. The board requested that the area be kept updated on a quarterly basis.

Moved by Sanders, seconded by Buch, to set April 28, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Rick & Barbara Osterkamp on a parcel located in Parcel D of the NW1/4 of the NW1/4 of 11-85-9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the request of the Benton County Disaster Coalition to use the courthouse lawn on June 13, 2009, with the understanding that the Coalition is responsible for enforcing no smoking regulations. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the request of the Family Nurturing Council to place displays on the courthouse lawn April 6, 2009 through April 10, 2009, in recognition of Child Abuse Prevention Month. The Council will be responsible for enforcing no smoking regulations on the lawn. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

37

Moved by Sanders, seconded by Buch, to adopt Resolution #09-25, CHILD ABUSE PREVENTION MONTH. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-25 PROCLAIMING APRIL 2009 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 31st day of March 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Renaë Becker of Benton Development Group updated the board on economic development activities. Becker stated that she was planning some training and education roundtables with local manufacturers and businesses, possibly starting in May. Vermedahl questioned that purpose of the meetings. Becker responded that training could be provided through Kirkwood on various programs, i.e. workplace development, but topics will be sought from the attendees. The Benton County Foundation received 27 applications for the \$96,615 received. Becker also commented that letters from municipalities in Benton County should send letters to the Department of Transportation to support the Highway 30 project. Becker stated that she is working on obtaining more county maps. Becker continued that she has the 2009 Calendar of Events completed, except that there are continual additions. Becker added that she is assisting Urbana with a business exposition, specific to that community. Becker is also working with a couple of businesses wanting to expand or start-up. Atkins is trying to open a medical clinic that she is assisting with as well. Becker is also attending meetings with Iowa Connections.

Bill Daily, Belle Plaine City Manager, requested a letter of support for a grant application being submitted by the City of Belle Plaine. Daily stated that he had been to the board previously requesting financial support and reiterated that the financial support is critical. Daily stated that without the county's financial support that chances of the grant being approved is minimal. The grant is a part of the Streetscape allocation under the Community Attraction and Tourism Grant. Belle Plaine is requesting \$3,000 per year for 10 years. Richard Buch was present to state that he believed the money could be used to improve rural infrastructure and flood repair, adding that farmers needed to get their crops to town. Richard Buch further stated that the supervisors could negotiate with the city and not provide the entire amount being requested. Supervisor Buch stated that no money was budgeted for this project, but wondered if there was a way to fund it. Supervisor Vermedahl asked to defer the matter for another week to allow time to look at the FY10 budget. The matter was placed on the April 7th agenda.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of the updated annual manure management plan for Derek Vopelak at 5641 14th Street, Garrison, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-26, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-26 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,

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

38

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

Dated this 31st day of March 2009.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Chairman

Ronald Buch

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to approve the Class B Liquor License for Watkins Athletic Association. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve Option 2, which removes the air conditioning unit on the northwest corner of the courthouse, removes buried piping and stove pipe chase, fill cavity in wall, caulk as necessary, and install new air conditioning ductwork attached to newer air conditioning unit. The option is submitted by Garling Construction and will result in a deduction of \$5,727 from the original alternate bid of \$8000. The repair to the exterior courthouse is to prevent drainage into the basement. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the Change Order #4 to the contract for the courthouse reconstruction project with Garling Construction, Inc. that changes the total of the overall contract based on individual change orders previously approved. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to direct the chair to sign the Community Disaster Assistance Grants for the following projects, in this specific order: purchase of land, courthouse lawn, Rodger's Park, buildings. All members voting aye thereon. Motion carried.

The Board reviewed a draft of the contract proposed between Benton County and Design Dynamics for architectural and engineering services relative to the construction of a new law enforcement facility. The county attorney and county auditor reviewed various areas of the contract that needed to be addressed before executing the same. The county attorney will contact Design Dynamics to discuss the recommended changes.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 7, 2009

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 March 31, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set April 30, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by James Sturgeon on a parcel located in Parcel A of the SE1/4 of the SE1/4 of 1-85-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 112630 through 112964, and ACH deposits numbered 5199 through 5296. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize Supervisor Ron Buch to sign the Farm Service Agency Form CC-509 relative to ground be rented by Shawn Kreutner. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-27, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-27
TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$100,000 be transferred from General Basic to the Capital Projects fund.

Dated this 7TH day of April 1009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #09-28, RELEASE OF MORTGAGE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-28

RELEASE OF MORTGAGE

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

39

KNOW ALL PEOPLE BY THESE PRESENTS: That the undersigned, the present Owner(s) of the Mortgage hereinafter described, do hereby acknowledge that a certain Mortgage bearing the date of the 7th day of April, 2004, made and executed by Aaron Hultquist and Ivy Hultquist, for the following described property in the City of Blainstown, County of Benton, State of Iowa.

To WIT:

LEGAL DESCRIPTION: Lot #6, Eastridge Acres, Sec. 29, T82N, R12W

Which has the address of 7841 11th Ave Trail, Belle Plaine, Iowa, 52208

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 002285, Book 4, Page 2998, 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 7th day of April 2009.

THE COUNTY OF BENTON

By: _____
Chairman, Board of Supervisors

ATTEST: _____
County Auditor

The Board met with representatives of Rebuild Iowa at the council room of the City of Vinton. The Board was briefly updated on Rebuild Iowa and efforts being taken by that organization.

The Board returned to the auditor's office/board room at 10:00 a.m. The meeting of the Benton County Conference Board was convened. The minutes of that meeting are a part of the records of the conference board.

Mike Beumer, Benton County Weed Commissioner, met with the Board regarding the hire of seasonal part-time help. Beumer advised that he reviewed the applications and recommended that the Board hire Bob Byers and Don Merchant. Both individuals are eligible for veteran's preference and are equally qualified as other applicants. Moved by Buch, seconded by Sanders, to approve the hire of Bob Byers at a wage of \$10.00 per hour and Don Merchant at a wage of \$9.75 per hour, effective April 20, 2009. All members voting aye thereon. Motion carried.

Supervisor Buch left the meeting temporarily.

Moved by Sanders, seconded by Vermedahl, to approve the placement of an advertisement in the official newspapers of Benton County regarding roadside spraying for 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-29 DESTRUCTION OF NOXIOUS WEEDS. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-29

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, 2009** 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.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

40

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 7th day of April 2009.

David H. Vermedahl, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to approve the notice to organic farmers and vineyard owners regarding the 2009 spraying program and direct that it be published in the official newspapers of Benton County. Both members voting aye thereon. Motion carried.

Supervisor Buch returned to the meeting.

The engineer reported that the balance in the landfill bank account in Blainstown on March 31, 2009 was \$40,250.94.

The board discussed setting a date for vacating a road lying between sections 34 and 35 of Iowa Township. Supervisor Buch is to contact the affected parties to determine the best date and time for holding a public hearing on the matter.

The board discussed signage for the railroad underpass on County Road E66 west of Luzerne. Supervisor Buch reported that trucks, especially semi-trailers often do not heed the warning signs for the height limitation and ultimately cause problems when they reach the underpass. Buch questioned if additional signage warning of the height limit would be advantageous. The engineer is to research the placement of additional signage that is clear and concise warning of the height hazard.

Moved by Buch, seconded by Sanders, to approve a Class C Liquor License for the American Legion Post #57. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-30, AMENDMENT TO FLEXIBLE BENEFITS PLAN DOCUMENT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION 09-30

Benton County

Amendment to Flexible Benefits Plan Document

Summary Plan Document

Effective June 17, 2008, Benton County hereby amends the Flexible Benefits Plan Document and Flexible Benefits Summary Plan Document to include:

HEART: The Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act or HEART Act), allows health FSAs to provide for qualified reservist distributions of all or a portion of the health FSA account balances of participants who are reservists called to active duty for 180 days or more (or for an indefinite period). Distributions may be made at any time from the date of the call to duty through the 1st date on which reimbursements may be made for the plan year in which the call occurred.

Further –

Effective April 1, 2009, Benton County hereby amends the Flexible Benefits Plan Document and Flexible Benefits Summary Plan Document to include:

Children's Health Insurance Program Reauthorization Act of 2009 provides for you to have special rights regarding dropping coverage or adding coverage if you, your spouse or your dependent ceases to be eligible for Medicaid or SCHIP coverage or becomes newly eligible for premium assistance under Medicaid or SCHIP. For purposes of these events only, the new election must be made within sixty (60) days of the termination of coverage or eligibility for premium assistance.

Dated this 7th day of April 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to renew the contract with Employee Benefit Systems for the administration of Benton County's partial self-funding for plan year 2009/2010. The cost is to remain the same. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

41

Moved by Buch, seconded by Sanders, to approve the quote from Price Industrial for the installation of five emergency lights in the Governor Sherman Building and electrical and data drops in the Board room at a cost of \$1,584.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge that Zephyr Aluminum has reached substantial completion relative to the window replacement project in the courthouse clock tower. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the auditor's quarterly report for the period ending March 31, 2009. 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

April 9, 2009

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 April 7, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the Veteran Affairs quarterly report for the period of January-March 2009. All members voting aye thereon. Motion carried.

Marc Greenlee didn't receive the proper paperwork so he asked the board to wait on the approval for final plat of River Valley 2nd Addition until Tuesday, April 14, 2009.

Moved by Sanders, seconded by Vermedahl, to authorize Supervisor Ron Buch to sign a letter to take action on support of the Highway 30 expansion. All members voting aye thereon. Motion carried.

The Board met with Bill Daily representing the City of Belle Plaine. They were discussing the Streetscape CAT Grant Programs. Daily asked the board for the county support, if they could find a way to make this work, its very critical to their application process, without the support they can't apply. Daily said the city was applying for a \$560,000 streetscape grant towards a 2.2 million dollar project. And also \$100,000 aquatic grant to go towards 2.7 million dollar project. The city of Belle Plaine is asking for the county to commit \$3000 a year for 10 years. \$2,000 of that will go towards the streets project and \$1,000 for the aquatic center. Daily said he came to a prior meeting back in January and he was told this would be discussed at budget time but he doesn't remember seeing where it had been. He said that they were willing to pay for the costs to do a budget amendment if necessary. Jennifer Zahradnik, rural county resident and President of Belle Plaine Community Development Committee urged the board for their support in the CAT grants, stating that Belle Plaine would be the "shining star." Belle Plaine could be the model community on what you can do with historical downtowns. This pilot program has not been done in the state of Iowa before. Zahradnik also stating that the taxpayers are willing, and after the grant money is used to enhance the buildings, then the assessed value for the county will increase and bring in more tax dollars. This is just a small chunk we are asking for compared to the total we are to receive from the grants. Anders Norgaard, long time citizen of Belle Plaine and local attorney, said for as long as he's lived in Belle Plaine, he's never seen as much optimism in the town. We want Belle Plaine to be a place where young people will want to come back and live. We are a part of Benton County and are asking for your support. Brad Cook, a businessman in Belle Plaine said after some extensive surveying done by the committee, the top 3 things that citizens wanted were: the new pool, new school and the main street project. Supervisor Vermedahl said he doesn't have a problem supporting any community improvements, the only problem is that this has been the toughest budget year we've faced in the last 8 years. The effort wasn't over, just questioning if we can commit to the 10 years. Supervisors Sanders stated that on behalf of the county we appreciate all your efforts and realizes that the \$30,000 they are asking for is small compared to what they need as a whole. Sanders said he is more excited about the streets project then the aquatic program if we could support one over the other. Supervisor Buch added that the amount of money Belle Plaine is applying for all hinges on our back, if the county doesn't help, it can't happen. Questioning the 10-year commitment and somehow making it work. Sanders stating we can't spend money we don't have. Vermedahl questioned Daily if in-kind services would help also. Daily said they'd be willing to work with that. After no further discussion it was moved by Buch, seconded by Sanders, to pledge \$3,000.00 a year for 10 years to the City of Belle Plaine. This support can be in monies or in-kind services. All members voting aye thereon. Motion carried.

The county engineer spoke to the board about the cost for dust control for 2009. The engineer explained that costs have increased to the county for materials of the oil product, equipment, and for labor. The engineer recommended that the cost increase to \$1,060.00 from \$975.00 in 2008. Moved by Sanders, seconded by Buch, to set the cost of MC-70 applied by the county for 2009 at \$1,060.00 for two applications of 400 feet each. Additional footage will be done in fifty-foot increments at \$2.20 per foot. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Interstate Light & Power to place utility lines in the county's right-of-way Taylor Township. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson met with the board regarding the contract with Design Dynamics for their architectural and engineering services. Todd McNall and Rob Peck both were there to represent Design Dynamics. Thompson went over all the amendments that were made and wanted to be sure the board was okay with those changes. They did make one more change to the compensation for basic services based on the percentage of the cost of the work for each phase of service. It was suggested by Peck to reduce the construction phase from 30 % to 15% and increase the construction documents from 40% to 55%. After no further discussion, it was moved by Sanders, seconded by Buch, to authorize the chair to enter into a contract with Design Dynamics with the amendments noted and changed. All members voting aye thereon. Motion carried.

Jerry Petermeier provided an update on the selection of a building site for a new law enforcement center. Petermeier said they are currently looking into having the land site appraised. There was also discussion about possibly getting an extension for the FEMA deadline, which is currently June 15, 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

42

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

David Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

April 14, 2009

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 minutes of April 9, 2009. 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 Myron and Esther Lown, 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 Sanders, seconded by Vermedahl, to approve a land use change from a non-agricultural use (an RV park) to a new non-agricultural use on approximately one acre for a single residential purpose on a parcel generally described as being a Part of the NE1/4 of the SW1/4 of Section 326-86-9 (Polk Township). Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the sheriff to purchase a Genset generator and trailer from Cummins at a cost of \$24,295.00. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the sheriff's and recorders quarterly report for the period ending March 31, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into an agreement for professional valuation services with Appraisal Resources Company for a land appraisal on property located next to the First Christian Church in Vinton at a cost of \$500.00. The property is a possible site for a new law enforcement center. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign Change Order #005 to the contract with Garling Construction, which results in a decrease of \$5,727.00. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to award the drywall repair work on the third floor of the courthouse to Eastwood Painting at a cost of \$1,270.00. Both members voting aye thereon. Motion carried. Two other quotes were received as follows: Jensen Drywall - \$1,660 and R & R Drywall - \$1,350.

Moved by Sanders, seconded by Vermedahl, to award the lawn care quote to Christy Lawn Care at a cost of \$580.00 for four chemical applications. Both members voting aye thereon. Motion carried. One other quote was received from McKenna Lawn Care at a cost of \$620.00.

Moved by Sanders, seconded by Vermedahl, to award the quote for a new air conditioner in the judge's chambers on the third floor to Rabe Hardware at a cost of \$9,660. Both members voting aye thereon. Motion carried. One other bid was received from S & S Plumbing in the amount of \$10,570.

Moved by Sanders, seconded by Vermedahl, to approve the Iowa Department of Transportation Secondary Road Construction Program for FY10. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the Iowa Department of Transportation Secondary Road Budget for FY10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Robert Panosh, effective this date, at a part-time driver with Benton County Transportation at a wage of \$10.99 per hour. Both members voting aye thereon. Motion carried.

The auditor spoke briefly about the administration of the Veterans Affairs Department. The matter was placed on the next meeting agenda with the Veterans Affairs Commissioners invited to attend.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 16, 2009

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 adopt Resolution #09-31 WAGE INCREASE FOR KEVIN ATKINSON. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-31

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and WHEREAS: This employee as part of the original hire is eligible for a wage increase, and THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Kevin Atkinson will be IVD (Maintainer Operator). IVD base wage for Kevin Atkinson will be \$17.23 per hour. Kevin Atkinson rate change will be effective April 28th, 2009.
Dated this 16th day of April 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

43

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve Michael Gardemann's change in department from Secondary Road to Sanitary Disposal. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the county engineer to advertise and hire a maintainer operator for an existing vacancy in the Blairstown area. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 14, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Dennis Walker from Benton County Transportation, effective April 13, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the Cost Allocation Plan prepared by Cost Advisory Services, Inc. for FY2008. 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 Kristeen and Marcus Opfer, 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 one and one-half acres for a single residential purpose on a parcel generally described as being a Part of the SW1/4 of the NW1/4 of Section 15-86-9 (Polk Township). All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-32, RIVER VALLEY SECOND ADDITION TO BENTON COUNTY, IOWA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RIVER VALLEY SECOND ADDITION TO BENTON COUNTY IOWA RESOLUTION NO. 09-32

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:

River Valley Second Addition to Benton County, Iowa is a subdivision of Lot '1', River Valley First Addition to Benton County located in the Northwest Quarter of the Northwest Quarter and in Government Lot 3, all in Section 11, Township 85 North, Range 9 West of 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 will execute and file 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 the 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 16th day of April, 2009.

BENTON COUNTY BOARD OF SUPERVISORS

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Will Heber, Benton County Conservation Director, updated the Board on activities occurring in the county's parks. Heber stated that several parks are now open and others will open in the near future.

Supervisor Vermedahl left the meeting temporarily.

Moved by Sanders, seconded by Buch, to acknowledge the hire of the following part-time seasonal employees with Benton County Conservation: Tyler Helms and Ralph Jones, effective May 8, 2009; Steve Weirather and Zach Parmeter, effective May 18, 2009; and Blake Scheer effective May 20, 2009. The wage of all persons will be \$9.00 per hour. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

44

Supervisor Vermedahl returned to the meeting.

Nancy Farmer, Public Health Nursing, and Scott Hansen, Emergency Management Coordinator, met with the Board regarding the adoption of Annex G to the Bio-Emergency Response Plan. Moved by Buch, seconded by Sanders, to approve Annex G to the Bio-Emergency Response Plan. All members voting aye thereon. Motion carried. There are no current copies of the plan available in the auditor's office as a part of the official record. A copy for the public record can be reviewed either at the office of Emergency Management or Public Health Nursing.

The board met with the Veterans Affairs Commission regarding the future administration of the Veterans Affairs Department. Commissioners Ambrose Gibney and Ed Landuyt were present constituting a quorum. Supervisor Vermedahl reviewed the future status for the administration of veterans affairs and that the law now allowed for an administrator to be appointed to assume those duties within another office of the county. The supervisors had asked the auditor's office to act as the administrator due to the upcoming retirement of the current veterans affairs director, Walt Kollmorgen. The auditor stated that she would assume those responsibilities with the understanding that if the administration proves to be a conflict that alternatives would have to be reconsidered. The board asked the commission to act on this recommended change in administration of the veterans affairs department. It was discussed that the auditor's office would conduct the day-to-day business of the department; however an outreach person would need to be employed who could visit the nursing homes and other venues to assist those who are eligible for veterans benefits. The board and commission discussed how the outreach individual would be interviewed and hired with the initial review of applications being completed by the supervisors and then recommendations and final interviews conducted by the commission.

ACTION OF THE VETERANS AFFAIRS COMMISSION:

Moved by Ambrose Gibney, seconded by Ed Landuyt, that the administration of the veterans affairs department be placed with the auditor's office, effective July 1, 2009. It is understood that training will need to take place prior to that date. Both members voting aye thereon. Motion carried.

Moved by Ambrose Gibney, seconded by Ed Landuyt, that the auditor is authorized to apply for grant funds available the fiscal year on behalf of the veterans affairs department for qualified expenses. Both members voting aye thereon. Motion carried.

The veterans' affairs commission adjourned.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 21, 2009

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 April 16, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set May 7, 2009 at 9:30 a.m. as the time and date for a public hearing on vacating the road lying between sections 35 & 36 in Iowa Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 12965 through 113292 and ACH deposits numbered 5297 through 5392, for payment. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Doug Jellison, 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 an existing non-agricultural use to a new single residential use in Union Township. Hearing all comment, it was moved by Sanders, seconded by Buch, to approve a land use change on approximately one and one-half acres generally described as being a Part of Parcel A in the NE1/4 of the NE1/4 of 17-83-11 for a single residential use. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

April 23, 2009

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 Board of Supervisor's room in the courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of April 21, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the request submitted by Duane Randall, Director of Vinton Parks and Recreation, for use of the courthouse lawn on June 25, 2009, for Vinton's Party in the Park. Vinton Parks and Recreation will be responsible for enforcing the no-smoking regulations. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set May 14, 2009, at 9:15 a.m., as the time and date for a land use hearing requested by John Oberreuter on a parcel located in the SE SW of 30-82-12. All members voting aye thereon. Motion carried.

The board discussed the disposition of property owned by Benton County in Section 18 of Leroy Township. No action was taken at this time.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

45

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 28, 2009

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 Board of Supervisor's room in the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of April 23, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the claim for Gerald Petermeier's consulting fees. 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 Rick and Barbara Osterkamp, 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 three acres for a single residential purpose on a parcel generally described as being a Part of Parcel D located in the NW1/4 of the NW1/4 of Section 11-85-9 (Benton Township). This will not allow for more splits on the remainder of Parcel D without following the current subdivision ordinance. Voting aye were Sanders, Buch and Vermedahl. Nays none. Motion carried.

Doug Dunkel and Art Underwood came to the board with Veterans Affairs concerns. They were put on the board's agenda for further discussion on Thursday April 30, 2009.

Mary Williams, Social Services Director, presented the FY10 provider contracts for approval. Moved by Sanders seconded by Buch, to enter into the following provider contract for client services for the period beginning July 1, 2009 and ending June 30, 2010.

Ellsworth Community Hospital – Commitments-\$640.00/day

MECCA-SA pre-hearing commitments only-\$350.00/day

Abbe Mental Health Center – Modified fee for service grant covering all outpatient services - \$200,000/year

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to table approving the Abbe Center for Community Mental Health provider contract pending further information. All members voting aye thereon. Motion carried.

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

Moved by Buch, seconded by Sanders, to authorize the chair to sign plans for HMA resurfacing on D65 West of Mt. Auburn. All members voting aye thereon. Motion carried.

The Engineer discussed operating expenses and current gate fees and possible increases at the Landfill. It was moved by Sanders, seconded by Buch, to make a decision on a possible increase to the landfill's gate fees on Thursday May 7, 2009.

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

David Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

April 30, 2009

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 28, 2009. All members voting aye thereon. Motion carried.

Moved Buch, seconded by Sanders, to approve a Class B Liquor License for the Blirstown Demo Derby. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve vacation carry-over of 6.25 hours requested by Tony Janney, to be used by July 1, 2009. 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 James and Linda Sturgeon, 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 non-agricultural use in South Polk Township. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on approximately one acre generally described as being a Part of Parcel A in the SE1/4 of the SE1/4 of 1-85-9 for a single residential use restricted to occupancy by an immediate family member within the second degree of affinity or consanguinity. All members voting aye thereon. Motion carried. Moved by Sanders, seconded by Buch, to approve a land use change on approximately one acre generally described as being a Part of Parcel A in the SE1/4 of the SE1/4 of 1-85-9 for a commercial purpose of providing equine riding lessons located within the existing facilities on the parcel (barn). All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to enter into an agreement for the Federal Highway Stimulus Program Project w/ Iowa Department of Transportation for the D65 HMA Resurfacing project, Project Number ESFM-CO06(78)—5S-06, Iowa DOT Agreement No. 06-09-ESP-31. The agreement provides \$888,727.00 in federal stimulus money to Benton County. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

46

Roger Uthoff, Commander of Vinton American Legion, as well as numerous other county veterans, asked the board to reconsider the method of providing benefits to veterans in Benton County. Uthoff stated that the veterans deserve a full-time director of veterans' affairs instead of a part-time outreach assistant and part-time individual in the auditor's office. Uthoff stated that he anticipates the population of Benton County to exceed 30,000, which will mandate a minimum of 30 hours of service per week under Iowa law. Benton County Auditor Jill Marlow explained that she had recently attended a conference on veterans' affairs and that she was apprehensive about providing the service out of her office, explaining that the duties could require up to 35 hours per week, which she would not be able to provide. She stated that Benton County should consider whether they would be best served to put resources into the staff in her office if they would not have the time necessary to fulfill the duties. Others in attendance expressed their concern as well that veterans have served their country and deserve a veterans' affairs office with a director who could dedicate all of their efforts to providing benefits. The auditor advised that there was a difference between a director and an administrator wherein the director had to be a veteran and the administrator did not. It was asked who would make the decision as to whether to hire a director or administrator. The supervisors stated that a meeting needed to be held with the Veterans' Affairs Commission before any action could be taken on the direction of the department and whether an administrator or a director would be employed, adding that they would consider the information presented.

Supervisor Buch left the meeting at 10:00 a.m. to attend a funeral.

Doug Dunkel was also present during the discussion on veterans' affairs and informed the board that he was in agreement that the position should stand on its own and not be combined with another county office. Dunkel also stated that he would be interested in serving in the position.

The sheriff did not speak with the supervisors due to time limitations.

Moved by Sanders, seconded by Vermedahl, to adjourn to attend county training on various policies. Both members voting aye thereon. Motion carried.

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 5, 2009

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. in the third floor courtroom.

Moved by Buch, seconded by Sanders, to set May 28, 2009, at 9:15 a.m. as the time and date for a public hearing on a land use change requested by James and Lynn Devine on Parcel A in the NE 1/4 of the NE 1/4 of Section 4-84-9. All members voting aye thereon. Motion carried.

The Board met with Benton County Veterans Affairs Commission as well as numerous veterans to discuss the direction of the veterans' affairs department. Supervisor Vermedahl explained the current direction being planned for the department with services being provided through the auditor's office as well as having an outreach worker. Several veterans had attended a meeting last week expressing their concern as to that direction. It was expressed that a veterans' affairs office should have dedicated personnel for approximately 35 hours per week. Roger Uthoff explained that veterans want a dedicated person to serve the veterans of Benton County adding that the auditor must comply with the statutory obligations for her office before performing the veterans' affairs duties. Uthoff stated that he would like to see a director hired with an assistant director to fill in when the director is doing outreach. Uthoff stated that the County is mandated to have 20 hours per week, effective July 1, 2009, but when the population of the county reaches 30,000 then 30 hours per week will be required. Uthoff also stated that the amount of paperwork is increasing when applying for veterans' benefits. Uthoff reiterated that a part-time 32-hour per week position, which would eliminate the need to provide county employee benefits, would provide the best service to the veterans. Uthoff continued that there are options available for an office with a new law enforcement facility being planned or where abandoned flood houses are located. Uthoff stated that there are many volunteers available to help with remodeling an office. Uthoff added that veterans deserve access to all of the benefits available to them.

It was also suggested that whoever is employed as the director/administrator, that they should attend statewide training in order to stay abreast of benefit changes and opportunities.

Ed McGivern echoed that Benton County should have a person dedicated to the office as well. McGivern stated that more veterans would be accessing the services in the future. An Allamakee County Commissioner spoke to the importance of the training available by the state and counties. It was explained that the veterans' affairs director had the authority to place veterans in the Veterans Administration hospital and the cost of hospitalization is covered by veterans' administration instead of taking Medicaid dollars.

Ed Landuyt, Benton County Veterans Affairs Commissioner, stated that a financial commitment from the supervisors was necessary in order to employ a director as suggested. Landuyt added that he felt the Commission had done a good job for the county and that veterans have not been overlooked with the exception of those who did not qualify.

Uthoff explained that a 32-hour position at \$15.00 per hour would be \$24,960 a year and an assistant at 20 hours per week at \$12.00 per hour would be \$12,480 a year for a total of \$37,440. Uthoff reminded the board that a \$10,000 annual grant will be provided each year by the State that must go towards administrative services.

Ambrose Gibney stated that he believed a part-time director had been able to perform the duties adequately and that the additional grant funds could go towards a secretary's salary within the auditor's office, but added that he was willing to consider what was being proposed.

It was questioned how the commission knew if the veterans were being served and if they were happy. Landuyt responded that he knew of two veterans that went to the VA hospital that were unhappy and that was not the commission's fault. Supervisor Vermedahl stated that the supervisors were interested in taking a different approach than that previously decided but that the county's budget would have to be considered. Ron Geiger advised that a lot of veterans are located in Benton County and that it is difficult to access the assistance when it is convenient for the veteran due to the number of hours currently being offered.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

47

Walt Kollmorgen, Veterans Affairs Director, stated that the principal reason that veterans affairs is not functioning as it should starts at the top with the State's director. Kollmorgen when on to explain about regulatory red tape and erroneous payments occurring in Benton County.

The Board ended the meeting with the direction that the auditor would have to determine what options were available with current and future funding, adding that they would like to see more funding go towards actual benefits and not administration of the department, which was the original intentions for changing the department structure. The chair asked that the matter be placed on next week's agenda for follow-up.

The Board returned to the boardroom on the second floor of the courthouse.

Supervisor Sanders left the meeting temporarily to assist the Veterans Affairs Commission with their meeting location.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign letters stating that the Ben-Linn Benefited Fire District and the Newhall Benefited Fire District are benefited fire districts established under Iowa Code Chapter 357B, as requested by the Iowa Department of Transportation for vehicle titling purposes. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize Vinton Unlimited to use the courthouse lawn on June 11, 2009, July 9, 2009, and August 13, 2009, for community concerts. Vinton Unlimited is responsible for enforcement of no smoking on courthouse property during the events. All members voting aye thereon. Motion carried.

Supervisor Sanders returned to the meeting.

Moved by Buch, seconded by Sanders, to approve the minutes of April 30, 2009. All members voting aye thereon. Motion carried.

The Board did not review the applications for Veterans Affairs Outreach Assistant pending an opinion from the county attorney on the position being changed to Veterans Affairs Director.

Sheriff Forsyth and Andy Lent, City Coordinator, met with the Board regarding animal control matters. Forsyth stated that the county and Vinton have always had an agreement where the animal control officer for Vinton would also serve the unincorporated areas of the county. The other cities each have their own arrangements for animal control. Forsyth stated that his department has been performing animal control duties recently as Vinton has not had an animal control officer for some time. Forsyth stated that his office does not have the equipment for animal control duties. Forsyth stated that the animal shelter will not take injured animals until a veterinarian has seen them. Forsyth questioned who would pay the necessary veterinarian bills. Lent stated that the city is continually looking for an animal control officer, but that he has drafted a contract instead of having a city employee perform those duties. The person would have to provide all of their own equipment, insurance, etc. instead of the city providing those items making it a contracted service. The contract would require a 24/7 availability. The board advised that they would research options and the matter was placed on the May 12, 2009, agenda for further consideration.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-33, WAGE & CLASSIFICATION CHANGE FOR DAN MCKENNA. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

RESOLUTION #09-33

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

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

WHEREAS: Two present employees have signed the posting, and

WHEREAS: This employee is more qualified for the position,

BE IT THEREFORE RESOLVED By the Benton County Board of Supervisors that Daniel McKenna be the Equipment Operator II (scoop operator) with a Labor Grade Classification of LG IVC. The base wage will be \$17.16. The effective date will be May 11, 2009.

Dated this 5th day of May 2009.

David H. Vermedahl, Chairman

Jason Sanders

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to authorize the engineer to advertise and hire to fill up to two vacancies for mechanics at the secondary road's department. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account on April 30, 2009, was \$43,707.68.

The county attorney met with the board regarding the law enforcement site selection. The county attorney asked if the board would make a decision on the site selection for the law enforcement center on May 12th when the architect makes their presentation to the supervisors. Supervisor Vermedahl stated that one thing that came out of the meeting was that Benton County should not request an improved project. The regional director in Kansas City would have to approve a site if the facility were relocated with three criteria required: is the facility in its current location subject to substantial repetitive damage, does it meet all FEMA guidelines, and is it cost effective. FEMA also reported that they would pay to elevate one foot over the flood plain, which would not be adequate elevation and the question remains as to whether FEMA would pay for additional elevation. Thompson requested that the meeting with the architects and the meeting at which the final site is to be selected be held in the evening to allow more public participation and the attendance by the site selection committee.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing of annual manure management plans from Homer Narber Farm Inc. at 6477 29th Avenue, Shellsburg, Iowa, and for Prairieview Hog located at 1652 72nd Street, Keystone, Iowa. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

48

The individual board members reported on various committee meetings that they have attended including East Central Iowa Council of Governments, Conservation, Rural Conservation & Development, and Law Enforcement Site Selection.

Nancy Farmer, Public Health Nurse, updated the supervisors on the H1N1 flu outbreak. Farmer reported on the activities being taken by Public Health statewide as well as in Benton County. Communications between providers, etc. have been occurring on a continuous basis. They have sent information to child care providers, and will be sending information to faith organizations as well. The declaration by the State last week allows for additional resources to be made available. Farmer requested that the county consider

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 7, 2009

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 5, 2009. All members voting aye thereon. Motion carried.

Supervisor Vermedahl stated that Lowell Fink had scheduled a World Day of Prayer to take place on the courthouse lawn for this date at 11:00 a.m. Fink was unaware that he needed to request permission from the Board at least 24 hours in advance and asked that the board approve the use. Moved by Sanders, seconded by Buch, to authorize the use of the courthouse lawn on May 7, 2009, with the understanding that no smoking would be enforced and that participants are to avoid newly seeded areas of the lawn. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set May 14, 2009, at 9:30 a.m., as the time and date for a public hearing on a master matrix review for RNK Farms, LLC located in the SE1/4 of the NW1/4 of 5-84-9. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, advised that she is having a part-time employee resign at the end of May 2009. Halstead also stated that she anticipated needing an additional driver over the summer similar to last summer. She advised that she would be advertising to hire a part-time person to fill those needs.

Cloyce Hutton, a landowner in Benton Commerce Village, met with Board to request that he be released from the agreement entered into on May 23, 1995, for the purposes of developing a water and sewer system in Benton Commerce Village. The agreement required Hutton and other landowners to contribute to the cost of the water and sewer system in various manners through the sale of property or the actual commercial use of property. Hutton stated that since the debt associated with the tax increment area and the development is essentially satisfied, he wished to be released from the agreement. Moved by Buch, seconded by Sanders, to adopt Resolution #09-34, RELEASING PARTIES FROM FINANCING AGREEMENT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-34

RELEASING PARTIES FROM FINANCING AGREEMENT

WHEREAS, an agreement was signed by various parties relative to the financing of water and sewer in the Benton Commerce Village tax increment finance area; and

WHEREAS, the agreement provided that the parties would contribute funds to Benton County for property sold, rooms that were rented, or upfront contributions; and

WHEREAS, the debt associated with the installation of the water and sewer has been satisfied,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Agreement entered into by Cloyce & Linda Hutton, Janet Lemmons and Cindy Foster, and Edward McKinley, is considered to be fulfilled and the parties are hereby released from the obligations set forth in the said agreement, a copy of which is attached hereto and incorporated herein by reference, effective this date.

Dated this 7th day of May 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

The time of 9:30 a.m. having and this being the time and date set for a public hearing on vacating the road located between sections 35 and 36 in Iowa Township. Dennis Pohlmann, Glen McElroy, Tom Miller, Mark Miller, Delmar Pohlmann were present. Engineer Parizek reported that the road has been abandoned for many years and starts at south line of Benton County and then runs north for about 70 rods. In 1862 it was described as being 66 foot wide. The engineer reported that there has been some non-roadway use occurring, i.e. illegal dumping, etc. There were three adjacent property owners notified, as well as the utilities in the area. Miller questioned if the county would establish the property lines. Buch responded that any surveys would be the responsibility of the adjacent landowners if the road is vacated. The engineer stated that generally the center of the road is the section line, but not always. Miller stated that there will be an access problem to property west of the creek. Glenn advised that he would need an easement to get to the property on west side of the creek as well, adding that he would be blocked from both ends. Glenn lives on south end of road with land on east side of creek. There were no objections to the vacating of the road, but access issues and boundary lines would need to be resolved prior to formal action being taken by the board. Moved by Sanders, seconded

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

49

by Buch, to table action on vacating the road located between sections 35 and 36 in Iowa Township until August 11, 2009 at 9:30 a.m. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a fireworks permit submitted by Charles Yedlik for an event to held May 30, 2009, at 5899-1/2 28th Avenue Drive, Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt resolution #09-35, SUSPENSION OF TAXES. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-35

BE IT RESOLVED by the Benton County Board of Supervisors to suspend taxes on parcel #030-39150 pursuant to Iowa Code 427.9.

Dated this 7th day of May 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Vermedahl reported that he attended the Benton County Flood Coalition meeting this morning and reported that the group is doing well and distributing funds to flood victims.

Ann Jorgenson met with the Board regarding the establishment and preservation of native prairie areas in the county and preventing those areas from being sprayed. Jorgenson advised that the project could be done with the help of the Integrated Roadside Vegetation Management program. Jorgenson stated that discussions would need to take place with the landowners agreeing to take care of noxious weeds in the roadside where no-spray is taking place. Parizek stated that the county did adopt resolutions in April 2009 regarding noxious weeds, erection of signs, and no-spray areas and the landowners' responsibilities. Parizek stated that the county needs to determine what should be done if the landowner fails to address the noxious weeds. Discussion as to the use of the road right-of-way as a buffer strip for organic farms and that it was the county's authority was held. Beumer stated that he believed the county should not allow the right-of-way to be used as a buffer strip.

The engineer requested that gate fees at the landfill be increased from the current \$40.00 per ton to \$55.00 per ton effective July 1, 2009, and to \$60.00 per ton effective January 1, 2010. The increase is due to increased costs to operate the landfill. The Board discussed the amount of increase and the affect it would have on business, residents and the landfill ledger. Moved Sanders, seconded by Vermedahl, to set adopt Resolution #09-36, SANITARY DISPOSAL GATE FEES. Voting aye were Vermedahl, Sanders, and Buch. Nays none. Motion carried.

RESOLUTION #09-36

SANITARY DISPOSAL GATE FEES

WHEREAS, the costs to operate the Benton County sanitary landfill continues to rise; and
WHEREAS, a part of those costs is contributed to the acceptance of construction waste; and
WHEREAS, fees were established to address the costs of construction waste; and
WHEREAS, it had been determined that those fees should be increased due to increased operation costs,
NOW THEREFORE BE IT RESOLVED that a fee is re-established for the acceptance of construction demolition materials, including but not limited to, the following:

- Concrete Block
- Brick
- Broken Concrete
- Shingles
- Wood Products from demolished structures
- Remodeling materials
- Furniture (pickup and/or truck load)
- Rugs, carpet and linoleum (pick up and truck load)

The tonnage fee will also apply to spoiled grain products and disposal plant screenings.

The tonnage fee is set at \$50.00 per ton, effective July 1, 2009.

Charges for these materials at the landfill will be computed and paid to the next highest dollar.

Further, the engineer is authorized to post and/or provide notice of these charges.

Dated this 7th day of May 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

50

Jill Marlow, Benton County Auditor

The Board discussed the position of veterans' affairs director and reviewed the job description developed for the same.

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 12, 2009

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.

Cindy Kaestner, Executive Director of the Abbe Center, met with the Board to provide an annual update on the services being provided by the Abbe Center. Kaestner said that services in FY08 were similar to FY07 with a slight increase in the number of Benton County clients being served. Benton County provides \$200,000 in funding to the Abbe Center for the services provided. Kaestner advised that Benton County received a refund \$14,708 in FY08, which represents the Medicaid settlements. Kaestner cautioned that changes in Medicaid funding may occur in the future. Kaestner stated that services actually began in 1997 in Benton County; however data for that year was not available in the information provided. Kaestner advised that there has been an increase in services being provided as a result of the 2008 flooding. Moved by Sanders, seconded by Buch, to enter into a one-year contract between Benton County and the Abbe Center for client services for FY09 at a cost of \$206,000. All members voting aye thereon. Motion carried. The contract reflects a 3% increase in funding.

Moved by Buch, seconded by Sanders, to rescind the prior action of April 28, 2009, relative to entering into a contract between Benton County and Ellsworth Community Hospital and to enter into a new contract between Benton County and Ellsworth Community Hospital for client services at a rate of \$625.00 per day, a reduction from the April contract of \$640.00 per day. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 113293 through 113383, and 113481 through 113860, and ACH deposits numbered 5393 through 5490, and 5589 through 5686, for payment. All members voting aye thereon. Motion carried. It is noted that checks numbered 113384 through 113480 and ACH deposits numbered 5491 through 5588 were voided due to technical issues encountered when interfacing with the financial software.

Moved by Buch, seconded by Sanders, to approve the minutes of May 7, 2009. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the Board regarding animal control in Benton County. The issue had been discussed at a previous meeting with additional research needed. Supervisor Buch advised that Linn County's animal control is done through the Linn County Human Society. Supervisor Buch reviewed Jones County's animal control methods as well. Andy Lent stated that the City of Vinton would probably enter into a 28E Agreement with Benton County, if the county hired and/or contracted with an animal control officer. Recently, the Vinton Police Department has been performing animal control within the city limits and the sheriff's department has been providing the service in other areas. Deputy Mike Ferguson advised that the issue with the sheriff's department providing the service is that a deputy can be tied up for two hours handling an animal control issue. Supervisor Vermedahl stated with the current budget already set, it would be difficult to do something now, but that the county may need to consider the development of an animal control officer position in the future. Sheriff Forsyth questioned if the Linn County Humane Society would provide the service in Benton County. At this time, Linn County Humane Society has not been approached about providing services.

The Board discussed the direction of the veterans affairs department and the possible staffing levels. Roger Uthoff requested that two persons be hired and if at all possible to have them be co-directors. The board advised that the staffing levels would be determined by the wages paid and that could not be determined definitively until the interview and hiring process was completed. The board stated that it was their intention to provide a director for 30 to 32 hours per week and dependant upon funding, an additional part-time staff person.

Tammy Wetjen-Kestersen updated the board on Decategorization services. She advised that a new contract will need to be entered into relative to her job duties and that she will return at a later date. Wetjen-Kestersen also requested approval of an invoice to the State for reimbursement for her services. Moved by Sanders, seconded by Buch, to approve submittal of a claim to the State of Iowa for reimbursement of Wetjen-Kestersen's services in the amount of \$4,812.50. All members voting aye thereon. Motion carried.

The board discussed the Wellness agreement proposed by the Iowa State Association of Counties. Supervisor Sanders stated that he did not contact ISAC but reviewed the agreement and had not position one way or the other. It was determined that an invitation to Wellmark be extended to explain the program further.

The Board discussed the site location for a new law enforcement center. There were approximately twelve persons present. Supervisor Vermedahl stated that FEMA has determined that relocating the law enforcement center does not meet the criteria for relocation funding. There are three criteria and the county meets only two of three. The county does not meet the repetitive damage criteria. If the county relocates to a new site, FEMA will only pay for the facility at a capped amount and will not pay for the site acquisition, infrastructure, tower relocation, etc. Supervisor Sanders questioned the cost of flood insurance and its financial impact over the next twenty years. David Thompson, County Attorney, stated that the county would not be able to relocate without going to a referendum, adding that the cost to move the communications tower would be \$300,000. Rob Peck stated that biggest unknown by relocating with be the cost of a street. Jerry Petermeier stated that the development of the site on the west edge of town would require 11th street to be extended to access the facility instead of 13th street. Todd stated that site grading and soil preparation would also be an unknown cost. Sanders stated that he wanted to have additional time to research the issue, adding that he wanted to do what was in the best interest of the county financially. County Attorney Thompson asked when the board would make a decision. Discussion centered on funding for an improved project verses a non-improved project and the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

51

FEMA funding limitations. Supervisor Vermedahl stated that the facility should be designed to accommodate future expansion that can be done at a later date.

The auditor spoke with the board about creating written guidelines for groups using the courthouse property, as well as contractors performing work on the structure. The auditor explained that a significant amount of damage has occurred to the courthouse lawn over the past year and that steps have been taken to repair it. The auditor stated while some damage is/was unavoidable; other damage could have been had proper steps been taken to prevent it. The board requested that proposed guidelines be presented to them for consideration, agreeing that the county could not continue to pay to repair damage that is preventable.

Supervisor Vermedahl advised that Renaissance Roofing requested that a change be approved for the roofing membrane to be installed on the courthouse roof. Vermedahl advised that Durrant has informed him that the change would not affect the performance of the membrane and was of equal quality. The architect recommends the change as it meets the same qualifications as in the bid. Moved by Sanders, seconded by Buch, to approve a change in the roofing contract between Benton County and Renaissance Roofing. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Agreements and related documents relative to the Emergency Watershed Protection Project Agreement #69-6114-9-48. The agreements provide funding for mitigation work along various secondary road structures. All members voting aye thereon. Motion carried.

The Board held a joint session with the Veterans Affairs Commission for the purpose of interviewing an applicant for Veterans Affairs Director. The applicant requested that the session be closed under Iowa Code 21.5(i).

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

Moved by Sanders, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 11:55 a.m.

The Board traveled to the Cardinal Motor building and the ICAS building to view potential office space for veterans' affairs.

The were no supervisor committee reports given.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

May 13, 2009

The Benton County Board of Supervisors met in a special joint session with the Veterans Affairs Commission. Supervisors Buch, Vermedahl, and Sanders present and Commissioner's Lindsey, Landuyt and Ambrose present. Chairman Vermedahl called the meeting to order at 11:00 a.m.

The meeting was for the purpose of interviewing applicants for the veterans' affairs' director position, as well as other matters regarding veterans' affairs.

The Board conducted an interview with Lori Blank for the position of veterans' affairs director.

The Board discussed the staffing level of the department with the commissioners – stating that funding was available up to \$31,000 in FY10 for staffing the veterans' affairs' department.

The auditor presented a grant application to the supervisors and the commissioners for their approval. The grant would provide \$10,000 for office rent and equipment but must be expended in the current fiscal year. Moved by Buch, seconded by Sanders, to direct the chair to sign the Veterans Affairs County Grant application. All members voting aye thereon. Motion carried.

Moved by Gibney, seconded by Lindsey, to authorize the chair to sign the Veterans Affairs County Grant application. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to recess until 1:00 p.m. All members voting aye thereon. Motion carried at 12:15 p.m.

The commissioners and Supervisor Buch viewed the office space at the ICAS building.

The Board and the commissioners reconvened at 1:15 p.m. to conduct additional interviews for the director's position.

The applicant requested that the session be closed under Iowa Code 21.5(i).

Moved by Buch, seconded by Sanders, to go into closed session. All members voting aye thereon. Motion carried at 1:15 p.m.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 1:35 p.m.

The office at ICAS was discussed. Moved by Gibney, seconded by Landuyt, to approve placing veterans' affairs at the ICAS building. All members voting aye thereon. Motion carried. Moved by Buch, seconded by Sanders, to proceed with renting an office at the ICAS building. All members voting aye thereon. Motion carried.

The last candidate selected was interviewed.

Commissioner Lindsey had to leave the meeting due to an emergency.

Moved by Landuyt, seconded by Gibney, that subject to a successful background investigation and reference checks, that the commission offer the position of Veterans' Affairs Director to Charles James. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the action of the veterans' affairs commission relative to the appointment of a veterans' affairs director, subject to successful background and reference checks. All members voting aye thereon. Motion carried.

Moved by Gibney, seconded by Landuyt, to adjourn. 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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

52

ATTEST: _____
Jill Marlow, Auditor

May 14, 2009

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 9:15 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 John Oberreuter, 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 to place a storage building in Canton Township. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on approximately one acre generally described as being a parcel located in the SE1/4 SW1/4 of 30-82-10 (St. Clair Township) for single residence. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on a construction permit application for expansion of an existing confinement feeding operation filed by RNK Farms, LLC. Brian Rittland, Pinnacle was there to represent Ryan McClintock. 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 two official newspapers of Benton County. The proposal meets 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 and modification of an existing swine confinement feeding operation and the permit application is required as the animal unit capacity for the operation will be 3680 head. There are no critical public use areas within 500 feet of this proposed facility. Approximately 805 available acres will receive manure off this production. Greenlee advised that the Department of Natural Resources as he did a joint site review. There was one written letter of concern received by an adjacent landowner in regards to the odor the confinement causes. The proposed site is located on the North side of 62nd Street Trail in 5-84-9. Hearing no further comment, Supervisor Vermedahl closed the public hearing at 9:55 a.m. Moved by Sanders, seconded by Buch, to acknowledge the receipt of the permit application for RnK Farms, LLC for expansion of an existing confinement feeding operation located in the SW1/4 of the NW1/4 of section 5 of Canton Township and direct the land use administrator to file the appropriate documents with the Department of Natural Resources. Noting that the DNR require the applicant/owner to plant trees south of the building. This request is made in response to concerns expressed in writing by an adjacent property owner. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve vacation payout of 10 days requested by Roger Witt. This will not require a budget amendment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way in Section 12 of Taylor Township on the north side of 58th Street. Both members voting aye thereon. Motion carried.

The Board continued the discussion on the site location for a new law enforcement center that was started on Tuesday May 12, 2009. There were approximately twenty-two people present. Supervisor Vermedahl started the discussion with a recap of how the discussion centered on the funding for an improved project verses a non-improved project and the FEMA funding limitations. The cost estimate for flood insurance is \$30-35,000 a year regardless of which site. Vermedahl stating the only reasonable choice we have is to put it back where it was. Supervisor Buch adding that over the past few weeks, information has come out that has changed a lot of the original plans. Wayne Seila questioned how much insurance the county had prior to the flood. The county had no flood insurance, and the only insurance money collected was \$100,000 from the damage done from sewage back up in the county owned buildings. When Seila asked of the rumor about putting parking underneath the new jail, Vermedahl answered that is not in the plan, but FEMA will allow the new project to be raised one foot above the highest point where the water reached during the flood. Sanders said we would need to stick with the non-improved project because there could be a lot of additional costs involved with an improved project and he didn't want to ask that of the taxpayers of Benton County. One of those additional costs being possible geothermal heating, in which if its decided to go in that direction, the county will bid that out separately. David Thompson, County Attorney said he felt the right decision is to keep it at the current location. The supervisors said the new facility should be built to allow for expansion when necessary. The new facility will be approximately 2700 square feet larger due to changes in the construction code for jails.

Moved by Sanders, seconded by Buch, to rescind the action taken on March 2, 2009, that Benton County proceed with the acquisition of the property located near the First Christian Church on 13th Street in Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch to notify FEMA that the county will rebuild at the old site and keep it a non-improved project. With no further discussion, all members voting aye thereon. Motion carried.

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

David Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

May 21, 2009

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 9:00 a.m.

Moved by Sanders, seconded by Buch, to approve the minutes of May 12, 2009, May 13, 2009, and May 14, 2009. Both members voting aye thereon. Motion carried.

The Board discussed purchasing overhead doors for the brown transportation building. It was determined that action be deferred until it could be determined if the new law enforcement center will require the area.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

Moved by Sanders, seconded by Buch, to approve the hire of Charles James as Veterans' Affairs Director, effective July 1, 2009. It is understood that the position is exempt, but is anticipated to take an average 30 hours per week. The salary will be based on a 30-hour week at \$15.00 per hour. Further, James is approved to begin training on May 25, 2009, on a strictly per-hour basis at \$15.00 per hour. The position has a six-month probation period. 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 Christensen Farms Midwest LLC located at 1819 56th St., Vinton, Iowa. Both members voting aye thereon. Motion carried.

The auditor recommended that no action be taken on the agreement with EideBailly LLP for audit services pending further research into the proposal.

Lynette Kooker of Wellmark spoke with the board via telephone to explain the new employee wellness program through Wellmark and the Iowa State Association of Counties. The telephone call was placed on speakerphone so that all present could participate and listen to the discussion.

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

May 26, 2009

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.

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 21, 2009. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:08 a.m.

Moved by Buch, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plans for J & R Pigs located at 1840 69th St., Keystone, IA, 52349, and Rick Pickering located at 1531 69th St., Keystone, IA. 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 for Wilco Farm Ltd. Located at 7944 28th Ave., Norway, Iowa. All members voting aye thereon. Motion carried.

Supervisor Buch discussed a request from Tim Sage to amend his current farm lease to allow him to plant a row crop this season due to the alfalfa seeding not establishing last year due to the wet weather. Moved by Buch, seconded by Sanders, to adopt Resolution #09-37, Amending Resolution #08-5 Farm Lease Agreement. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-37
Amending Resolution #08-5
Farm Lease Agreement

WHEREAS, the Board of Supervisors adopted Resolution #08-5 on February 5, 2008 entering into a farm lease agreement with Tim Sage; and

WHEREAS, the lease agreement provided that the farm ground was restricted to forage crops for a period of five years; and

WHEREAS, Sage has advised that due to wet weather during the spring of 2008, the forage crop did not seed properly; and

WHEREAS, a row crop is required due to toxins left in the ground from the failed seeding that prevent reseeding, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #08-5 should and is hereby amended to provide that the lessee may plant a row crop during the 2009 planting season. Further all subsequent years are restricted to a forage crop as set forth in the original lease agreement. All other parts of the lease entered into on February 5, 2008 remain in full force and effect.

Dated this 26th day of May 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve a Class B Liquor License for Bloomsbury Farms, Inc. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he attended a Heartland Insurance meeting last week and that Benton County's workers compensation claims are on the decline. Vermedahl reported on the FY10 premiums for Benton County and the various coverage amounts.

Moved by Sanders, seconded by Buch, to approve checks numbered 113861 through 114149, and ACH deposits numbered 5687 through 5787, 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: _____

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

54

Jill Marlow, Benton County Auditor

May 27, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl and Buch present. Chairman Vermedahl called the meeting to order at 8:30 a.m. in the GIS room of the courthouse. Also present was Sheriff Randy Forsyth, Chief Deputy Mike Ferguson, Jailer Mike Merino, and Dennis Kimme, Engineer. One member of the media was also present.

Supervisor Vermedahl questioned if a "Pod Design" would require additional staff to operate. Kimme explained that a Pod Design provided better security and may or may not require additional personnel to operate.

County Attorney David Thompson also arrived at 8:35 a.m. Todd McNall of Design Dynamics arrived at 8:40 a.m. Supervisor Buch left the meeting at 8:40 a.m. and then returned at 8:45 a.m. Kimme explained that current jail standards require cell size be a minimum of 70 square feet for single occupancy.

Supervisor Sanders arrived at 8:50 a.m. Kimme continued to review various standards and common practice designs. McNall stated that adding uses would be a "push" with FEMA but that he would consult with them now that he had some actual figures to present. Kimme reviewed various design ideas and uses of different areas, including the correctional and administrative functions.

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

The board reconvened at 1:00 p.m. with Supervisors Vermedahl and Buch present. The architect and engineer continued discussions relative to the use of various areas of the current jail facility and potential options and uses.

Moved by Buch, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried at 3:30 p.m.

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 28, 2009

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

Moved by Sanders, seconded by Vermedahl, to set June 23, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Duffield Auto Salvage on a parcel located in the SW1/4 of the SW1/4 of 26-83-9. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-38, AMENDING FY09 BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-38
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 area: Service Area 6 and Service Area 9. The auditor is directed and authorized to amend said service area as needed.
Dated this 28th day of May 2009.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Chairman

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by James and Lynn Devine, the board took up the matter for consideration. James Devine and Ron Boyer were 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 Canton Township. Hearing all comment, it was moved by Sanders, seconded by Vermedahl, to approve a land use change on approximately two acres generally described as being a Parcel A of NE1/4 of the NE1/4 of 4-84-9 for a single residential use. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 26, 2009 and May 27, 2009. Both members voting aye thereon. Motion carried.

The auditor advised that there was no longer a need to amend the FY09 budget other than the service area amendments; therefore no action was taken setting a date for a public hearing for an amendment.

The auditor advised that she was not ready to recommend entering into the agreement between Benton County and EideBailly, LLP, as some issues have not yet been resolved.

Moved by Sanders, seconded by Vermedahl, to approve and enter into the Second Amendment to the Decat Program Administration Contract clarifying certain sections, including a revised job description for the Executive Director. Both members voting aye thereon. Motion carried. The Board requested that the Executive Director, prepare a Third Amendment addressing the indemnification language in the current contract.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

55

Scott Hansen and Steve Meyer met with the Board to discuss budgets, the jail study committee, and the Hazard Mitigation Plan. Meyer thanked the supervisors for funding the Emergency Management budget for FY10 and expressed the commission's appreciation. Meyer also requested that the Emergency Management have a representative on the jail study committee, so that they can have input due to the project being located in a flood plain and that appropriate mitigation measures are addressed. The auditor questioned what the role of the jail study committee is going to be relative to the design of the jail. Supervisor Vermedahl stated that his opinion of the role was that the study committee would review the preliminary plans once developed. The auditor questioned what would happen if the jail study committee did not approve the preliminary plans – would the plans be scrapped and the process started over wasting value time and resources. Supervisor Vermedahl stated that the committee's recommendations would be considered. Supervisor Sanders did not respond. The county attorney stated that the committee was organized to study the design, travel to other facilities if needed, and make recommendations to the Board as to the design and type of facility to be constructed. Moved by Sanders, seconded by Vermedahl, to appoint Scott Hansen to the Jail Site Study Committee as a representative of the Emergency Management Commission due to their involvement in public safety and mitigation.

Steve Meyer updated the board on the status of the Hazard Mitigation Plan. Meyer stated that there had been issues statewide and those issues have just not been resolved. This has created a delay in the time line of the multi-jurisdictional plan. The auditor questioned if a new time-line has been prepared as it was necessary to file the quarterly report due at the end of June. Meyer said he would prepare a revised time-line for consideration by the supervisors.

The board discussed the issues surrounding the road surface on 30th Avenue adjacent to the City of Urbana. Chris Justice, city clerk of Urbana, stated that Urbana assumed perpetual maintenance of the road in exchange for the county upgrading the surface to hard surface. The city has reverted the surface back to gravel due to budget constraints associated with maintaining the surface. Justice asked that the county partner in the maintenance of the road or the possibility of closing the road to through traffic, reducing speed limits, etc. The engineer stated that a signed 28E Agreement with Urbana has not been located and that everyone is operating on the agreement that Urbana is responsible for the maintenance. The supervisors signed a 28E agreement, which was in turn given to the City of Urbana for consideration; however the city requested changes and a revised 28E Agreement was proposed to the supervisors on July 7, 2009. Supervisor Vermedahl stated that sealcoated roads generally hold up for only five years. The City stated that they are in a tight spot and that the county is not obligated to participate in the maintenance of the surface, but reiterated that the city may take steps to control the traffic. The engineer stated that a rough estimate to chip/seal the surface would be \$30,000.00. It was requested that a long-term plan be created with a more permanent surface. Discussion on use of TIF funds was a possibility. The city plans to use the TIF funds from the county's current TIF district to fund a water/sewer project. The engineer and the city are to do further research as to the options and funding available to address the situation.

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 2, 2009

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 28, 2009. All members voting aye thereon. Motion carried.

Marc Greenlee presented an ordinance for the Board to consider adopting that regulates on-site wastewater treatment and disposal systems. Moved by Buch, seconded by Sanders, to set June 16, 2009 at 9:15 a.m., June 18, 2009 at 9:15 a.m., and June 23, 2009 at 9:45 a.m., for considerations on an ordinance on Private Sewage Disposal. All members voting aye thereon. Motion carried.

The Board received a request by Rob Peck, with Design Dynamics to move 5% of the fee from the construction documents to the design development phase. After no further discussion, it was moved by Sanders, seconded by Buch, to authorize the chair to approve the change in contract with Design Dynamics with the amendments noted and changed. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve Cigarette permit for Kimm's Mini Mart. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the contract for audit services with EideBailly, LLP for fiscal years 2009, 2010, and 2011. All members voting aye thereon. Motion carried.

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

David H. Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

June 9, 2009

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders and Buch 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 June 2, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a Utility Permit for Alliant Energy in Sections 29, 30, 31 and 32 of Monroe Township. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

56

Myron Parizek, Benton County Engineer, met with the Board regarding the hire of Equipment Operator. (Maintainer Operator) Parizek advised that he reviewed the applications and recommended that the Board hire Darric McLeod. Moved by Sanders, seconded by Buch, to adopt Resolution #09-39 HIRING OF DARRIC MCLEOD. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #09-39

WHEREAS: The Benton County Secondary Road Department has a position to fill for a Maintainer Operator at Blairstown 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 Darric McLeod be hired to fill the position of Equipment Operator (Maintainer Operator) at a starting wage of \$15.70 per hour starting June 16, 2009.

Signed this 9th day of June, 2009.

Ronald R. Buch, Vice-Chairman

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The engineer reported that the balance in the landfill account at Benton County State Bank was \$56,419.91.

Moved by Buch, seconded by Sanders, to approve a Class B Native Wine Permit for Apple Cart Orchard. Both members voting aye thereon. Motion carried.

The Sheriff met with the Board to discuss the purchase of 2 new vehicles. He was previously approved in the prior FY Budget, but due to the flood, the purchasing was postponed. The board questioned if the sheriff still had the cash flow before giving approval to actually purchase the vehicles. The Sheriff agreed that wouldn't be a problem. Moved by Sanders, seconded by Buch to approve the purchase of two Chevrolet Impalas from Karl Chevrolet for a total of \$41,751.00. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 114150 through 114393, payroll checks 114394 through 114494 and ACH deposits numbered 5788 through 5889, for payment. All members voting aye thereon. Motion carried.

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

Ronald Buch, Vice-Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

June 11, 2009

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 June 9, 2009. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reminded the board members of the flood remembrance event to be held on Saturday, June 13, 2009, on the courthouse lawn. Vermedahl also reported that the Benton County Flood Recovery Coalition has distributed over \$40,000 to Benton County residents.

Daniel Gibbins met with the Board to request a variance to the Benton County Subdivision Ordinance #26. Marc Greenlee reported that Gibbins currently owns property that includes a strip of land for ingress/egress. Gibbins had the property surveyed and it was discovered that the ingress/egress is not actually on land owned by Gibbins, but rather is on the adjoining property. Gibbins has made arrangements with the adjoining neighbor to purchase the land; however it creates a third split and therefore is regulated by the county's ordinance. Gibbins also reported that if a driveway has to be constructed in the correct location, the financial impact would be major due to the topography of the area. Moved by Buch, seconded by Sanders, to adopt Resolution #09-40, Variance to Amended Benton County Subdivision #26. Vermedahl, Buch, and Sanders voting aye. Nays none. Motion carried.

RESOLUTION #09-40

GRANTING VARIANCE TO BENTON COUNTY AMENDED SUBDIVISION ORDINANCE #26

WHEREAS, Benton County currently has an ordinance that establishes regulations for the division of land; and WHEREAS, the ordinance known as the Benton County Subdivision Ordinance provides that a variance may be granted if an undue hardship would be created if strict compliance is enforced; and

WHEREAS, Daniel Gibbins has requested a variance for the following reasons:

1. The division in land is for the purposes of providing ingress/egress to his property.
2. The current ingress/egress is not located on property owned by Gibbins, but on the adjoining property owner's land.
3. To moved the ingress/egress would create a financial hardship due to the topography of the area
4. The current ingress/egress has been in its current location for many years and its erroneous location was just discovered when Gibbins purchased the property.
5. The adjoining property owner has agreed to sell approximately .17 acres to Gibbins where the current ingress/egress is located
6. The division in land would be for ingress/egress purposes and not for development purposes.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

57

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance to the Benton County Subdivision Ordinance as amended is hereby granted on a parcel located adjacent to Auditor's Plat 23, Lot 7 located in 16-85-9 for the purpose of ingress/egress to said Lot 7. The variance is granted as strict compliance would create an undue hardship to Gibbens and the division is for ingress/egress purposes.

Dated this 11th day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Tom Lennie, Mayor of Luzerne, met with the Board regarding the light on the bridge in Luzerne. The supervisors had met with Luzerne last fall regarding lighting the bridge, but there are issues with obtaining the correct size pole for the light. Lennie stated that the council spoke about going to a solar lighting system for the walkway and a standard light pole for the bridge. Lennie stated that he would prefer to stay with the current agreement, but that he would report back to the council and determine if the agreement made on November 11, 2008 should be altered. Supervisor Vermedahl stated that if Luzerne wants to vary from what was agreed upon, then they should make that known to the county as soon as possible. Supervisor Vermedahl requested that the county engineer have the lighting on the Luzerne bridge be taken care of by August 1, 2009.

Charles James, the future Veterans Affairs Director, met with the Board regarding the status of the Veterans Affairs budget. James reviewed the various purchases he had been making in accordance with the \$10,000 grant the county received. James also reviewed his ideas for the future of the Veterans Affairs Department, including office hours, outreach services, and other 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

June 16, 2009

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 June 11, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to singe the labor contract between Benton County Secondary Roads and the Public, Professional & Maintenance Employee Local Union 2003 for the period beginning July 1, 2009 and ending June 30, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a request for a fireworks permit submitted by the Watkins Fire Department for an event to be held on July 11, 2009, at St. Clair Street in Watkins, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to enter into a Fiscal Agent Agreement between Benton County and Benton County Empowerment for services for FY10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize joining the National Intergovernmental Purchasing Alliance Company (IPA), which is at no cost to the county but provides purchasing benefits to Benton County. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the completion of the flood reconstruction work performed by Garling Construction relative to the courthouse, Governor Sherman building, reserve garage, and transportation building. Garling Construction has filed lien waivers from their subcontractors, which allows for any retainage fee to be released. All 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 the first consideration of Ordinance #60, Private Sewage Disposal Systems, the board took up the matter for discussion. Chairman Vermedahl opened the public hearing with one member of the media present. There were no members of the public present. Marc Greenlee, Sanitarian, reviewed the proposed ordinance explaining differences between the current ordinance and the proposed ordinance. Greenlee explained that changes are primarily being driven by changes to legislation and to clarify or establish regulations specific to Benton County. Hearing no further comment, the Chair declared the public hearing closed. Moved by Sanders, seconded by Buch, to approve the first consideration of Ordinance #60, Private Sewage Disposal Systems. All members voting aye thereon. Motion carried.

Sheriff Forsyth requested approval to purchase an unmarked patrol vehicle for his department. Forsyth stated that the department's preference was not to purchase a white vehicle. Forsyth presented quotes as follows for 2009 model vehicles:

Grovert Motor – \$19,966 - Chevrolet Impala LT
Ervin Motor – \$20,835 - Buick Lucerne
State bid – \$20,169 - Chevrolet Impala
Grieder Motors – \$20,600 - Chevrolet Impala Lt
Grieder Motors - \$18,940 - Chevrolet Impala LS (white)
Shaull & Ullerich – \$19,300 for a Chevrolet Impala LS

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

Moved by Buch, seconded by Sanders, to purchase a 2009 Chevrolet Impala LS from Shaull & Ullerich at a cost of \$19,300.00. Voting aye were Buch and Sanders. Vermedahl voting nay. Motion carried.

Forsyth stated that his office has requested that drinking water be purchased instead of using tap water at the ICAS building. Moved by Sanders, seconded by Vermedahl, to authorize the sheriff to purchase drinking water for his offices in the ICAS building with the costs being paid through the sheriff's budget. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the labor agreement between Benton County Sheriff's Department and Chauffeurs, Teamsters & Helpers Local No. 238 for the period beginning July 1, 2009 and ending June 30, 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a letter requesting an extension to the EWP program projects to October 2, 2009. All members voting aye thereon. Motion carried.

Dan Plisek of Durrant Engineering met with the board regarding the courthouse renovation project. Plisek advised that there is currently water draining down a courthouse shaft. There was a cover over the shafts; however the roofing contractor removed them. Plisek advised that he would contact the roofing contractor to replace the covers at their expense.

Steve Meyer, Planner for the county's Multi-Jurisdictional Hazard Mitigation Plan, met with the board regarding the status of the project. Meyers stated that a kick-off meeting will be held sometime in August and will also be contacting the individual cities as to their specific plans. Meyer questioned whom the major businesses and general public should be contacted to be involved in a steering committee. Meyer also stated that someone needs to be appointed to be a project lead. Meyer suggested that Scott Hansen, Emergency Management Coordinator, fulfill that position. Moved by Buch, seconded by Sanders, to appoint Scott Hansen as the project lead for the Multi-Jurisdictional Hazard Mitigation Plan. All members voting aye thereon. Motion carried.

The board discussed the merger of the weed department and secondary roads. Specifically, the manner in which the weed department would be managed relative to claims, personnel, administration of benefits, administrative services, etc. Moved by Buch, seconded by Sanders, that effective July 1, 2009, the weed department is merged with the secondary roads department, with overall management being performed by the county engineer. The current employees of the weed department will be transferred to the secondary roads department into non-union positions. All members voting aye thereon. All claims and personnel matters will be subject to the county engineer. Motion carried.

The board discussed the potential purchase of flooded properties. Andy Lent, City Coordinator for Vinton, also was present to update the status of various properties and the buy-out program. The board had been approached about the possible purchase of some properties. Lent explained what the current buy-out amounts are for certain properties and the city's plans. Moved by Sanders, seconded by Buch, to proceed with negotiating the purchase of 201 3rd St East, Vinton. All members voting aye thereon. Motion carried.

The board discussed the possible creation of a building inspection department in order to comply with new legislation requiring electrical inspections and possible plumbing inspections. The board spoke about the ability to charge a fee to cover the costs of an entire department to perform the inspections. The board determined that much more research would be required before determining which direction to take.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

June 18, 2009

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 June 16, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-41, ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-41
ABATEMENT OF TAX**

WHEREAS, the Board of Supervisors has received a request to abate tax on parcel #270-12941 as the property was lost due to the 2008 flood; and

WHEREAS, the owner has notified the assessor's office of said loss,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that the current tax and penalty, if any, on parcel #270-12941 is hereby abated in full as authorized under Iowa Code 445.62.

Dated this 18th day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to enter into a lease agreement between Benton County and Independent Child Advocate Services, for the rental of office space for veterans' affairs. The cost of the lease is \$350.00 for the period beginning October 1st through April 30th and \$300 per month for the period ending May 1st and ending

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

59

September 30th. The lease is effective July 1, 2009 through June 30, 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set July 14, 2009, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Steve and Joyce Albert on a parcel located in the SE1/4 of the SE1/4 of 21-86-9. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to state that that county does not wish to hold a hearing on the Iowa Department of Natural Resource's construction permit approval for RnK Farms for a facility located in the SW1/4 of the NW1/4 of 5-84-9. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time and date for the second consideration on proposed Ordinance #60, Private Sewage Disposal Systems, the board took up the matter. The chair declared the public hearing open. There were two members of the media present. Hearing no comment, the chair declared the hearing closed. Moved by Sanders, seconded by Buch, to approve the second consideration of Ordinance #60, Private Sewage Disposal Systems. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to enter into the 2010 Transit Purchase of Service Contract between Benton County and East Central Iowa Council of Governments. All members voting aye thereon. Motion carried.

The auditor asked if she was to continue with the restoration of antique furniture in the courthouse in the future. The 2009 Grand Jury reported that they appreciated the county's efforts to restore the furniture and hoped that it would continue. The Board agreed that the restoration process should continue.

The Board continued reviewing and discussing the 2009 Grand Jury Report. The maintenance supervisor advised that most of the repair items in the courthouse have already been addressed and also about other issues reported.

The Board discussed the proposal for the resurfacing project on 30th Ave adjacent to Urbana. The county participated in improving the road surface to seal coat several years ago, with the City of Urbana being responsible for all future maintenance and replacement. The City of Urbana approached the Board to state that they had not been able to maintain the surface over the past few years due to financial constraints and now the surface has degraded to a state where it needs replaced or returned to gravel. The City has proposed placing a double chip and sealcoat surface on the road in FY10 and then a single application each year for the next four years. At the completion of the five-year period, if it is determined that the surface is not performing then the city might consider a concrete pavement surface. Chris Justice stated that the City of Urbana acknowledges that the county has no obligation to participate in the project. The county engineer replied to the City's proposal via an e-mail, which was read aloud to those attending the meeting. The engineer stated that his department could perform the sealcoat work on a 50/50 basis and share in the cost of maintenance on a 50/50 basis for the next several years. The engineer questioned if there would be an end to the county's participation and also he questioned if it would need an application each year. The engineer also stated that he would not be able to participate in a pavement project either through labor or financial support. The auditor questioned what the county's financial participation would be if the road is paved, adding that the county would probably not release the tax increment finance area that was created to fund the water and sewer in the area if they would be asked to participate financially. Justice replied that the city would not ask the county to participate in the pavement project should it become necessary and will provide a written statement as to that fact.

Moved by Sanders, seconded by Buch, that the county participate on 50/50 basis with the City of Urbana for a double sealcoat in FY10. The city will be required to reimburse the county within 60 to 90 days of invoicing. The cost of any additional sealcoat applications, the need for which shall be determined at the sole discretion of the county engineer, will be on a 50/50 cost share basis between Benton County and the City Urbana, and is limited to a maximum of three applications, through the period ending June 30, 2014, and invoiced on net 90 days. All members voting aye thereon. Motion carried.

Jerry Petermeier met with the board to review the status of the law enforcement facility project. Petermeier reported that discussions have included the possibility of having an improved project for the facility. Supervisor Vermedahl reported on the meeting held yesterday with the architect and FEMA and state officials. Discussion included the need for an estimated project timeline from the architects. Also the issues arising with the current placement of the radio tower and communications equipment. The auditor is to contact FEMA regarding this issue. The purpose of the update is to allow the board members time to prepare for a meeting next Tuesday with the architects on whether to make the law enforcement center an improved project under the FEMA guidelines.

Judy Funk met with the Board to discuss the county's insurance renewals through the Heartland Insurance Risk Pool. Funk advised that there were no substantive coverage changes in the policies. Funk stated that the HIRP is providing a premium credit of \$103,600 to Benton County in FY10, which is in addition to a reduction in overall premiums of 8.32 percent. The premium for FY10 is \$398,597.00 excluding the premium credit. Funk reviewed various issues that affect premiums and indicated that the county's loss control measures are having positive effects on the annual premium. Funk stated that the courthouse is currently insured for replacement at \$5.688 million and recommended that coverage be increased to 5.9 million. Moved by Buch, seconded by Sanders, to increase the replacement coverage for the courthouse to 5.9 million at estimated premium increase of \$1000.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a renewal binder with Heartland Insurance Risk Pool for FY10. 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

June 23, 2009

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 "L-L"

60

Moved by Sanders, seconded by Buch, to approve the minutes of June 18, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks, including claims and payroll, numbered 114495 through 114863, and ACH deposits numbered 5890 through 5993, for payment. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Duffield Auto Salvage, 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 a land use change from a non-agricultural use to two new non-agricultural uses including the sale of trailers and construction equipment and a mud run track. There were several members of the public present to voice their concerns, which were restricted to the mud run activity and included excessive noise, excessive erosion, excessive trash generated, and dangerous conditions due to flying debris and mud. Hearing all comment, it was moved by Sanders, seconded by Buch, to defer a decision on a land use change for Duffield Auto Salvage located in the SW1/4 of the SW1/4 of 26-83-9 until July 14, 2009 at 9:30 a.m., to allow the supervisors time to view the property individually. 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 third consideration on proposed Ordinance #60, Private Sewage Disposal Systems, the board took up the matter. The chair opened the public hearing. There were no comments heard either for or against the ordinance. The chair closed the public hearing. Moved by Buch, seconded by Sanders, to approve the third consideration of Ordinance #60, Private Sewage Disposal Systems. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-42, ADOPTION OF ORDINANCE #60, PRIVATE SEWAGE DISPOSAL SYSTEMS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-42 ADOPTION OF ORDINANCES #60 PRIVATE SEWAGE DISPOSAL SYSTEMS

WHEREAS, three considerations of Ordinance #60 were held on June 16, 2009, June 18, 2009, June 23, 2009, respectively; and

WHEREAS, publication of the hearings were 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 #60, PRIVATE SEWAGE DISPOSAL SYSTEMS is fully adopted. The Benton County Auditor is directed to publish Ordinance #60 in its entirety in the official newspapers of Benton County.

Dated this 23rd day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason D. Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Marc Greenlee discussed a problem with rainwater coming into his office through the outside door. The chair asked Supervisor Buch to look into the matter further.

Dave Schoettmer met with the board regarding measures to reduce flooding around the Palo area. Schoettmer reviewed the concept, which includes installation of floodgates to slow down the water going into the river. Schoettmer stated that they would like to work with Linn and Benton County to install experimental floodgates. Schoettmer stated that landowners would also have to be in agreement as water would back up onto their property. Clark Rieke added that if detention basins were to be installed north of Cedar Falls then the whole watershed area would benefit. Tom Watson added that Palo had a storm water committee for the past five years where we installed culverts to divert the water to ditches that were controlled so that adjacent property was not flooded. We have requested from your engineer over the past five years that smaller culverts be placed in the ditches instead of larger culverts in an effort to slow the water down. Palo is trying to lead a charge to address water retention, detention, and ground absorption. Myron Parizek, County Engineer, stated that Benton County has had structures in the past due to culverts that were too small and the damage to roadways was much greater. Parizek stated that slowing the water down might create flooded roadways for longer periods of time. If there are deeper ravines in the area, the concept may work, but restricting the flow will create more damage to the roads, but also hundreds of thousands of dollars of damage to highways. Concerns with using the roadway ditch as a detention pond and installing smaller culverts, especially from a flash flood concept. Logical to slow water flow to delay a crest in flood waters, but what are the options. Moved by Buch, seconded by Sanders, to direct the engineer research the concept and report to the board. All members voting aye thereon. Motion carried.

The county attorney advised that Zachary & Michelle Rogers have offered to sell the property located at 203 2nd Ave., Vinton, Iowa, to Benton County for the price of \$6,700.00 with all abstract, title, and legal fees to be paid by Benton County. Moved by Buch, seconded by Sanders, to authorize the chair to sign a Purchase Agreement between Benton County and Zachary and Michelle Rogers, for property located at 203, 2nd Ave., Vinton with the legal description of Vinton Lot 5, Block 7. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-43, AMENDING RESOLUTION #08-35 INTERFUND TRANSFERS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

61

RESOLUTION #09-43
AMENDING RESOLUTION #08-35
INTERFUND OPERATING TRANSFERS

WHEREAS, it is desired to amend Resolution #08-35, adopted on the 26th day of June 2008, to adjust interfund transfers for the 2008-2009 budget year,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA that Resolution #08-35 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 1,2008, shall not exceed the amounts listed in the respective funds as follows:

<u>FROM (Fund)</u>	<u>TO (Fund)</u>	<u>AMOUNT (max.)</u>
Sanitary Disposal	Closure/Post Closure	\$ 80,000.00 (was originally \$75,000)

The remainder of Resolution #08-35 remains in full force and affect.

Dated this 23rd day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The Board spoke with the engineer regarding the current maintenance of 76th Street in Florence Township. The board had received correspondence regarding the excessive gravel being placed on the road and the maintenance program as far as grading frequency. The engineer stated that 76th Street is one of the more heavily traveled roads in that area and that he did not believe it gets more gravel than any other road in the area.

Representatives of Design Dynamics met with the Board regarding the construction of a new law enforcement center. Design Dynamics explained that if the county changed the square footage of the current facility or the capacity of the current facility, then an improved project would have to be requested. If the county requests an improved project and it is granted, then the funding is capped at \$6,396,860, which includes mitigation funds. Any additional costs would be the responsibility of the county. If the county leaves the project as unimproved then the capacity, use, and square footage cannot change, but the entire cost would be paid in full. Design Dynamics added that the scope of the project may change requiring them to increase the architectural and engineering fees by approximately \$100,000.00. Supervisor Vermedahl suggested that if the costs for the construction come in over the architect's estimates, then architect will be required to return \$100,000. Moved by Sanders, seconded by Buch, that the county request that the law enforcement center become an improved project under the Federal Emergency Management Agency guidelines. All members voting aye thereon. Motion carried. Further the Board directed Design Dynamics to proceed with the necessary actions to contract for investigation into hazardous material in the current law enforcement center so that demolition procedures can begin as soon as possible. It was also stressed that a decision needs to be made as soon as possible as to the communications tower and ancillary building as to whether they can remain in their current location. Design Dynamics stated that the engineer was determining if there was a need to move the equipment; however the sheriff has expressed concern about leaving the equipment in its current location during demolition and construction. Design Dynamics presented a "very preliminary" timeline, which indicated that construction of the new facility would occur in the spring of 2011.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

June 25, 2009

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.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 23, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-44, SERVICE AREA BUDGET AMENDMENT. Vermedahl, Buch, and Sanders voting aye. Nays none. Motion carried.

RESOLUTION #09-44
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 areas: Service Area 1, Service Area 3, Service 4, Service Area 6, Service Area 7, and Capital Projects. The auditor is directed and authorized to amend said service area as needed. The auditor is also authorized to amend the budget to reflect the changes in fund transfer entries.

Dated this 25th day of June 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

62

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #09-45, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-45
TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$198,902.87 be transferred from the Tax Increment Fund to the General Basic fund. This is money collected from the Benton Commerce Village Tax Increment Finance District.

Dated this 25th day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #09-46, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-46
TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$153,876 be transferred from the Local Option Sales & Services Fund to the Rural Services Basic fund. This amount represents the tax relief from the monies collected through the local option sales and services tax collected during FY09.

Dated this 25th day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to accept the proposal from B.G. Brecke, Inc. to remove 60 to 80 feet of unused steam pipe in the courthouse basement at a cost not to exceed \$1,280.62. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to set the health insurance rate for FY10 as follows: Single plan - \$465.20 and a Family Plan at \$1,033.90. Further, that each plan premium be reduced by \$50 each month, said \$50.00 is to be paid by the county's self-insurance fund. 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 30, 2009

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 Buch, seconded by Sanders, to approve the minutes of June 25, 2009. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to request approval for provider contracts. Moved by, seconded by, to enter into the following provider contracts for client services for FY10, effective July 1, 2010:

St. Lukes Hospital (no increase from FY09) – Daily \$507.80, Admission Day – Doctor - \$160.68, Daily Care - \$53.56, ER Medical Exam - \$160.68; Mercy Medical Center (\$15/day increase) – Prehearing per diem - \$520.00, Post-hearing per diem - \$555.00; Iowa Northland Regional Transit Commission – (no increase from FY09) – Per trip - \$25.00; Rural Employment Alternatives (REA) (increases range from 1 – 2 % on some services and a decrease on transportation and waiver) – work activity - \$62.34, sheltered work - \$43.02, supported employment - \$49.34, transportation - \$15.94, pre-vocational HCBS - \$42.28, day habilitation - \$60.68, enclave HCBS - \$6.25, supported employment HCBS - \$35.33, day habilitation - \$54.07, pre-vocational service - \$37.96, supported employment service - \$34.98. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

The three-year term of Marvin Lindsey on the Veterans Affairs Commission expires on this date. However the matter of reappointing is deferred pending a response from Lindsey as to his interest to remain on the commission.

Moved by Buch, seconded by Sanders, to approve the quote submitted by Wilson-Hite Insurance for the Public Officials Bond for FY10 at \$2,827.00. The insurance is written through Allied Insurance & Casualty Company. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve law enforcement contracts between Benton County and the following cities:

Van Horne - \$15,600 annually – 780 hours

Atkins - \$18,720 annually – 936 hours

Blairstown - \$15,600 annually – 780 hours

Newhall - \$15,600 annually – 780 hours

Norway - \$10,400 annually – 520 hours

Garrison - \$3,120 annually – 156 hours

Keystone - \$5,200 annually – 260 hours

Luzerne - \$520 annually – 26 hours

Mt Auburn - \$520 annually – 26 hours

Walford - \$10,400 annually – 520 hours

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the payment of \$4,000.00 from the Benton County Flexible Benefits fund to the general fund, which represents a repayment of an interfund loan. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolutions #09-47, Appropriations, #09-48, BANK DEPOSITORIES, #09-49, COUNTY OFFICIAL BANK DEPOSITORY AMOUNTS, #09-50, INTERFUND OPERATING TRANSFERS. All members voting aye thereon. Motion carried.

**RESOLUTION # 09-47
APPROPRIATIONS**

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2009, 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, 2009 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, 2009.

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 2009-2010 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 2009-2010 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2010.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 30, 2009.

Benton County Board of Supervisors

David Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Resolution #09-48
Bank Depositories

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

64

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for the County funds in amounts not to exceed the amount named opposite said designated depository, and the County Treasurer is here by authorized to deposit said county funds in amounts not to exceed the maximum approved for each respective bank as follows for fiscal year 2010.

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	\$ 2,500,000
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 30th day of June 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

RESOLUTION #09-49

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 2010

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
Farmers Savings Bank	\$ 5,000

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

65

Myron Parizek

Benton County State Bank

\$250,000

Signed this 30th day of June, 2009

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

RESOLUTION #09-50 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 2009-2010 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, 2010, 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	\$ 136,569.00
General Basic	General Supplemental	\$ 675,000.00
General Basic	Land Acquisition	\$ 0.00
Rural Services Basic	Secondary Road	\$1,749,836.00
Rural Services Basic	Sanitary Disposal	\$ 244,080.00
Sanitary Disposal	Closure/Post Closure	\$ 80,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2009-2010 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 30, 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve the certifications of salaries for the following positions in elected officials' offices, effective July 1, 2009. Percentages are of the principal officer's salary unless otherwise noted:

Treasurer:

Kim Staab – 80%, Michelle Sauer – 70%, and Melinda Schoettmer - 60%

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

66

Recorder:
Rachelle Berry – 80%
Auditor:
Brenda Sutton – 80%, and Hayley Rippel – 80%
County Attorney –
Tony Janney - \$71,437.00
Lisa Epp - \$59,225

All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Letter of Understanding between Benton County and EideBailly for audit services. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan updated filed by Porken Farms for a facility located at 6168 Hwy 21, Dysart. All members voting aye thereon. Motion carried.

The supervisors reported on the meetings that they had attended. Supervisor Vermedahl stated that he attended a meeting on I-Jobs and that money may be available for various flood related projects. Supervisor Buch reported that he had reviewed the problem with the door leaking in the sanitarians office and quotes were being obtained for a new door and placement of a sump pump in the entry way. Buch stated that a cover over the basement door entry would not be feasible due to clearance issues. Supervisor Sanders reported on the conservation board meeting. Sanders spoke about issues surrounding the Atkins Roundhouse property including hunting and the private citizens' care of county-owned park property. The Old Creamery Nature Trail (OCNT) would like to donate the trail to county conservation. The OCNT stated that they would still be involved in the maintenance and upkeep, but added that the county could get materials at a cheaper rate and carry the liability insurance on the property as well.

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

David H. Vermedahl, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 1, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl and Sanders present. Chairman Vermedahl called the meeting to order at 12:30 p.m.

The board discussed the placement of the current communications tower near the law enforcement center and the various issues surrounding its movement. Jerry Petermeier, Coordinator of the law enforcement replacement project, reviewed the various criteria involved with moving the tower and offered suggestions to leave it in its current location. The sheriff expressed some concern with leaving the tower in its current location during demolition and construction of the law enforcement facility, fearing that the structure would be damaged and the county without communications. Petermeier explained that chances of damaging the tower during construction/demolition work were no greater than damaging the tower while moving it. The board stated that it was their desire that the tower remain in its current location and that the architect and engineering firm should draw plans accordingly. The board then moved the meeting to the basement and met with the architect and engineer for the project. A more definitive timeline for the project was provided with drawings being done by December 25, 2009 and bid opening in January 2010. A preliminary drawing of the floor plans, etc would be presented by the third week of July 2009. A citizens meeting would be scheduled for mid-August 2009 to provide for feedback. Late September of 2009 would have design drawings prepared and listing materials. Petermeier questioned when the contract for demolition would be awarded and the architects stated in the 3rd quarter of this year (September 2009 or later). Various desires for the new law enforcement center were discussed, i.e. multi-purpose areas, recreational areas, magistrate, office functions, storage, enlarged sallyport, and exercise.

Supervisor Sanders left the meeting at 2:10 p.m. and therefore no quorum was present and the meeting automatically ended.

David Vermedahl, Chairman

ATTEST:

Hayley Rippel, Deputy County Auditor

July 7, 2009

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 30, 2009 and July 1, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to re-appoint Marvin Lindsey to the Veterans Affairs Commission for a three-year term. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve claim and payroll checks numbered 114864 through 115143, and ACH deposits numbered 5994 through 6099, for payment. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he spoke with Durrant regarding the windows and roof of the courthouse. There were two windows in the tower that were to be hinged and were not, there was slate blown off during a recent storm, the rubber membrane needs to be inspected by the company, and the entire project needs a final inspection by the engineer. Vermedahl stated that he would follow up with Durrant Engineering as to the current status.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-51, TRANSFER OF FUNDS. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-51

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

67

TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$50,000 be transferred from the General Basic Fund to the Capital Projects fund.

Dated this 7th day of July 2009.

David H. Vermedahl, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to approve the payment of LOSST funds collected in FY09 to the libraries, which is \$1,940.52 each. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the sheriff's and auditor's quarterly reports for the period ending June 30, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #09-52, AMEND BUDGET WITHIN SERVICE AREA. Voting aye were Vermedahl and Sanders. Nays none. Motion carried. This amendment provides for changes to the FY10 budget that occurred due to salary, wage and benefit settlements.

RESOLUTION #09-52 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2010 budget on March 6, 2009; 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 FY2010 county budget is hereby amended within the following service areas: Service Area 1, Service Area 6, and Service Area 9. The auditor is directed and authorized to amend said service areas as needed. The auditor is also authorized to amend the budget to reflect the changes in fund transfer entries.

Dated this 7th day of July 2009.

David H. Vermedahl, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to authorize the auditor to destroy past election records in accordance with law, and to destroy obsolete checks numbered 103587 through 107000, misprinted checks numbered 113384 through 113480, unused checks numbered 107001 through 109200, ACH deposits numbered 5491 through 5588, and all checks that were voided prior to July 1, 2008. Further, it is authorized that all voided checks may be destroyed following completion of the annual audit for the year in which they are voided. Both members voting aye thereon. Motion carried.

Tami Stark met with the board regarding the use of a recycling trailer for the second annual river clean-up project. Stark also requested that the county waive landfill fees for the material collected from the river. Moved by Sanders, seconded by Vermedahl, to waive the landfill fees for the debris collected from the river clean up to be held on August 1, 2009, and to allow the use of a recycling trailer. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he had been approached by the Vinton Municipal Electric Utility about partnering in a grant application for flood protection measures in Vinton.

Andy Lent, Vinton City Coordinator, met with the Board regarding the brush site north of Vinton. Lent advised that a large amount of debris was brought to the site from the recent storms. The county currently pays the City of Vinton \$7000 annually to allow other residents to use the site for brush removal. Lent advised that the city had a large amount of wind damage on June 19, 2009, which resulted in large piles of wood needing to be addressed. The city has decided to chip a large amount of the debris instead of burning it. The cost to chip it will be \$10,000 to \$15,000 depending on the option taken. The city prefers to utilize the option costing from \$12,000 to \$15,000, as it will not require as many city employees enabling them to perform other duties. Supervisor Sanders contacted the City of Urbana to determine how they disposed of the storm debris and was told that Urbana rented a chipper and disposed of the city debris; however residential debris was probably taken to the brush site. Supervisor Vermedahl questioned what the annual cost was to operate the brush site. Lent was not able to provide the information without researching the answer first. Supervisor Vermedahl stated that his initial reaction was to provide \$1000, but now requested that the matter be deferred until next week allowing an opportunity to gather more information.

Sheriff Forsyth and Roger Witt met with the Board regarding a past due bill from Midwest Alarms. Forsyth advised that the company came in and performed work after the floods to provide security coverage from the courthouse to the sheriff's offices. There were several issues affecting the performance of the system, which were never resolved for various reasons. Forsyth stated that his recommendation is that one-half of the bill is owed, however the other half is disputed. Forsyth also stated that once the current law enforcement center is demolished the courthouse will not have fire alarm protection. Midwest Alarms has stated that they will install a new alarm panel in the courthouse and void the other part of the outstanding bill. Witt advised that he had a quote from Hawkeye Alarm for installing a new hard-wired fire alarm system. The board deferred action until Witt presented the quote for their consideration.

The board met with Jerry Petermeier and Sheriff Forsyth regarding an update on the new law enforcement center. Petermeier advised that a meeting was held on July 1, 2009, at which potential plans were reviewed and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

68

estimated costs. Petermeier stated that an initial estimate of \$7.5 million was presented for a facility that would provide for various needs; however eliminating different aspects of the proposal reduced the plan and subsequent cost to approximately 6.5 million. Petermeier stated that a contract should be awarded next week for a consultant to determine if there are hazardous materials in the current facility and demolition should begin in the fall. The use of the existing stone may not be feasible. Petermeier stated that he believed the perimeter wall could be erected this fall, but Design Dynamics was not planning for that. Petermeier stated that by erecting the perimeter wall this fall; it would eliminate the need to dig up the site in the spring to pour footings. Design Dynamics did not want to erect the wall as it may restrict the contractor's activities. Petermeier stated that he did not believe that an issue for the potential contractors would exist if the east wall were left out. Discussion was held as to whether the existing communications tower could remain in use during the project. Forsyth stated that the communications building might be able to be placed approximately 15 feet north of the tower, which would possibly miss the underground utilities and allow the tower to remain. It was questioned if the staffing level would remain the same with the new facility design. The sheriff advised that he did not know the answer for sure, but he would anticipate that staffing requirements will increase. Supervisor Sanders stated that the county is currently at its maximum levy for general basic and that an increase in staffing levels would have to come from the sheriff's current budget as there were no funds available elsewhere. Supervisor Vermedahl stated that staffing was a safety issue. Sanders agreed but stated that did not address the financial need and that funds are limited and would need to come from somewhere.

The Board discussed the roles of the sheriff and Petermeier as to research being completed relative to the law enforcement project, including communications equipment. It was determined that the two should coordinate their efforts so that a duplication of work is not being performed.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign Amendment #1 to the contract between Benton County and Design Dynamics relative the architectural and engineering services for a new law enforcement center. Said amendment allows for 5% of the fee to be moved from Construction Documents to Design Development. Both members voting aye thereon. Motion carried. This action formalizes the action taken on June 2, 2009, wherein approval was given to change the contract amounts. No action was taken on the request for a second amendment increasing the overall contract fee from \$400,000 to \$500,000.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 14, 2009

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 Vermedahl, to approve the minutes of July 7, 2009. All members voting aye thereon. Motion carried.

Supervisor Vermedahl stated that he did not contact the engineer regarding the courthouse roof renovation project.

Supervisor Buch spoke about a possible solution to the drainage problem around the outside door to the sanitarian's basement office. It has been recommended that a sump pump be placed at the bottom of the stairwell to remove water. Moved by Buch, seconded by Sanders, to approve the installation of a sump pump by Hendryx Electric at a cost of \$1,188.00. All members voting aye thereon. Motion carried.

The board discussed moving landscape materials from the law enforcement center to the courthouse, conservation park areas, and if any remains to various city parks department. The board agreed that moving some materials to the courthouse lawn would be advantageous and asked the auditor's offices to prepare a plan with associated costs.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Steve and Joyce Albert, the board took up the matter for consideration. Chris Justice representing the City of Urbana was present as well as the applicants. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for a land use change from an agricultural use to a single residential use in Polk Township. Greenlee advised that a land use change was denied on the parcel in the 1990's due to opposition from adjacent uses and the incompatibility. The City of Urbana was not opposed to the request; however pointed out that the long range plans for the City include developing the surrounding area into commercial and light industrial, adding that there is always a concern with compatibility due to lights, noise, activity, etc. The applicants advised that they were not concerned about the future plans of the City. Hearing all comment, it was moved by Buch, seconded by Sanders, to approve a land use change on approximately 1.65 acres generally described as being located on Parcel C in the SE1/4 of 21-86-9 for a single residential use. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for reconvening the public hearing on a land use change requested by Curt and Ann Duffield, the board took up the matter for further consideration. There were four persons present for the hearing as well as one of the applicants. The request is for land use change to a new commercial use to include a mud run and a retail trailer and construction equipment and material sales use. The board heard more discussion about the content of the purchase contract between Duffield and Becker, but determined that those issues were civil in nature and not under the purview of the county. Supervisor Vermedahl stated that he had viewed the property and could not envision the placement of a mud run track that would not affect drainage and the waterway running through the property. Supervisor Buch echoed that concern adding that the development of a mud run would affect the farm ground located to the south but also that it may be possible to move the location of the mud run. Vermedahl commented that the mud run was not a compatible use with the surrounding area; however he believed that the trailer and material sales would not be incompatible. Supervisor Sanders was also concerned with the mud run and the waterway as well as enforcement of operational times – stating that the county could set hours of operation for the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

69

mud run but could not enforce them. There were additional concerns heard from the public, but primarily centered on the impact of noise on the surrounding residential area if a mud run were allowed. Ann Duffield responded that it was not their intent to have the mud run as a full-time business, but rather something to do when she and her husband were not working 80-hour weeks. Hearing no further comment, the chair declared the public hearing closed. It was moved by Sanders, seconded by Buch, to approve a new non-agricultural land use change on approximately fifteen acres, which is currently in a non-agricultural salvage area. The new use is restricted to the sales of construction equipment, trailers, and materials. Further, the request for a new non-agricultural mud run use is DENIED due to the incompatibility of the use with the surrounding area. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen met with the Board to request approval for submittal of a claim for her services in May and June of 2009. Moved by, seconded by, to authorize the submittal of a claim in the amount of \$4,812.50. For Wetjen-Kestersen's services. All members voting aye thereon. Motion carried.

Wetjen-Kestersen also provided an update on activities being done by Decategorization, including an after school program, circles of support, community based family team meetings, functional family therapy, and wrap around services. Wetjen-Kestersen briefly reviewed each of the services and the needs being met through each.

Moved by Buch, seconded by Sanders, to rescind the action re-appointing Marvin Lindsey to the Veterans Affairs Commission and re-stating the current terms as follows: Marvin Lindsey – term expires 2011; Ambrose Gibney – term expires 2010, and Ed Landuyt – term expires 2009. All terms are three-year terms and expire on June 30th. Further, it is moved that Ed Landuyt be reappointed to a three-year term to the Veterans Affairs Commission for the term ending June 30, 2012. 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, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the auditor to destroy records for closed meetings that are over one-year old unless the records may be needed for future matters. All members voting aye thereon. Motion carried.

The auditor spoke about the wellness program and the direction being taken by ISAC and Wellmark. Marlow advised that the county is required to hold mandatory meetings with all employees sometime in August and asked the board to determine those dates. Marlow also advised that Wellmark will be taking a greater role in determining how the county can spend its wellness funds, unlike what was told to the county earlier in the year. Wellmark also stated that the county must allow county employees to participate in wellness activities during their normal workday, if needed. Marlow stated that the wellness program is going to be determined and driven by Wellmark employees and that the amount of work is going to exceed the amount of time she had to dedicate towards it and advised that the supervisors would need to find another employee to oversee the county's wellness program. The auditor stated that she would put a note in the next payroll seeking persons interested.

Todd McNall of Design Dynamics, met with the board regarding the survey for hazardous materials in the law enforcement center. A survey is required before demolition can begin to determine if hazardous materials are present and if so, the removal of said materials. McNall stated that he requested quotes for a hazardous materials survey in the old law enforcement center from five companies; however only one bid was submitted. McNall advised that he contacted the companies and reported that one company advised that they did not wish to quote on the survey and three companies stated they were too busy. Quotes were requested from Advanced Environmental Tech, Active Thermo Concepts, Hasco Ltd, MB Environmental, and Iowa Environmental. Moved by Sanders, seconded by Buch, to enter into a contract with MB Environmental to complete a hazardous material survey in the law enforcement center at a cost of \$2,750.00. All members voting aye thereon. Motion carried.

Todd McNall, Design Dynamics, stated that the law enforcement project center project is moving towards demolition. It is anticipated that demolition could possibly begin in 60 days. There will be an option for saving part of the limestone, which could be re-used in other areas of the project although not in the building. McNall stated that the current number being considered for the cost of the new facility is \$5.3 million with about 21,000 square feet. The amount is less than the \$5.9 million approved by FEMA to allow for over run costs. The current drawing is 22,500 square feet including walls and circulation. More administration offices will be provided with 9500 square feet of cell area. Design Dynamics plans to provide a packet of material within the next two weeks showing the initial design proposal and seeking input from the county.

The board continued discussion on the request from Design Dynamics to amend the current contract for architectural and engineering services to include an additional \$100,000.00 due to the increased size of the law enforcement center. Supervisors Sanders asked if additional trips would be included if the amendment is approved. McNall stated that he does not track his number of trips, etc.; however Engineer Dennis Kimme may have additional trips. McNall stated that there are additional requirements that were not initially included due to the size of the building being increased over 20,000 square feet. Vermedahl advised that he was told that the sheriff asked Design Dynamics to apply for an I-Jobs grant and that they refused. McNall stated that Design Dynamics would assist with the necessary documentation for grant applications, but would not themselves apply for grants on behalf of Benton County. Moved by Buch, seconded by Sanders, to amend the contract with Design Dynamics to include an additional \$100,000 in compensation for the architectural and engineering services for the design and construction of a new law enforcement center. All members voting aye thereon. Motion carried.

John Watson and Andy Lent, representing the City of Vinton, met with the Board to request a financial contribution from the county to rent a shredder at the brush site north of Vinton. Bob and Linda Fischer were also present to discuss the current situation with burning the debris. Bob Fisher stated that there is a tremendous amount of brush being brought to the site and if the brush is to be burned then a different site be found for burning the debris. Fisher stated that the use of a chipper may eliminate the need for burning. L. Fisher stated that she has dealt with burning issues "since day one" stating that it began with burning leave and now burning at the brush site – adding that the burning is creating health hazards. Supervisor Vermedahl stated he had suggested that \$1000 be given towards the cost of the chipper. Supervisor Buch stated that he wanted to know how the chips would be disposed of after they were ground up as Mayor Watson had stated that the chipped product would be unusable as it was too large for yard mulch. Lent stated that the biggest concern is the pile of wood at the old brush site. Bob and Linda Fischer stated that a large amount of the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

70

material is coming from the county and therefore the county should participate. Supervisor Buch stated that he questioned whether the debris was coming from the rural as most farmers burn the material on their premises. Buch stated that material may be coming from other communities, but doubted that much was coming from the rural area. B. Fisher stated that another burn site should be located. Buch stated that the county cannot burn at the landfill as it is prohibited. L. Fischer stated that much thought was given to the current location of the burn site and that she will take whatever steps are necessary even if it is legal action. Supervisor Sanders questioned when a grinder would be brought in. Watson stated that the matter still had to be brought before the Vinton city council. Buch stated that grinding the material wouldn't solve the issue, as it would just result in piles of chipped wood unless a solution as to the disposal of the wood chips is found. Supervisor Vermedahl restated that he was in favor of giving \$1000 in financial support. Supervisor Sanders voiced his concern that the county could not contribute every time a storm went through. Moved by Sanders, seconded by Vermedahl, to contribute \$1000 towards the cost of chipping the storm debris at the brush site north of Vinton. All members voting aye thereon. Motion carried.

The board recessed until 1:00 p.m.

The board reconvened at 1:00 p.m. and viewed the proposed location of the communications tower and building during the construction of the new law enforcement center. Jerry Petermeier, Project Coordinator, updated the board on the current status and requested authority to proceed with the communications project. Moved by Sanders, seconded by Buch, to authorize Jerry Petermeier to solicit quotes to construct a concrete support foundation for the building, the necessary utility relocation, and placing the building on the support structure. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a request for a utility permit submitted by Central Iowa Power Company to place utility lines in the county's right-of-way in Harrison Township, north from Highway 150 along 25th Avenue. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account in Blainstown on June 30, 2009 was \$3,170.03.

Moved by Sanders, seconded by Buch, to accept the resignation of Dennis Hamlett from Secondary Roads, effective August 28, 2009. All members voting aye thereon. Motion carried.

The board discussed the drainage issue in a private residence in Luzerne. Rick Rupp and the City of Luzerne has contacted the county stating that Rupp's property has had drainage issues in his basement since the installation of the new bridge. The City has requested a meeting with the board of supervisors to discuss the matter. The county engineer stated that he cannot determine what has caused the drainage issue. Supervisor Buch and the county engineer are to confer and determine what, if any, action should be taken by the county.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

July 17, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Sanders present. The chair called the meeting to order at 2:00 p.m. in the auditor's office of the courthouse. Supervisors Sanders attended the meeting telephonically in order to reduce the cost to taxpayers.

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 on Wednesday, July 22, 2009.

The event is scheduled for July 17, 2009, at 3079 54th Street, Urbana, Iowa. The applicant was present to answer any questions. The applicant stated that the display was to start at around 9:00 p.m. and last about an hour to an hour and a half. Moved by Sanders, seconded by Vermedahl, to approve a Fireworks Permit requested by Jacob Goodall, for July 17, 2009, and is limited to lasting an hour and a half. 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: _____
Gina Edler, Clerk

July 21, 2009

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.

No action was taken on suspending taxes on parcel #240-72600 at the request of the landowner until further information is obtained.

Moved by Sanders, seconded by Buch, to approve the quote from McDowell's to install a new steel doorframe and hardware to the sanitation's office at a cost of \$743.30. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application submitted by Todd Clubb for a farm exemption on approximately 62 acres located in Section 27 of Benton Township. The applicant advised that the property will be used for hay and pasture. Moved by Sanders, seconded by Buch, to approve an application for a farm exemption as authorized under the Benton County Agricultural Land Use Preservation Ordinance for a single residence on a parcel located in a part of Parcel E of lying within the SW1/4 of the NW1/4 and the SE1/4 of the NW1/4 all in 27-85-9, as the applicant is involved in the production of food and fiber. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of July 14, 2009, and July 17, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-52 HIRE OF DONALD ERGER. Voting aye were Buch and Sanders. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

71

RESOLUTION 09-52

WHEREAS: Benton County Secondary Road Department has a position to fill for a Mechanic in Shop 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 Donald Erger be hired to fill the position of Mechanic at a starting wage of \$16.50 per hour starting July 27, 2009.

Signed this 21st of July, 2009.

Ronald R. Buch, Vice-Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

No action was taken on setting a speed limit near Atkins until the engineer is present to discuss the same.
Moved by Sanders, seconded by Buch, to approve the recorder's quarterly report for the period ending June 30, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-53 CANCEL OUTSTANDING WARRANTS.
Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #09-53

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, 2007, be cancelled,

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

General Basic Fund

7/11/06	#84398	\$ 50.00	Benton County Fair
9/12/06	#86194	\$107.24	Fesler's Inc
		<u>\$157.24</u>	

General Supplemental Fund

11/21/06	#88205	\$110.00	Judy Reams
1/9/07	#89345	\$ 10.00	Chris Duane Hissong
		<u>\$120.00</u>	

MH-DD Fund

1/23/07	#89694	\$ 45.63	Barry Adams
1/24/07	#89957	\$143.17	James Adams
3/13/07	#90953	\$ 4.51	Barry Adams
		<u>\$193.31</u>	

Rural Services Fund

3/22/07	#91181	\$ 33.25	Jay Montague
10/4/07	#95166	\$ 50.79	Jon Sheldon
		<u>\$ 84.04</u>	

Secondary Roads Fund

5/8/07	#92156	\$539.50	John Harder
		<u>\$539.50</u>	

Emergency Management Fund

7/25/06	#85003	\$ 21.90	Fed Communications Com.
		<u>\$ 21.90</u>	

Co-Insurance Fund

5/9/07	#1671	\$ 63.20	Kelly Geater
		<u>\$ 63.20</u>	

Grand Total: \$1,179.19

This resolution adopted on the 21st day of July 2009.

Benton County Board of Supervisors

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

72

Ronald R. Buch, Vice-Chairman

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to approve checks numbered 115144 through 115389, and 115483, and payroll numbered 115390 through 115482, and ACH deposits numbered 6100 through 6207 for payment. Both members voting aye thereon. Motion carried.

The county attorney informed the board that Betty Stone, a part-time clerical employee in his office, has submitted her resignation effective September 30, 2009. The county attorney requested authority to hire a part-time employee to replace Stone in advance of Stone's retirement to allow time for training. Moved by Sanders, seconded by Buch, to authorize the county attorney to hire a part-time employee to replace the retiring employee. The hire is approved in advance of the September 30, 2009 retirement date to allow time for training. Both members voting aye thereon. Motion carried.

Sheriff Forsyth requested authority to purchase a digital voice logging system that records various communications to the E-911 system in the sheriff's department. The June 2008 flood destroyed the original recorder and the sheriff's department has been using equipment on loan since that time. The recorder records basically everything that comes through the dispatch center. The sheriff received two quotes as follows: DSS Corporation - \$31,170.00 and a 5-year maintenance agreement - \$10,000.00 for a total of \$41,170.00 and Wahltech - \$34,535.00 and a 5-year maintenance agreement - \$9,600.00 for a total of \$44,135.00. Moved by Sanders, seconded by Buch, to authorize the purchase of a digital voice logging system from DSS Corporation at a total cost of \$41,700.00 including a 5-year maintenance agreement. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve an agreement between Benton County and Covenant Medical Center to provide client services at a cost of \$579.00 per day for the first five days of mental commitments and \$216.00 per day for days beyond five days. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

July 28, 2009

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 offer a letter of support for the Vinton Municipal Electric Utility's I-Jobs grant application for a floodwall in Vinton. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Coordinator, met with the Board to discuss the current emergency response plan and to request that the supervisors provide its annual approval. There were no changes to the current plan. Moved by Buch, seconded by Sanders, to adopt Resolution #09-54, RECOGNIZING THE BENTON COUNTY RADIOLOGICAL EMERGENCY RESPONSE PLAN. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-54

WHEREAS, the Board of Supervisors of Benton County, Iowa pursuant to Iowa statute, is vested with the authority of administering the affairs of Benton County, Iowa; and

WHEREAS, it has been determined that a Benton County Radiological Emergency Response Plan exists, and is updated annually, in order to provide coordinated response to emergency situations at the Duane Arnold Energy Center, a nuclear fueled electrical generating facility, that could result in the need to shelter or evacuate the Cities of Atkins, Shellsburg, Urbana and the rural population of prescribed portions of Benton County, Iowa; and

WHEREAS, the Board of Supervisors of Benton County, Iowa deem it advisable and in the best interests of Benton County and its residents to recognize said Benton County Radiological Emergency Response Plan for the response to emergency situations at the nuclear fueled generating facility;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa that the Benton County Emergency Response Plan for the response to emergency situations at the nuclear fueled facility be, and hereby is recognized.

APPROVED AND PASSED this 28th day of July, 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____

Jill Marlow, Benton County Auditor

Hansen also spoke to the board about the order of succession for decision-making in the event of an emergency. Hansen requested that the supervisors adopt an order of succession, which states the decision-making authority in the event the board of supervisors is unavailable. The order provides that one of the supervisors would have authority to make decisions, then in the following order – sheriff, auditor, treasurer, attorney. The authority to make decisions would include making decisions to spend county resources. The auditor stated that she was concerned about the authority resting with just one person and that perhaps at least two elected officials should have to make the decisions in the absence of a quorum of board members. Hansen stated that in the event of an emergency he would spend county

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

73

resources with or without approval. The auditor replied that although there are exceptions made during an emergency, that the law still had to be followed. Supervisor Vermedahl stated that he wanted to consider "who" would make the decision to implement the order of succession. Supervisor Buch stated that more discussion was needed before making a decision. The board requested that the matter be placed on the August 4th agenda for further discussion due to the time constraints of the agenda. Hansen is to speak with the county attorney as to the legalities of the order of succession.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Randy Crawford. Greenlee advised that the applicant produces corn, soybeans, alfalfa and oats. Moved by Sanders, seconded by Buch, to approve a farm exemption requested by Randy Crawford as authorized under the Benton County Agricultural Land Use Preservation Ordinance on Parcel Y located in the NW1/4 SE1/4 of the SW1/4 SE1/4 of the SE1/4 SE1/4 of 13-84-9 as the applicant is involved in the production of food and fiber. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator for the law enforcement center project, presented quotes for cement work at the law enforcement site for the communications building foundation. Quotes were received as follows:

Karr - \$4,575

Matt Boyer Construction (through Kimm's Ready Mix) - \$7,500.00

Jenssen Wall - \$8,437.00

Moved by Buch, seconded by Sanders, to award the quote for building a concrete communications building foundation to Karr Concrete at a cost of \$4,575.00 at the law enforcement center site. All members voting aye thereon. Motion carried.

Petermeier also spoke to the board about quotes for boring and trenching from the law enforcement center site to the northeast corner of the courthouse for communications cables. Petermeier stated that he contacted ---Swisher Company -- who advised that they were too busy to do the job but that the county could anticipate paying \$4.00 per foot for two pipes and \$40.00 per foot for boring. A quote was received from West Union Trenching for a total of \$2400.00 including materials for approximately 100 feet of boring under the street. The quote did not include trenching across the courthouse lawn. Petermeier questioned if the supervisors wanted that portion across the courthouse lawn bored or trenched. The board indicated that trenching across the lawn would be preferable due to cost. The auditor stated that there would be additional cost incurred in repairing the lawn that should also be considered. Petermeier stated that he would like to award the quote for the boring and address the trenching at a later time. Motion by Buch to award the quote for the boring to West Union Trenching. Sheriff Forsyth interjected that both the trenching and boring would have to be done simultaneously as the tubing/pipe is one continuous tube and could not be spliced. After further discussion, Supervisor Buch withdrew his motion. The board asked Petermeier to do further research and determine if both the boring and trenching had to be done simultaneously.

Design Dynamics met with the Board to review a preliminary floor layout for a new law enforcement center. The proposal is for a thirty-two bed facility, with a maximum expanded capacity of thirty-six. The architects advised that they are still trying to readjust plumbing chases to allow for larger jail cells. Rob Peck, Architect, stated that the southern wall could be moved about three feet, which may allow for an additional seven beds. Dennis Kimme, Engineer, stated that issues with moving the wall to the south could affect the stairways and ramping necessary to make the facility accessible. The county attorney commented that the facility should be constructed to allow for more jail cells even if that meant reducing the administrative area.

The proceeded with opening quotes submitted for geo-technical services and reports relative to the law enforcement center site. Three quotes were received as follows:

Team Services - \$1,975.00

Tetra Tech - \$2,150.00

Terracon -- \$2,450.00

Quotes for construction observation and monitoring services from the same companies was as follows:

Team Services - \$5,426.40

Tetra Tech - \$1,785.00

Terracon -- \$3,500 -- 5,100 based on the number of trips

Moved by Buch, seconded by Sanders, to acknowledge the filing of quotes by Team Services, Tetra Tech, and Terracon, and further that the Design Dynamics review the quotations for completeness and compliance with the specifications and return to the board with a recommendation. All members voting aye thereon. Motion carried.

The auditor spoke with the board about the property recently acquired by the county located northeast of the courthouse. The auditor questioned what type of maintenance should be done and what the final use of the property would be. The board advised that minimal maintenance should be done until the new law enforcement center is constructed and parking is analyzed.

The auditor also questioned if the county was considering the purchase of any other of the flood buy-out property located near the courthouse. The board indicated that additional consideration would have to be given to other properties.

April Saunders met with the Board to discuss the county's nepotism policy. Saunders, David Upah, and LaDonna Rouse were present. Saunders stated that she has been an employee since April 2006. Saunders stated that Benton County's policy is more restrictive than the Iowa Code. Saunders requested that the policy be amended to be less restrictive. Saunders stated that she and her boyfriend have worked for the sheriff's department and do not have any authority over each other. Saunders stated that she conducted a survey on July 3rd with other departments around the state. Approximately 40 counties do not have a policy, 30 have a policy restricted to supervisory roles, and 20 counties no response. Supervisor Sanders stated that a request to change the policy was made recently by the transportation department and secondary roads. Supervisor Buch stated that the policy was enacted many years ago and that there were reasons. Supervisor Vermedahl questioned what happens in the future when one employee is promoted in the future. Saunders responded that once one employee had a supervisory role over the other then nepotism should prohibit the position or employment. Vermedahl stated that there were issues with family vacations requiring both employees to be absent instead of one. Vermedahl stated that he had seen situation where one person was promoted and then conflicts arose. The supervisors stated that they would need to discuss the matter with the department heads as well.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

74

Moved by Sanders, seconded by Buch, to approve a contract with ASAC for client services at a cost of \$36.63 per day. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the change in employment status of April Saunders from full-time to part-time dispatcher, effective August 7, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve 7.5 hours of vacation carry-over requested by Lisa Epp, to be used no later than November 1st. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Interstate Light & Power to place utilities line in the county's right-of-way in section 17 of Cedar Township along county road D65 and 53rd St. Drive. All members voting aye thereon. Motion carried.

The county attorney and the sheriff met with the Board to discuss an employee settlement agreement. Moved by Buch, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.1(c). All members voting aye thereon. Motion carried.

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

Moved by Sanders, seconded by Buch, to accept the settlement agreement negotiated by the Gruhn Law Firm on behalf of Benton County with William Reese and further to accept the resignation of William Reese, effective July 23, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of July 21, 2009. 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, Auditor

August 4, 2009

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 July 28, 2009. All members voting aye thereon. Motion carried.

Sheriff Forsyth requested a clarification on the sheriff's union contract, effective July 1, 2009. The new contract changed the vacation schedule and due to the date of the contract, some employees with less seniority will have more vacation initially than others with more seniority. Those employees whose anniversary date occurred before July 1st have to wait until their next anniversary date before getting the additional negotiated days while those whose anniversary dates falls after July 1st will benefit right away. Forsyth again stated that currently there are employees with less employment time receiving more vacation time than those with more employment time. The board considered the issue and then agreed that, in accordance with past practice, the new contract benefits are effective on July 1st and not retroactive to those employees with an anniversary date prior to July.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Equitable Sharing Agreement and Certification for federal forfeiture funds. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Jake Nolan. Greenlee advised that the applicant is actively engaged in family farming. Moved by Buch, seconded by Sanders, to approve a farm exemption requested by Jake Nolan as authorized under the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in the NW1/4 NW1/4 of 26-83-9, as the applicant is involved in the production of corn and soybean. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Coordinator, met with the Board to further discuss the order of succession for decision-making in the event of an emergency. Hansen previously requested that the supervisors adopt an order of succession, which states the decision-making authority in the event the board of supervisors is unavailable. The proposed order provides that one of the supervisors would have authority to make decisions, then in the following order – sheriff, auditor, treasurer, attorney. The authority to make decisions would include making decisions to spend county resources. The supervisors agreed that if they weren't able to make that decision then instead of the authority resting with just one person that it needs to require that a minimum of two elected officials should have to make the decisions. Hansen agreed to make the necessary changes.

Moved by Buch, seconded by Vermedahl, to approve 16 hours of vacation carry-over requested by Pam Gorsch, to be used no later than November 1, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a utility permit requested by Poweshiek Water Association to place utilities line in the county's right-of-way in sections 11 to 2 of Fremont Township along 69th Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the appointment of Ann Schott as a medical examiner investigator at the request of Dr. Brian Meeker, Benton County Medical Examiner. All members voting aye thereon. Motion carried.

Brenda Sutton spoke to the board about the landscaping materials at the law enforcement center. Sutton explained that some of the plants could be used around the courthouse premises instead of being destroyed. Sutton will contact the county conservation to see if they would want to use any of the unused materials. Once it is determined which materials will be used by the county, then Sutton stated she would notify the Vinton Parks and Recreation department as they have requested that they be allowed to move plants to their area parks. Moved by Sanders, seconded by Buch, to direct Sutton to obtain quotes on the cost of the tree removal and other expenses and to move forward with this project. All members voting aye thereon. Motion carried.

Terry Johnson with Genesis Development provided an update on services being provided by his organization. Johnson reported that Benton County is growing in the number of clients being served. They are also serving Poweshiek County out of the Belle Plaine Office.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

Mary Halstead, Transportation Director, wanted to inform the board that the new vehicle they purchased has arrived and that the East Central Iowa Council of Governments and Halstead ordered two new busses using stimulus package funds, which are expected to come after the first of the year. Halstead also advised that Transportation has a driver quitting in September, but that she believes that she can re-arrange the other employees' schedules and eliminate the need to hire a replacement.

Chuck James, Veterans Affairs Director, met with the board to give an update on veterans' affairs. James stated that he is moved into the new office space at the ICAS building and that things were going well. He has the new equipment and phone lines installed and operational. He is currently working on addressing privacy. James advised that he is traveling to Des Moines for a week of training and certification in October.

Moved by Sanders, seconded by Buch, to approve the Veteran Affairs quarterly report for the period ending June 30, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to rescind the action of May 7, 2009, setting Tuesday, August 11, 2009 as the date to make a decision on vacating a road in Iowa Township. Further, that Tuesday November 3, 2009, at 9:30 a.m. be set as the time and date for a decision on vacating the road. All members voting aye thereon. Motion carried.

Rob Peck, Design Dynamics, discussed the quotes that were received on July 28, 2009, for geo-technical services and the required legal reports. He recommended that the board award the contract to Team Services, as they were the lowest most responsive responsible quote. Moved by Buch, seconded by Sanders, to contract with Team Services for geo-technical services at the Law Enforcement Center site. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator, updated the board on the street boring issue for the communications cables. Sheriff Forsyth also discussed the idea of possibly hooking into the City of Vinton's electrical plant's generator. The temporary communications building will be moved on the morning of Wednesday August 5, 2009. The board requested that a special board meeting be scheduled at 11:00 a.m. on August 5, 2009, at the law enforcement center to further discuss and act on the issue of boring under the street and to the courthouse and also on electrical installation issues and backup emergency power sources.

The Board further discussed the county's nepotism policy. April Saunders and LaDonna Fairbanks, sheriff's department employees, were both present as well as Sheriff Forsyth and Deputy Ferguson. Saunders stated that she could not marry the father of her baby unless she quits her job due to the current nepotism policy. Ferguson told the board that it is hard to find good dispatchers, and with the county's current nepotism policy, the sheriff's department has to turn them away. An example is that a reserve deputy who works one day a week has a daughter wanting to work for the sheriff's department who is very qualified for the position but had to be turned down. The auditor has advised the board that if they are to amend the policy they will need to have all elected officials and appointed boards agree to the change, otherwise it will only affect those departments who are under the supervisors' authority. It was agreed to hold a department head meeting at a later date to further discuss this subject.

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

David Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

August 5, 2009

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 11:00 a.m. in the parking lot of the law enforcement center.

The board reviewed the needs for electrical service to the temporary communications building, as well as the emergency back-up power requirements. The City of Vinton has offered to provide emergency backup power from their generator located at the city utility. The county can either utilize the city's backup generator or move the county generator from the law enforcement center. If the generator from the law enforcement center is used, then it will need to be elevated above the flood plain. The county received a quote to ESCO Group in Marion to provide and install one new 200-amp service from the generating station to the pole in the amount of \$8,500.00. The sheriff advised that only ESCO could provide the service due to restrictions placed by the city utility. Moved by Buch, seconded by Sanders, to approve the quote submitted by ESCO Group to install the necessary cabling and equipment to provide backup emergency power for the Vinton Municipal Electric Utility at a cost not to exceed \$8,500.00. Further, the board finds it impractical to use the county's generator due to the requirement to elevate it above the flood plain and its size. All members voting aye thereon. Motion carried.

The board continued with discussion on wiring the temporary communications building from the pole top into the building. One quote was received from Elwick Electric. The auditor advised that for FEMA auditing and reimbursement purposes that a second quote should be obtained. Moved by Sanders, seconded by Buch, to instruct the sheriff to obtain a second quote for the electrical work and further, in the interest of time, the sheriff is authorized to contract with the company submitting the lowest quote for the service. All members voting aye thereon. Motion carried.

The board discussed the need to bore under the street and trench across the courthouse lawn to enable emergency management to be connected to the county's radio and emergency communications equipment; however no action could be taken pending the receipt of additional information.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 11, 2009

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 August 4, 2009 and August 5, 2009. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

76

The auditor presented a claim submitted by Bill Reese for items purchased with no receipt or invoice. The auditor stated that the board would have to approve the payment of a claim with no invoices as Reese had submitted a claim several months ago without a receipt and the minutes reflect that the board would allow payment without a receipt one time only. The claim is for purchases from over a year ago. Supervisor Buch, after speaking with the sheriff, stated that the items were in the possession of the sheriff, and that although he didn't like doing it that way he believed the claim should be paid.

Moved by Buch, seconded by Sanders, to approve the payment of the claim submitted by Bill Reese without supporting invoices or receipts. The total claim is for \$281.00 with \$82.00 not having invoices. Voting aye Vermedahl and Buch. Sanders voting nay. Motion carried.

Moved by Sanders, seconded by Buch, to approve the payment of checks numbered 115484 through 115841, including payroll, and ACH deposits numbered 6208 through 6315. All members voting aye thereon. Motion carried.

No action was taken on the contract submitted by Steve Meyer Consulting, LLC for a multi-jurisdictional hazard mitigation plan. The auditor advised that after reviewing the contract, she contacted Meyer and advised that the contract would not be recommended for signature. Meyer is to make changes to the contract and resubmit it for the board's approval.

The auditor presented a draft of a Public Nuisance Tax Sale ordinance for the board's review. The auditor advised that she was approached by the City of Belle Plaine asking that the county consider adopting this type of ordinance. The Board asked that the matter be placed on a future agenda to allow them time to review the material presented.

The board discussed the administration of the Benton County Wellness Program. The auditor had advised that due to the agreement entered into by the Board and the amount of time necessary to administer the new wellness program, she would no longer be able to perform those duties. A letter had been sent out to all employees asking if someone would like to accept the additional work without compensation. There were no replies. The Board stated that they would check with the data processing office to see if they could assume the duties of the wellness program.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-54, ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-54

BE IT RESOLVED by the Benton County Board of Supervisors that the taxes on parcel #240-39950 for the 2008 assessment year payable in 2009/2010 are hereby abated in full pursuant to Iowa Code 445.63. Dated this 11th day of August 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #09-55, ABATEMENT OF TAX. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-55

BE IT RESOLVED by the Benton County Board of Supervisors that the taxes on parcel #240-33250 for the 2008 assessment year payable in 2009/2010 are hereby abated in full pursuant to Iowa Code 445.63. Dated this 11th day of August 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Vermedahl reported that he had contacted Durrant Engineering regarding the courthouse renovation project; however as of this date Durrant has not returned his telephone calls.

Andy Lent, Vinton City Coordinator, provided an update on the status of buy-out properties in Block 7, Vinton. The board questioned Lent about three properties and the city's plan for buy-outs. Lent advised that one property had already been demolished, a second property would be demolished in the spring of 2010, and a third property was not yet scheduled. Lent stated that if the properties go through the buy-out then the future use of the properties would be restricted. Lent also stated that if the county purchased the property prior to demolition, then the cost of the demolition would be borne by the county. The purpose of the update was to assist the county in making any decisions about purchasing the properties.

Jerry Petermeier, Project Coordinator for the new law enforcement center, submitted two proposals to the board for the boring and trenching under the street from the current law enforcement center to the courthouse. The work is necessary in order to run communication lines to the emergency management office. A quote was received from West Union Trenching to bore under the street and under the courthouse lawn for a total of \$7,100.00. A second quote was received from Elwick Electric for trenching from the street to the courthouse for a total of \$5,975.00, but did not include boring under the street. Both quotes included materials. Moved by Buch, seconded by Sanders, to award the quote to

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

77

West Union Trenching to bore under the street and courthouse lawn, including materials. All members voting aye thereon. Motion carried.

The Board discussed possible changes to the county's procurement policy to allow purchases without obtaining quotes if the purchase was under a specific amount. After discussing the issue, it was determined that no changes should be made at this time.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Agreement and Operation and Maintenance Agreement Plan #69-6114-9-48 with the United States Department of Agriculture Natural Resources Conservation Service, Cooperative Project Agreement Locally LED Contracting, for eight projects totaling \$156,880. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the final Iowa Department of Transportation voucher with LL Pelling for HMA Resurfacing of W24. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to award the HMA Resurfacing of D65 to Aspro Inc, at a cost of \$1,097,451.84. All members voting aye thereon. Motion carried. Benton County will receive approximately \$900,000 in stimulus funds for the project.

The engineer reported that the balance in the landfill bank account on August 2, 2009, was \$22,751.21

The board discussed the current recycling program. Supervisor Buch advised that he is having a meeting with City Carton, the engineer, and Dick Meyer. Buch stated that a lot of garbage is being placed in the recycling trailers and that there will need to be a change. Also, Buch stated that the cardboard trailer at the secondary road shop contains plastic and paper and therefore there may be future charges for the trailer. Buch stated that Vinton merchants primarily use the cardboard trailer and therefore any associated costs should be borne by the City. Buch also stated that a rural recycling trailer was removed from the City of Belle Plaine and the city was receiving complaints from city residents about it being removed. Buch stated that the recycling trailers are for rural use and recycling within the cities is city responsibility. Buch added that a meeting will be held on Friday, August 14th, at 1:00 to try and determine a resolution to the problems.

Supervisor Buch spoke about the drainage problem being incurred by a property in Luzerne. The residents claim the drainage problem was created by the construction of the new bridge. Buch stated that there used to be a drainage ditch along the property, but when the new bridge was constructed the ditch was removed. The engineer stated that he might anticipate a minimal amount of water runoff but not enough to cause any drainage issues. The engineer was not aware of any tiling or other structures that, if damaged, would have created the problem. The property owner is to get quotes for work addressing the problem and provide them to the county.

Scott Hansen, Emergency Management Coordinator, presented a revised Order of Succession wherein the decision to enact the order of succession was to be made by two elected officials, but then the decision would rest with one person. The board indicated that the decision-making is to rest with two elected officials and not just one unless that is not possible at all. Hansen stated that he wasn't sure how to write the Order of Succession to reflect the board's position, but would return with a revised document.

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 12, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl and Buch present. Supervisor Sanders was absent. Chairman Vermedahl called the meeting to order at 1:13 p.m. in the Emergency Management room of the courthouse. Also present was Sheriff Randy Forsyth, Chief Deputy Mike Ferguson, Jerry Petermeier, Dennis Kimme, Engineer, Rob Peck and Todd McNall, both with Design Dynamics. Two members of the media were also present.

Dennis Kimme presented three architect plans for the new law enforcement center. After reviewing and discussing the three designs it was moved by Buch, seconded by Vermedahl to approve Plan A with the modifications discussed. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to authorize the board chairman to sign a contract with Team Services for subsurface exploration and construction testing services at the Benton County law enforcement center. Both members voting aye thereon. Motions carried.

Moved by Buch, seconded by Vermedahl, to adjourn. Both members voting aye thereon. Motion carried at 3:51 p.m.

David Vermedahl, Chairman

ATTEST: _____

Brenda Sutton, Benton County Deputy Auditor

August 18, 2009

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 August 11, 2009. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 12, 2009. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Betty Stone, effective September 30, 2009, due to retirement. All members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:05 a.m.

Kyle Helland, Helland Engineering, representing Ben Fehl, requested a variance to the Benton County subdivision ordinance for a parcel in the SE1/4 of the SW1/4 fo16-86-12. The forty-acre parcel has been previously divided wherein the agricultural ground was split off of the residential site. The residential site contains two homes and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

78

the potential owner is requesting that that Parcel A be divided into two lots, stating that an appraisal cannot be done for lending purposes with both houses on one parcel. Parcel A contains the two separate homes, which have existed since the early 1900's and 1971. Both homes have existing wells and septic systems, and their own entrances. Helland, on behalf of the potential buyer, is requesting a variance to the preliminary plat, design requirements, and various other requirements to the final plat requirements. Moved by Buch, seconded by Sanders, to approve a variance to the Benton County Subdivision Ordinance and waive the requirements for a preliminary plat, central water, central sewer, streets, etc. and attachments to the final plat. It is determined that strict compliance to these requirements would create an undue hardship as the residential buildings were in existent prior to the county's ordinance. There will be no additional residential development on the parcel(s). All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board regarding a Social Services Block Grant Disaster Dollars for mental health related medications for persons affected by the flood. Benton County is eligible to receive \$20,162.95. The grant goes through 2010 and is on a reimbursement basis. Currently, Williams is aware of only one person who is currently acquiring medication that would be eligible for funding. The funds are federal funds and will need to comply with Single Audit requirements. Moved by Sanders, seconded by Buch, to authorize the chair to sign the agreement with the Department of Human Services for the Social Services Emergency Disaster Relief Grant. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to enter into an agreement with Covenant Medical Center for client services for FY10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Census Address Data agreement for the 2010 census. All members voting aye thereon. Motion carried.

The Board discussed the uses of the GIS room in the basement of the courthouse. Auditor Marlow explained that she placed the matter on the agenda and that it was becoming increasingly more difficult to find rooms in the courthouse for auditors, county training, etc. when the Department of Human Services and other state agencies are using courthouse rooms for meetings with clients and suggested that the State either use rooms available in the DHS building or possibly the conference room in the Governor Sherman building. The auditor stated that currently the county's audit firm is using a table in her office, as there were no rooms available for them to work on the required county audit. Mary McLaughlin, IT Director, stated that she used the room for training for Pictometry as well as GIS functions, but could use a room at Kirkwood instead. McLaughlin also stated that she could move the GIS equipment into her office as well. The auditor stated that in her prior discussions with McLaughlin that it was never mentioned that McLaughlin should vacate the room. The board agreed that state agencies should attempt to find other areas to conduct their meetings and only use the GIS room if all attempts to secure other space failed.

The board discussed the expiring term of the Civil Service Commission member Larry Schlue. The auditor reminded the board of the recent legislation that was passed requiring gender balanced boards, if possible, by 2012 and that the civil service commission is a six-year term. Supervisor Sanders questioned if the county was suppose to terminate appointments in 2012, and the auditor responded that consideration should be given now to appointments so that the gender balance can be closer to achievement by 2012. Moved by Buch, seconded by Sanders, to re-appoint Larry Schlue to a six-year room. All members voting aye thereon. Motion carried.

Deputy Auditor Brenda Sutton reviewed a proposal to move landscaping material from the current law enforcement center site to the courthouse yard. Moved by Sanders, seconded by Buch, to authorize Sutton to proceed with moving various bushes and trees to the courthouse lawn. The cost to move shrubs submitted by Frazier Nursery at \$30 each is approved. There are a total of 16 shrubs to be relocated. The cost to submitted by Lowell Henkel to move two dwarf crabapple trees at \$125.00 each is approved. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, that a determination that the current law enforcement center is a total loss due to the June 2008 flood is made by the supervisors, and that a statement be published of the determination as required by FEMA regulations. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator, updated the board on the boring for the communications line from the temporary radio building to the courthouse. Petermeier stated that the bid from West Union Trenching did not include some of the materials required. West Union Trenching has submitted a correct quote of \$8,370.00 instead of the \$7,100.00 approved earlier. Moved by Buch, seconded by Sanders, to rescind the motion of August 11, 2009, awarding the quote to West Union Trenching and to approve the corrected quote submitted by West Union Trenching at a cost of \$8,370.00. All members voting aye thereon. Motion carried.

Supervisor Vermedahl stated that he contacted Durrant Engineering regarding the courthouse renovation project. Vermedahl stated that he has not been able to obtain a satisfactory response from the engineering firm and suggested that the board telephone Durrant prior to the end of today's meeting.

Supervisor Buch reported that the attorney for the City of Luzerne recommended that the city not become involved in the drainage problem with the Rick Rupp residence and advised that Rupp should hire an attorney. The city attorney was concerned about the liability associated with the issue. Buch reported that Rupp does not want to hire an attorney, but only wants the county to fix the problem.

Design Dynamics met with the Board to discuss the schedule for bid letting and work for the demolition of the current law enforcement center, as well as other bid document requirements. Moved by Sanders, seconded by Buch, to set the deposit for plans, drawings, and specifications at \$100.00 for the demolition project. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set a liquidated damages amount of \$250.00 per day for each day the project extends beyond its stipulated completion date. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, that salvage rights are to reside with the demolition contractor except for items specified by the board prior to the pre-bid meeting as being retained by the county. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the schedule presented for the bidding and demolition project as follows: Drawings and specifications to be sent to the drawing room on August 24, 2009 and notices sent to the official papers for printing on August 26, 2009. The notices are preliminarily approved for publication with final approval

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

79

scheduled for August 25, 2009. A mandatory pre-bid meeting is scheduled for September 1, 2009 at 1:00 p.m., with all questions regarding the project to be submitted to the architect no later than 5:00 p.m. on September 3, 2009. Bids are due to the auditor no later than 3:00 p.m. on September 10, 2009. The auditor is hereby designated and authorized to receive and open the bids at 3:15 p.m. on September 10, 2009, with the results being reported to the Board of Supervisors on September 15, 2009. The board may award the bid and/or reject any or all bids for the project on September 15, 2009 at 9:45 a.m. Demolition to begin on or about September 21, 2009, with completion within 60 days of the Notice to Proceed. All members voting aye thereon. Motion carried.

Supervisor Buch and Engineer Parizek reported on the meeting with City Carton and the recycling program in Benton County. Currently, there is a trailer located at secondary roads for cardboard drop off. The trailer is also used for the paper products in the recycling trailers. If the paper products are continued to be placed in the cardboard trailer, then a fee will be initiated (by City Carton). There is approximately 10 ton of cardboard material collected per month throughout the county in its 12 recycling trailers. City Carton offered to provide roll off trailers that they would service in a lesser amount of about 3 or 4. There was also a suggestion that a local hauler be the central collector of cardboard. Since the cardboard trailer is primarily used by Vinton businesses, would there be a fee collected to continue to offer the trailer at secondary roads.

No action was taken on entering into a contract with Steve Meyer Consulting, LLC for completion of the multi-jurisdictional hazard mitigation plan. The board is to review the contract with the matter being placed on the next agenda.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the contractors bond with Aspro, Inc. for the HMA resurfacing project on D65 west of Mt. Auburn. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the utility permit submitted by ECI-REC to place utility lines in the county's right-of-way in section 29 of Benton Township, along 60th Street Drive. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the utility permit submitted by ITC Midwest to place utility lines in the county's right-of-way in section 26 of Jackson Township, along 60th Street Drive. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the utility permit submitted by Keystone Communications to place utility lines in the county's right-of-way in sections 8 and 9 of Kane Township, along 70th Street. All members voting aye thereon. Motion carried.

The engineer presented the board with an invoice and cost detail for the resurfacing project on 22nd Ave Drive near Rodger's Park. The project costs are to be shared and assessed to the adjacent landowners. The auditor is to provide the necessary paperwork to the board for formal action on the assessment.

Mary Halstead told the board that she would need to hire an additional part-time driver as two drivers were leaving their employ.

Moved by Buch, seconded by Sanders, to recess until 1:00 p.m. All members voting aye thereon. Motion carried at 12:05 p.m.

The board reconvened at 1:00 p.m. with all members present.

The board telephoned Durrant Engineering to discuss the courthouse restoration project, and specifically the roof and window projects. Durrant did not provide any definitive answers as to the finalization of the project. Durrant was told that if the project was not completed, or at a minimum work being done to finalize the project, by September 30, 2009, that the county would begin legal action to force the completion.

The board met with the departments to discuss the county's nepotism policy. The sheriff and several of his employees had approached the board about changing the county's policy to make it less restrictive. Varying comments were heard from various department officials about the pros and cons of changing the policy. No decision about the changing the policy was made.

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor

August 25, 2009

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 boardroom of the courthouse.

Moved by Sanders, seconded by Buch, to approve the minutes of August 18, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 115842 through 116087, and ACH deposits numbered 6316 through 6422, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into an agreement between Benton County and Psychiatric Associates of Northeast Iowa for client services for FY09, at a rate of \$106.00 per day, the initial evaluation is \$194.00 and discharge evaluation is \$154.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign a contract after a few changes are made between Benton County and Steve Meyer Consulting, LLC and Robyn Reese, for the creation of a Multi-Jurisdictional Hazard Mitigation Plan pursuant to the proposal submitted by the same and awarded on December 18, 2008. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-56, FEHL FIRST ADDITION TO BENTON COUNTY, IOWA. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**FEHL FIRST ADDITION
TO**

BENTON COUNTY, IOWA

RESOLUTION NO. 09-56

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

80

RESOLUTION ACCEPTING AND APPROVING THE "FEHL FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Fehl First Addition to Benton County, Iowa, containing two (2) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Fehl First Addition is a subdivision of Parcel "A", Part of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼), Section No. Sixteen (16), Township No. Eighty-Six (86) North, Range Twelve (12) West of the Fifth Principal Meridian, Benton County, Iowa, as recorded in Book 8 Page 4042 on August 8, 2008 in the Office of the Benton County Recorder, 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 Benton County Board of Supervisors find that the Final Plat of Fehl First Addition would be advantageous to Benton County, Iowa, and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that said Final Plat of Fehl First Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
2. Any new private on-site sewage treatment system will be constructed with the approval of the Benton County Health Department, and

NOW, THEREFORE BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said Board, on August 18, 2009, at the request of Benjamin Fehl, Developer, did grant a variance waiving the following items regarding the submission of the "Fehl First Addition" Final Plat:

Article VI, 6.02 Requirements of the Preliminary Plat, A-Q, Article VI, 6.05 Attachments to the Final Plat, A-F, and Article V, 5.01-5.07.

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 25th day of August 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The Board of Supervisors discussed a Public Nuisance Tax Sale Ordinance with Jennifer Zahradnik, Attorney in Belle Plaine, and Kelly Geater, Benton County Treasurer. The ordinance states that the County Treasurer can separately offer and sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become a public nuisance. The city clerk may file with the county treasurer a verified statement containing a listing of these parcels. That statement shall be published at the same time and in the same manner as the notice of the annual tax sale and the requirements in the Iowa Code. Zahradnik says this will help prevent abandoned property from sitting empty and getting more and more run down. This would be a step in the right direction to help clean up the cities. The bidder has to be eligible under this ordinance, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. This will be put back on the agenda for September 15, 2009 at 9:05 A.M. for further discussion and possible action.

Moved by Buch, seconded by Sanders, to approve the Class B Liquor License for Blairstown Sauerkraut Days beer tent and authorize the chair to sign the same. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set the amount of bid bond for the demolition of the law enforcement center at five percent of the bid. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the plans and specifications and the notice of bidding for the LEC demolition project for bidding purposes. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set September 15, 2009, at 9:30 a.m., as the time and date for a public hearing on the proposed plans, specifications, form of contract, and estimated costs of demolition of the law enforcement center. Estimated costs to be between \$100,000 and \$250,000. All members voting aye thereon. Motion carried.

Jerry Petermeier gave an updated on the law enforcement center project. He received two quotes for the fiber optic cables. Van Horne Telephone Company can do a 12-count multimode steel shield fiber for 1500 feet at 98 cents a

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

81

foot. RcSystems was \$1.07 a foot for the same cable. Moved by Buch, seconded by Sanders to approve the purchase of the fiber optic cables from Van Horne Telephone Company. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

Petermeier questioned the board about the hiring of an employee or contractor for the demolition observation process. That person would have to receive about an hour of training from FEMA beforehand. Demolition cannot occur without the monitor present at all times. It was suggested that the Sheriff be contacted to see if he had any employees available for the position before advertising.

Discussion was had on the drainage issues in Luzerne. It was recommended by the County Attorney, to notify the property owner that if they wanted to file a claim, they needed to do so in the County Auditor's Office.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by RebuH Feeders, Inc. for the facility located at 1230 51st St. Drive, La Porte City, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the advertising of a part-time driver for the transportation department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-57, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-57 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$25,000.00 be transferred from the General Basic Fund to the Capital Projects Fund.

Dated this 25th day of August 2009

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County 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 1, 2009

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 boardroom of the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of August 25, 2009. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, requested an update on the new overhead doors for her garage. A proposal from McDowell's to do framework and metal work around the door openings was received but did not include lowering the door headers. The board requested that Halstead obtain additional quotes.

Desiree Gremmel met with the board about insurance products being offered by her company. Gremmel told the board that the insurance plans provided by Platinum Services, Inc., which includes Accident and Disability Insurance, Cancer, Heat Attack and Stroke Insurance, and Long-Term Care Insurance. The company also provides group plan dental/vision insurance. The first three insurance plans are totally voluntary and not paid through payroll deduction; however the dental/vision would be handled through a payroll deduction. The board stated that Gremmel could provide a proposal for the dental and vision insurance; however there was no obligation that the county will participate.

Moved by Sanders, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by SMT Pork, LLC for the facility located in Section 19 of Canton Township, on 65th Street, Shellsburg, Iowa. 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 Selk for the facility located at 7235 16th Ave., Keystone, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Victor Lawrinenko for the facility located in Section 4 of Cedar Township on King Road, La Porte City, Iowa. It is noted that the plan states that the facility is located in 4-86-10 but is actually located in 4-86-11. 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 Ritscher Farms, Inc. for the facility located at 1826 73rd St, Van Horne, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Polk Township Section 35 near Interstate 380. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the final IDOT progress voucher for Taylor Construction Inc. for the Luzerne Bridge Project, which is for \$13,500 remaining on the retainage. All members voting aye thereon. Motion carried.

The engineer spoke with the board about financing for the cell construction expenses at the landfill. The engineer advised that \$225,000 to \$250,000 over what has been budgeted due to the design and material requirements.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

82

The discussion centered on where the funds would be derived to fund the project as the money is not available in the Sanitary Disposal fund. The board asked the engineer to research whether the county could "borrow" from the closure/post closure fund and return with that information.

The engineer updated the board on damage to secondary roads caused by the August 27th flash flooding. The engineer stated that water went over the blacktop west of Keystone and then primarily along Prairie Creek and went over the road by Norway as well. The water over the blacktop south of Norway was approximately 19 inches at the peak, which was higher than a year ago. Buckeye Creek went over the road as well near Luzerne. The entire roadway was washed out on 30th Avenue Drive. Secondary roads personnel are inspecting bridges along the creeks to determine if there is any damage. The engineer was unable to state if the aggregate amount of damage throughout the county, including cities, would qualify for FEMA assistance.

Moved by Sanders, seconded by Buch, to appoint Mary McLaughlin and Lexa Speidel as the Wellness Coordinators. It is noted that no extra compensation is provided for the duties. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Risk Pool Agreement between Benton County and Heartland Insurance Risk Pool for a five-year period, beginning July 1, 2010. The agreement sets forth the terms of being a member in the Heartland Insurance Risk Pool. All members voting aye thereon. Motion carried.

The county attorney requested the appointment of Jo Kuennen to fill a vacancy in his office being created by the retirement of Betty Stone. The board reviewed the qualifications of Kuennen and found her to be of good moral character and well qualified. The county attorney advised that veterans who applied were not equally qualified to Kuennen. Moved by Buch, seconded by Sanders, to approve the hire of Jo Kuennen as a part-time administrative assistant in the county attorney's office, effective this date, at a wage of \$15.00 per hour. All members voting aye thereon. Motion carried.

The county attorney requested that the board increase the wage of Debra Fleming, a part time administrative assistant in his office. Fleming has been employed on a part-time basis for approximately four years and is currently being paid \$13.76 per hour and is requesting an increase to \$15.50 per hour. Mary Ann Blumer stated that Fleming's contribution to the office was outstanding for various reasons, but especially her computer knowledge. Blumer added that if Fleming is to only receive the annual percentage increases she will never advance in compensation to a level equal to her experience. Fleming advised that she works approximately three days a week. The county attorney added that Fleming's responsibilities have increased into assisting with jury selection paperwork and other areas of the office. Supervisor Sanders stated that the approval would be due to the resignation of another office employee and the increased responsibilities being put upon her. The county attorney stated that the amount of part-time wages would be approximately \$1600 less than what was paid in FY09, including the new hire and the increase in wages for Fleming, as Stone was making a higher hourly rate that the budget was calculated on. Moved by Sanders, seconded by Buch, to approve an wage increase for Debra Fleming effective the first day of the next pay period, which is September 14, 2009, to a total hourly wage of \$15.50. All members voting aye thereon. Motion carried.

The board briefly discussed the status of the law enforcement facility. Jerry Petermeier advised that he spoke with Sheriff Forsyth about utilizing his personnel as demolition observers. Forsyth advised that LaDonna Rouse could be an observer, as well as another sheriff's employee (un-named at this time), to act as observers. Observers must attend a training session provided by FEMA and all demolition activities must be under his or her observation at all times. The auditor questioned if any discussions had occurred with the engineer about disposing of the demolition material in the county landfill. The board indicated that no discussions had taken place at this point. Petermeier also reminded the board that a pre-bid meeting would be held on this date for the demolition project.

An update on the courthouse roof and window project. Dan Plisek stated that Renaissance Roofing was scheduled to complete their work the week of September 8, 2009. Zephyr Aluminum stated that it would take approximately 3 weeks to order in the window, which is now approximately another 2 weeks. The board requested that Plisek meet attend a board meeting within the next two weeks for a face-to-face meeting.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 8, 2009

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 September 1, 2009, as corrected. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 116088 through 116392 and ACH deposits numbered 6423 Through 6529, for payment. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, met with the board regarding quotes for overhead doors for her bus garage. Halstead had met with the board earlier; however the board requested that Halstead obtain additional quotes and she had not received the information as of today. The matter is placed on a future agenda.

Mayor Gary Butz of Norway and Melvin Montague met with the Board regarding repairs to 29th Avenue south of Norway. Butz advised that Prairie Creek has been out of its banks many times over the past few years and is beginning to come into Norway. Butz stated that the bridge on E66 is lower than the other bridge. Butz stated that no emergency response equipment can get out of Norway to the south when E66 is flooded. Butz stated that if the road were raised south of the ball diamond that would provide emergency equipment with an access to the south. Butz stated that more fields are being tilled creating more water flowing into Prairie Creek, which affects downstream flooding. Butz stated that the town of Norway also contributes to the water going into the creek. Butz stated that there could be a possibility of dikes being constructed or placement of drainage tubes under the blacktop. Butz stated that the city is just looking for assistance or guidelines with the flooding problem. Butz further commented that he didn't want to fix the flooding issue in

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

83

Norway and have it cause problems for other people or communities, but wanted to start discussions on possible solutions.

The engineer reported that the balance in the landfill account at the Benton County State Bank in Blairstown on August 31, 2009, was \$36,803.28.

The engineer spoke to the board about the funding for a new cell at the landfill. The engineer advised that borrowing from the closure post closure fund is only allowed if the funding level exceeds the funds required for the closure post closure. The current funding does not exceed the requirements at this time. The board discussed the options to finance the construction of the new cell. Supervisor Buch stated that the only option was to borrow money at this time. The board requested that the engineer do additional research on funding options.

The auditor updated the board on the status of project worksheets with FEMA. The auditor advised that no decision has been reached by FEMA officials regarding the reimbursement rate for prisoner housing or the creation of a holding facility at the old Lincoln school building. The auditor stated that if answers were not received by the end of the week, that she would be contacting various individuals. The board agreed that additional action should be taken if definitive and satisfactory answers were not received by September 11, 2009.

Supervisor Sanders spoke about the FY11 budget and prioritization of projects being funded. Sanders reported that he had been approached by conservation about future staffing increases and new projects. Sanders questioned if the sheriff's department would be asking for additional staff due to the design of the new law enforcement facility. Supervisor Vermedahl telephoned Sheriff Forsyth who advised that he did not have the answer to additional staffing requirements at this time. Sanders stated that he believed the supervisors needed to start considering whether to prioritize funding and programs. Supervisor Vermedahl responded that he believed that priorities would be those functions that absolutely need to be performed, i.e. prisoner housing, road maintenance, elections, etc. Supervisor Sanders suggested that each board member prepare a list of what they deemed to be priorities.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 11, 2009

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 1:15 p.m.

Moved by Sanders, seconded by Buch, to approve the minutes of September 8, 2009. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, and this being the time and date set for canvassing the Regular School Election held on September 8, 2009, 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 Buch, seconded by Sanders, to approve the results of the September 8, 2009, Regular School Election. The auditor is directed to record the results in the official records and to certify the results to the respective entities. All members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics spoke with the board about holding an open house for the public to give input into the aesthetics of the new law enforcement center. The board agreed that events should be held on September 21, 2009, in Vinton and September 22, 2009, in Belle Plaine, both starting at 6:30 p.m.

McNall requested that he be placed on the September 29th agenda to review the designs and schematics of the new law enforcement center and seek the board's approval of the same.

The board discussed the demolition and the requirement for observers to be present at all times during the project. The matter had been brought to the board several weeks ago and it was decided at that time that the sheriff would provide current employees, either full or part time, to observe. The sheriff stated he only had one employee at this time and was recently advised that the observers may be required to be there twelve hours or more. The board asked the sheriff to have two of his employees be observers and Jerry Petermeier. Petermeier would be an observer if an emergency situation occurred where the observer had to leave. Training is scheduled for Tuesday, September 15th, for observers.

Ron Buch reported that he had been doing research on repairing the leaking window well in the basement. At this point, Jenssen Waterproofing advised that he could perform the work but it would be on a time and material basis with no estimate as to the cost. Jenssen probed the area and stated that the window well is still present. Jerry Petermeier stated that when he was the county engineer those window wells were filled with gravel, but if there is a floor in the well then that could create a problem.

The Board discussed the moving of some of the landscaping from the law enforcement center to the courthouse lawn. With the scaffolding still in the way and the problem with the basement window well, the project was put on hold for now.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 15, 2009

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 September 11, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set the date for a land use hearing requested by Jody Chalupa for October 13, 2009, at 9:15 a.m., on a parcel located in the SE1/4 of the NW1/4 of 3-84-9. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

84

Jennifer Zahradnik, Assistant City Attorney for Belle Plaine, met with the board to review and discuss the Public Nuisance Tax Sale Ordinance she provided a few weeks ago and urged them to move forward with establishing a similar ordinance. Motion by Buch, seconded by Sanders, to move forward and discuss it with the county attorney. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a fireworks permit submitted by Marvin Bartosh for an event to held September 19, 2009, at 1423 63rd St, Dysart, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign contract with Steve Meyer Consulting, LLC and Robyn Reese for the development of a Multi-Jurisdictional Hazard Mitigation Plan. All members voting aye thereon. Motion carried. The Plan had been awarded to Meyer and Reese at an earlier date and this action was to enter into the formal contract.

Moved by Sanders, seconded by Buch, to acknowledge and accept the resignation of Erin Monaghan from the Benton County Conservation Board and also to advertise to fill the vacancy. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on the plans, specifications, estimated cost, and form of contract for the demolition of the law enforcement center, the chair declared the public hearing open. Rob Peck and Todd McNall with Design Dynamics, Sheriff Forsyth, Attorney Thompson, Jerry Petermeier, Dave Coots, Dan Hubbard with Central States and 3 members of the media were present. Peck and McNall shared the demolition plans and explained the specifications and also the differences in alternate bids 1, 2 and 3. The difference in the alternates was the amount of salvageable limestone blocks that were intact and not damaged from the exterior on the existing building. Alternate 1 - 20% stone salvaged, alternate 2 -60% stone salvaged and Alternate 3 - 80% stone salvaged. Design Dynamics estimated the cost of demolition to be \$125,000 and FEMA estimated it to be as high as \$270,000 not including the architects' fees. The Board determined that the Alternate #3 with an 80% savings of the stone should be used for awarding the contract. The stone will be used for a retaining wall around the newly constructed facility. Dave Coots questioned why the DNR will allow 4 feet of fill dirt to elevate the new jail when other residents who incurred flood damage were told they could not do the same with their property and had to tear the structures down. County Attorney Dave Thompson wondered if it was just those homes along the river itself, but Todd McNall, Design Dynamics, believed it was because the jail is located outside of the 100 year flood plain but within the 500 year flood plain. There being no further comment heard, the chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to adopt Resolution #09-58, APPROVING THE PROPOSED PLANS, SPECIFICATION, FORM OF CONTRACT, AND ESTIMATED COST TO DEMOLISH THE LAW ENFORCEMENT CENTER. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-58

APPROVING THE PROPOSED PLANS, SPECIFICATION, FORM OF CONTRACT, AND ESTIMATED COST TO DEMOLISH THE LAW ENFORCEMENT CENTER

WHEREAS, the Benton County Board of Supervisors, contracted with Design Dynamics, a licensed architectural and engineering firm, in accordance with Iowa Code 26.3(2) to develop plans and specifications for the demolition of the current law enforcement center that was destroyed by the June 2008 flood; and

WHEREAS, a public hearing must be held prior to the board's approval of the plans and specifications; and

WHEREAS, a public hearing must be held on the form of contract and estimated cost of the project as well; and

WHEREAS, a public hearing was set for September 15, 2009, at 9:30 a.m. and notice of the same was published in the official newspapers of Benton County in accordance with Iowa law; and

WHEREAS, no comment was heard or received objecting to the plans, specifications, form of contract, and estimated cost,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the plans, specifications, form of contract, and estimated cost for demolishing the law enforcement center are hereby approved.

Dated this 15th day of September 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The auditor received the bids for the demolition of the law enforcement center at 3:00 p.m. on September 10, 2009. The bids were opened, read aloud at 3:15 p.m. on the same date by the auditor and the reviewed by the architects for presentation at today's meeting. Bids were opened as follows:

Central States Contracting:

Base bid: \$72,689.00; Alternate #1- \$9,850.00; Alternate #2 – 25,600.00; Alternate #3 - \$34,250; Additional bid Proposal - \$5.92 per cubic year; Base + additional - \$31,900.00

D.W. Zinser:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

85

Base bid: \$64,000.00; Alternate #1- \$7,920.00; Alternate #2 10,560.00; Alternate #3 - \$13,200.00; Additional bid Proposal - \$10.00 per cubic year; Base + additional - \$42,500.00

Peterson Contractors, Inc.:

Base bid: \$80,000; Alternate #1- \$5,500.00; Alternate #2 – 10,750.00; Alternate #3 - \$15,500.00; Additional bid Proposal - \$16.00 per cubic year; Base + additional - \$45,850.00

Garling Construction:

Bid retracted prior to opening at request of Doug DeMeulenaere – returned to vendor

Baker Concrete & Excavating:

Bid was not received by 3:00 p.m. deadline – returned to vendor (Blake Baker)

Todd McNall reviewed the two lowest bids using Alternate #3 (80% stone salvage) as determined by the board during the hearing on the plans and specifications earlier. Central States had the lowest base bid for demolishing the jail and filling the site with dirt for elevation, but when considering the alternate #3, Zinser bid \$13,200 compared to Central States \$34,250. Jerry Petermeier questioned if the 80% request on salvaged tile was obtainable. Dan Hubbard, representing Central States, pointed out the alternate bid was for an unknown, questioning what would happen if once the contractor got started removing the stone and could not salvage 80%. Questioning if the county would be obligated to pay the higher alternate bid price. Hubbard explained that Central States' alternate bid came in higher because they realized that salvaging the stone would be difficult and were hiring a specialist with more experience in that area resulting in a higher cost. Sheriff Forsyth asked Design Dynamics if they had researched this type of work. Supervisor Buch commented that a Zinser representative was not present to explain how their cost was determined on the alternative bid; however Central States was. Sanders telephoned Zinser and placed them on speaker so that they could respond to the same question. McNall asked Zinser if they had done this type of work in the past and if they thought they could remove 80% of the stone safely. Zinser responded that they have removed limestone from buildings before and this shouldn't be a problem. It was pointed out that Zinser did not submit their bid in duplicate form; however in the Notice to Bidders under special terms and conditions the county had reserved the right to accept bids with minor irregularities if it was in the best interest of the county. Design Dynamics recommended that D. W. Zinser Co. Inc. be awarded the bid as they were, in the architect's opinion, the lowest most responsive and responsible bidder, adding that Zinser is a reputable company based in Walford, Iowa, that specializes in demolition work. There being no further comment, it was moved by Buch, seconded by Sanders, to adopt Resolution #09-59, AWARDING BID FOR DEMOLITION OF THE LAW ENFORCEMENT CENTER. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-59
AWARDING BID FOR DEMOLITION OF THE LAW ENFORCEMENT CENTER

WHEREAS, the Benton County's law enforcement center was destroyed by the June 2008 flood; and

WHEREAS, the current facility must be demolished and preparations for a new facility completed; and

WHEREAS, the Benton County Board of Supervisors contracted with a licensed architect and engineering firm to develop plans and specifications for the demolition and site grading of the current facility; and

WHEREAS, a Request for Proposals was placed in various newspapers as well as other contractor sites; and

WHEREAS, bids were received and opened from Central States Contracting, D.W. Zinser, and Peterson Contractors, Inc.; and

WHEREAS, the bids have been reviewed and a recommendation received from the architect; and

WHEREAS, D.W. Zinser has submitted the lowest most responsive, responsible bid,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the bid for demolishing the law enforcement center and for completing the specified site work be awarded to lowest most responsive responsible bidder D.W. Zinser at a total cost of \$134,700.00, which is the base bid plus alternate # 3. Additionally, the award includes the required work for suitable fill dirt pursuant to the plans and specifications.

Dated this 15th day of September 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The supervisors and County Attorney David Thompson discussed the need to clarify the county's policy on accepting late bids. Thompson told the supervisors they need to clarify the county's guidelines for the technical details of the bids they accept and what the county's position will be in the future on accepting late bids and what is considered an irregularity. Chairman Vermedahl agreed that this policy needs to be clarified. It will be put on the agenda for the next meeting on September 22, 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

86

Moved by Buch, seconded by Sanders to appoint Jerry Petermeier, Ladonna Fairbanks, Mike Merino, Doris Trefz, Josh West, Artie Fowler, Mike Ferguson and Randy Forsyth as demolition observers for the law enforcement demolition project after they attend the FEMA required demolition training. All members voting aye thereon. Motion carried.

Cindy Forsyth, Benton County Clerk of Court, met with the Board to discuss the storage situation. It was her understanding that there were to be shelves put in her storage room that is being rented at the old Lincoln School. After some discussion the board agreed to further look into the situation.

Mary Halstead, Director of Benton County Transportation, presented the board with estimates for garage doors for the transportation's bus garage. Moved by Buch, seconded by Sanders, to award the project to Overhead Door Company for the doors at \$4725.00 total and award the framing work to McDowell's at a cost not to exceed \$800. All members voting aye thereon. Motion carried.

Representatives of Wellmark and the Iowa State Association of Counties (ISAC) along with Mary McLaughlin, Benton County Wellness Committee member, gave the Board an update on the Employee Wellness Program. ISAC provides funding for wellness committees and activities to counties who participate in their group health insurance program. Wellmark works with the counties to deliver more resourceful and effective ways to use the wellness funding. One of the new programs currently in use is a personal health assessment survey available on-line or in paper to the county's employees. Employees will be rewarded if they have the survey completed by the end of November. Wellmark added that all but 4 full-time employees participated in the board-mandated meeting held earlier this month where the information on the survey was provided. Wellmark stressed that it was very important that the board of supervisors set a good example to their employees by participating in the wellness programs. McLaughlin stressed the importance that employees get a routine physical every year. The past wellness committee provided a wellness blood screening every year, and those results could be used by employees when filling out the survey.

The Board received the initial bargaining proposal for the labor contract between Benton County and the Public Professional & Maintenance Employees, IUPAT Local 2003 representing Secondary Roads employees. The proposal is for a one-year agreement and includes changes to various benefits and wages.

Dick Fredericks, property owner from Linn County, discussed a problem he has encountered with an adjacent Benton County property owner. Fredericks lives along the Benton/Linn Road and has sustained flood damage from a break in a pond dam in Beau Chene Estates. Fredericks provided photographs as proof of the damage and after some discussion; Supervisor Buch referred Fredericks to the NRCS office to talk to Jim Brown in the soil and water department.

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 Section 16 of Union Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve and sign Iowa Department of Transportation Agreement 6-09-HBRR-53/Federal-aid agreement for a county highway bridge project on 22nd Avenue over Mud Creek. 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: _____
Hayley Rippel, Deputy County Auditor

September 22, 2009

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 establishment of a policy on accepting late bids and quotations. This matter had been addressed on February 21, 2006, wherein the supervisors had voted to adopt the position that no late bids would be accepted. The county attorney asked that the matter be revisited. Iowa Code Chapter 26 does not allow for the acceptance of late bids in competitive bidding situations, however the county attorney advised that the board could establish guidelines for other situations.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-60, ESTABLISHING A POLICY ON FILING OF BIDS AND QUOTATIONS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-60

ESTABLISHING A POLICY ON FILING OF BIDS AND QUOTATIONS

WHEREAS, the Board of Supervisors desires to create a policy on the acceptance of bids and quotations for various products purchased by the county; and

WHEREAS, formal action had been taken by the board on February 21, 2006, wherein the board stated they would not accept any bids or quotes received after the set time; and

WHEREAS, the board has discussed the issue in length,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following policy should and is hereby adopted:

1. The policy of Benton County shall be that bids and/or quotations are due at the time set forth by the county or its officials.
2. Bids not received by the time set for said purpose will not be accepted. Bids not being accepted will be returned to the submitter unopened.
3. The county reserves the right to waive, at its sole discretion, any irregularities in the bid/quotation documents timely received.
4. This policy shall apply to bidding and quotation situations when there is no law or regulation to the contrary.
5. This policy does not establish guidelines requiring competitive bidding, quotations, etc.

Dated this 22nd day of September 2009.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

87

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to acknowledge the resignations of Robert Condry, effective September 3, 2009, and Doyle Pettit, effective August 27, 2009, as part-time drivers from the Benton County Transportation Department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the hire of Rhonda Westergard, as a part-time transportation department driver, effective September 22, 2009, and contingent upon the successful completion of a background check, drug testing, and obtaining a commercial driver's license. All members voting aye thereon. Motion carried.

The county engineer spoke to the board about funding for the new cell at the landfill. The engineer and the auditor explained that the project qualifies as an essential corporate purpose and therefore no referendum is required. However, a public hearing would have to be held prior to borrowing the money. The county can utilize a financial advisor or obtain quotes from local banks with the legal work being completed by Dorsey, LLP. Supervisor Buch stated that he would prefer that the county obtain quotes from local banks before going to a financial advisor with the bonds being callable. Supervisor Buch added that he would like to see a plan that would show that when the debt is paid off that the debt assessment to the cities and county would cease and not meld into operational costs. The auditor suggested that the fees to the governmental entities be separated between operational and debt reduction so that it was easily delineated. Moved by Buch, seconded by Sanders, to authorize the auditor and the engineer to proceed with obtaining funding for a new cell at the landfill, not to exceed \$250,000.00. Further, that the county obtain rates from local banks under the direction of the bonding attorney, for the funds. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the plans for Project # BROS-CO06(77)-8J-06 for the bridge replacement on 22nd Avenue over Mud Creek. All members voting aye thereon. Motion carried.

The board discussed the restoration of the courthouse clock. A quote was received for \$35,500 with a 2,500 contingency to totally restore the entire clock, including clock faces, hands, motors, dials, etc. The clocks would be removed and restored off-site and would take approximately 150 days to complete. Supervisor Sanders stated that he had contacted the Regulator Time Company about the quote and questioned if atomic clocks could be installed versus the current mechanisms. A quote is to be submitted utilizing atomic clocks and therefore the board deferred action on the matter until the additional quote is received.

Jerry Petermeier provided an update on the demolition of the law enforcement center. Petermeier attended the FEMA required training for demolition observers last week. Petermeier is getting the necessary forms, paperwork, etc. in place for the demolition. Petermeier stated that the salvaged stone would have to be kept in a secured area in accordance with FEMA guidelines. Petermeier also stated that any other items salvaged for the county would have to be reported and taken off of the contract price in order to comply with FEMA.

No action was taken on entering into the contract with D.W. Zinser, as the contracts and performance bond were not received by the time of the meeting.

Moved by Sanders, seconded by Buch, to approve the minutes of September 15, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve payment of checks numbered 116393 through 116718, and ACH deposits numbered 6530 through 6635. Additionally, further documentation is required from the conservation director for the claim where a receipt was not attached regarding the deviation from standard practice. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a fireworks permit requested by Mark Mossman for an event to be held on October 3, 2009, at 5667 24th Ave. Dr., Vinton, Iowa. Buch and Sanders voting aye. Vermedahl 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

September 29, 2009

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 September 22, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the filing of the annual manure management plans for Dennis Zieser at the facility located at 5299 33rd Ave, Center Point, Iowa and Team Dairy, LLC at the facility located in the SW1/4 of the SW1/4 of 20-85-11. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented a request for a farm exemption filed by Jerry W. Kennon. Kennon will own 23 acres and plans to have a cow/calf operation. Moved by Buch, seconded by Sanders, to grant a farm exemption to as provided in the Benton County Agriculture Land Use Preservation ordinance to build a single residence as the applicant will be involved in the production of food and fiber. Said exemption is located in a Part of the NE1/4 of the NE1/4 of 30-85-9. All members voting aye thereon. Motion carried.

The board discussed the storage for various departments and in various facilities. The clerk of court had requested additional storage area be rented at the old Lincoln School. Moved by Buch, seconded by Sanders, to rent an

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

88

additional room at the Lincoln building for clerk of court's storage. Further, that quotes be received for the construction of shelving in said rental areas. All members voting aye thereon. Motion carried.

The board discussed the storage area at the Governor Sherman building and the need to remove the collection of non-usable equipment. Supervisor Vermedahl advised that he would contact the offices in the building about storage and the need to have junk removed and the area kept orderly.

Representatives of Design Dynamics presented a floor plan and design for the new law enforcement center. Discussion with the board and persons present was held in detail with various questions be addressed as to the use of space, the aesthetics of the facility, the ability to have future expansion, as well as staffing requirements. The board expressed concern about the flatness of the proposed roof. Design Dynamics requested authority to proceed with design of the facility based on the plan presented. Moved by Buch, seconded by Sanders, to approval the initial design and schematics for a new law enforcement center as presented and proceed with design development. All members voting aye thereon. Motion carried.

Jill Marlow, County Auditor, advised that the conservation board had approached her about conducting training on open meeting laws. Marlow stated that she has been working with Attorney Brian Fagan about providing the training. Fagan has quoted providing the training at a cost of \$180.00 per hour plus mileage with an estimated two-hour session required. The board directed Marlow to arrange for the training.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-61, Transfer of Funds. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-61
Transfer of Funds

Be IT Resolved that \$50,000.00 is transferred from the General Basic Fund to the Capital Projects Fund.

Dated this 29th day of September 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Charles James, Veterans Affairs Director, met with the board regarding the hiring of an assistant in his department. James stated that he would like to advertise for an assistant to work approximately 20 hours per week. Supervisor Sanders stated that he was not in favor of hiring additional staff at this time until the board has an opportunity to determine the status of the county's budget. Moved by Sanders, seconded by Buch, to deny the hire of additional staff for veterans' affairs until the board reviews the FY2011 budget. All members voting aye thereon. Motion carried.

Dan Johnson, representing the Belle Plaine ambulance, requested that the county provide funds from the local option sales and services tax fund for the purchase of a new ambulance. Jim Sayers, Iowa Township Trustee, spoke to the board by telephone (speaker), to state that the township was in support of the ambulance purchase and sponsoring the request. Moved by Buch, seconded by Sanders, to adopt Resolution #09-62, Gifting Funds to Iowa Township. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-62

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with Iowa Township in the amount of \$7,351.10 for the purchase of equipment.

Adopted this 29th day of September 2009.

David H. Vermedahl, Chairman

Attest: _____

Jill Marlow, County Auditor

The board discussed the letter of agreement with D.W. Zinser and the lack of a 5% retainage clause. Todd McNall of Design Dynamics stated that the county attorney advised that the agreement was adequate, as the law would require the retainage. Moved by Buch, seconded by Sanders, to approve the performance bond filed by D.W. Zinser and the Letter of Agreement for the law enforcement demolition project. The chair is directed to sign the Letter of Agreement. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he had been contacted by Alan Coyle regarding a possible financial donation to the county for the purpose of placing a bench in the rotunda area of the courthouse. Moved by Buch, seconded by Sanders, to accept the donation with the understanding that the bench will be purchased by the county at their full discretion as to style and size. The purchase will be made when time allows and the county is under no time restriction. All members voting aye thereon. Motion carried.

Desiree Gremmel with Platinum Services presented a proposal to Benton County for employee paid dental and vision insurance. The auditor advised that another company approached her about presenting a proposal. The board advised that they would accept the other company's proposal as well and then speak with the employees about the proposals.

The board presented the county's initial bargaining proposal for 2010-2011 with the PPME Local 2003 representing secondary roads employees.

The engineer updated that Board on the Oak Grove Road Project stating that he has not progressed on the project as he has not had the time to hire an assistant (who would work on the project) and he has not had the time to

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

89

work on it himself. Supervisor Vermedahl questioned if there was a need to advertise for the assistant's position again. The engineer replied that he did not believe so at this time; however advertising may bring in additional interest in the position. Supervisor Sanders questioned if the funds were still available in the secondary road fund. The engineer replied that between the secondary road fund and the use of local option sales tax money that funds should be available. Supervisor Sanders stated that he has been approached by various individuals about the lack of progress on the project. Supervisor Vermedahl stated that completion of the project would be impossible unless the engineer is able to hire an assistant, which the board has supported. Vermedahl emphasized the need for the engineer to hire an assistant so that projects can be completed.

The board discussed the need for policies that would require background checks and post-offer pre-employment drug testing prior to hiring. The auditor also advised that the county's ADA and FMLA policies need to be updated due to recent changes in federal law. The county engineer questioned how extensive the background check would need to be. Supervisor Vermedahl stated that he believed the county needed to standardize their hiring practices, including backgrounds checks, etc.

Supervisor Sanders again spoke about the FY2011 budget process and the need to start the process early. Sanders said that the Board should provide definitive direction for the departments when preparing their budget requests. The board discussed the current economy and potential affect it would have on property taxes as well as funding for flood related expenses. The board decided that a November meeting with the departments would be advantageous to not only discuss the upcoming budget but also hiring practices and policies.

Supervisor Sanders reported on his meeting with FEMA officials, stating that Benton County now has their attention and that hopefully positive answers will be forthcoming as to the funding of various flood related projects.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 7, 2009

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. in the boardroom of the Benton County Courthouse.

Judy Stander met with the board regarding abatement of tax due to flood loss. Stander advised that her house was torn down in October 2008 after the flood destroyed it. The board discussed the establishment of guidelines for the abatement of tax due to flood loss and its potential affect. The board stated that they wanted additional time to research the abatement issue and directed that the matter be placed on the agenda in two weeks.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan submitted by McKinley Swine, LLC for the facility located at 3334 King Avenue, Walker, Iowa. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the release of local option sales tax funds to Ben-Linn Benefited Fire District for the purchase of a fire truck. The request for funds was approved on February 19, 2009, with a release of January 2010, as it was believed funds would be available prior to that date; however the auditor advised that adequate funds were available now to meet the obligation. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the renewal of a 3-year contract with Westlaw for electronic legal publication services. The contract provides for a 5% annual increase in monthly costs. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the sheriff's and auditor's quarterly reports for the period ending September 30, 2009. Both members voting aye thereon. Motion carried.

The County Auditor reported that the County Engineer was filing a certificate for the 22nd Avenue Drive Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer had inspected the work on the Project and that the same had been performed in compliance with the terms of the contract pertaining to the Project.

Thereupon, Supervisor Buch proposed and moved the adoption of the resolution accepting the work for the Project and levying special assessments.

The motion was seconded by Supervisor Vermedahl and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted:

Ayes: Vermedahl and Buch

Nays: None.

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

RESOLUTION NO. 09-62A

Accepting work on the 22d Avenue Drive Project, Adopting Final Assessment Schedule and Confirming and Levying Special Assessments

WHEREAS, certain property owners filed a Petition, Contract and Waiver with the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), requesting that the Board undertake sealcoat improvements to 22nd Avenue Drive from the intersection of U.S. Highway 218 and 22nd Avenue Drive north to the intersection of 22nd Avenue Drive with 57th Street Trail (the "Project") and agreeing to be assessed for one-half of the total cost of the Project, which Petition was approved by the Board on July 8, 2008; and

WHEREAS, heretofore and in strict compliance with Chapters 331 and 384 of the Code of Iowa, the Board did order the construction of the Project, and;

WHEREAS, the County Engineer has duly filed a certificate with respect to the Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer has inspected completed work for the Project and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

90

that the same has been performed in compliance with the terms of the contract, and the Engineer has filed a final assessment schedule, which has been fully considered by this Board;

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

Section 1. It is hereby found and determined that the work of constructing the Project which has been completed by the contractor is in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the cost of the Project that shall be assessed against private property within the assessable district is \$45,671.52.

Section 3. The final assessment schedule filed by the Project Engineers covering the 22nd Avenue Drive Project is hereby approved and adopted.

Section 4. Each of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule is hereby confirmed and levied, in the amount of \$2,686.56.

Section 5. Each of such assessments is hereby divided into 5 equal installments, as near as may be.

Section 6. All unpaid installments shall bear interest at the rate of 6% per annum from the date of this Resolution; provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of this Resolution, such payments to be made at the office of the County Auditor.

Section 7. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer on the first day of July, 2010, and shall become delinquent from October 1, 2010, and then bear the same interest with the same penalties as ordinary taxes.

Section 8. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2011 to 2014, inclusive.

Section 9. The County Auditor is hereby authorized and directed to certify and file the final assessment schedule with the County Treasurer.

Section 10. The County Auditor shall send notice of the special assessments, by regular mail, to each of the property owners, at the address shown on the final assessment schedule, not more than seven days after the date of this Resolution.

Such notice shall be in form substantially as follows:

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE
22nd AVENUE DRIVE PROJECT
BENTON COUNTY, IOWA

TO WHOM IT MAY CONCERN: Take notice that the Board of Supervisors of Benton County, Iowa, has adopted the final assessment schedule covering the 22nd Avenue Drive Project, which has been duly certified to the County Treasurer. The Project consists of the construction of sealcoat improvements on 22nd Avenue Drive from the intersection of U.S. Highway 218 and 22nd Avenue Drive north to the intersection of 22nd Avenue Drive with 57th Street Trail.

The amount of the assessment against each property owner who signed the Petition, Contract and Waiver for this Project and who agreed to be assessed a portion of the cost of the Project is \$2,686.56.

Any assessment may be paid in full or in part without interest within 30 days after the 7th day of October, 2009, such payments to be made at the office of the County Auditor. Assessments which are not paid in full within that time period will be divided into 5 equal annual installments due on the first day of July, commencing July 1, 2010. All unpaid special assessments will draw annual interest at 6% computed initially from the 7th day of October, 2009, to December 1, 2009, and thereafter computed from the December 1 immediately preceding the due dates of the respective installments to the December 1 next following the due dates of the respective installments.

By order of the Board of Supervisors of Benton County, Iowa.

County Auditor

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict. Passed and approved October 7th, 2009.

Chairperson

Attest: _____

County Auditor

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

Ayes: Vermedahl and Buch

Nays: None.

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

RESOLUTION NO. 09-63

Resolution to fix a date for a public hearing on a loan agreement in the principal amount of \$250,000

WHEREAS, Benton County, Iowa (the "County"), proposes to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in the principal amount of \$250,000 to provide funds to pay the cost, to that extent, of improvements at the County solid waste disposal landfill (the "Project"); and

WHEREAS, it is necessary to fix a date of meeting of this Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

91

Section 1. This Board shall meet on the 27th day of October, 2009, at the Boardroom, Benton County Courthouse, Vinton, Iowa, at 9:30 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, and not less than 4 nor more than 20 days before the meeting, in a newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT IN THE
PRINCIPAL AMOUNT OF \$250,000
(SOLID WASTE REVENUE)

The Board of Supervisors of Benton County, Iowa, will meet on the 27th day of October, 2009, at the Boardroom, Benton County Courthouse, Vinton, Iowa, at 9:30 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in the principal amount of \$250,000 for the purpose of financing improvements at the County solid waste disposal landfill.

The Loan Agreement will not constitute a general obligation of the County, nor will it be payable in any manner by taxation but will be payable solely and only from the Net Revenues of the Solid Waste Disposal System of the County.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the Board may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Benton County, Iowa.

Jill Marlow

County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. Passed and approved the 7th day of October, 2009.

Chairperson, Board of Supervisors
Attest:

County Auditor

Mary Williams, Social Services Director, requested that the Board amend her budget to allow spending authority for additional funds received from the Emergency Food & Shelter Program. The auditor advised that the board could either amend the budget to increase spending authority following the proper procedure or amend the appropriations and shift spending authority within the service area through a resolution. Moved by Buch, seconded by Vermedahl, to adopt Resolution #09-64, Service Area Budget Amendment. All members voting aye thereon. Motion carried.

Resolution #09-64
Service Area Budget Amendment

WHEREAS, the Benton County Board of Supervisors adopted the FY2010 budget on March 6, 2009; 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 FY2010 county budget is hereby amended within the following service area(s): Service Area 3 in the amount of \$3500.00. The auditor is directed and authorized to amend said service areas as needed. The auditor is also authorized to amend the budget to reflect the changes in fund transfer entries.

Dated this 7th day of October 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

ATTEST:

Jill Marlow, Benton County Auditor

Williams also spoke with the Board about the purchase of new computers for her department. The cost of the equipment is estimated at \$5,491.00, including installation. The board deferred action until the next board meeting to allow Supervisor Sanders to be present.

The board spoke by telephone with Dan Plisek about the status of the courthouse renovation. Plisek advised that the roof was completed and that the window replacement would occur within two weeks. The board requested a copy of the warranty on the roof and Plisek advised that he would contact Renaissance Roofing.

The engineer filed a report stating that the balance in the Blirstown bank landfill account on September 30, 2009, was \$48,380.12.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

92

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the Iowa Department of Transportation progress voucher for Peterson Contractors, Inc. for BROS-CO06(74)-5F-06 for the bridge replacement on 68th Street northeast of Keystone. The voucher releases the 3% retainage. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the utility request submitted by Poweshiek Water Association to place utility lines in the county's right-of-way under 32nd Avenue in Fremont Township sections 26 & 27. Both members voting aye thereon. Motion carried.

Supervisor Buch reported on the Highway 30 Coalition meeting he attended. Buch stated that property acquisition in Benton County is slated to begin in about three years for the widening of Highway 30.

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 29, 2009. Both 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, Benton County Auditor

October 13, 2009

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 October 7, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the claims submitted by Design Dynamics, Frazier Nursery, and Lowell Henkel, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve payment of checks numbered 116719 through 117229, including payroll, and ACH deposits numbered 6636 through 6848, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Recorder's Quarterly Report for the period ending September 30, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the letter stating the county will remain with Gruhn Law Firm, P.C. All members voting aye thereon. Motion carried. This action is taken due to Attorney Brett Nitzschke leaving the firm and Gruhn's request for clients to state whether they will stay with the Gruhn Law Firm or transfer their business to follow Attorney Nitzschke.

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 Jody Chalupa, the board took up the matter for consideration. There were no persons present for the hearing. One member of the media was present. Marc Greenlee presented the technical review in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is for land use change from agricultural use to a single residential use in Canton Township. Hearing all comment, it was moved by Buch, seconded by Vermedahl, to approve a land use change on approximately one acre generally described as being a Part of the East Ten acres of the SE1/4 of the NW1/4 of 3-84-9 for a single residential use. All members voting aye thereon. Motion carried.

The board discussed the repairs to the courthouse tower clock. The matter had been brought before the board on a prior occasion; however the supervisors requested that another quote be obtained for installing atomic clocks. The cost initially proposed was \$35,580.00. The proposal to include an atomic receiver and bell actuator was \$47,150.00. Both proposals do not include electrical for additional lighting and a \$2,500 contingency fee. The board questioned how much the bell actuator added to the cost as well as the warranty. Rick Bramow reported that the actuator was \$2100.00 and the repairs would carry a two-year warranty regardless of the option chosen by the Board. The auditor advised that the funds set aside for the restoration of the clock tower and roof still have money available to cover the costs of the clock repairs. Supervisor Vermedahl stated that he believed that county should maintain the courthouse, as it was a historic facility. Supervisor Sanders indicated that he was in agreement; however Supervisor Buch stated he was against spending money to repair the clock given the economic climate. No action was taken.

Mark Pigenot, Bob Mahood, Will Heber and Bob Urbain, all representing Benton County Conservation, met with the Board to speak about the conservation's use of the local option sales and services tax. Heber stated that Conservation would like to use the funds to pay for a portion of a new John Deere Gator and tires for the tractor at Hannen Park. The supervisors stated that the initial intent of the local option sales and services tax was not to supplant day-to-day operating expenses and that although the Gator they believed to be a unique purchase they did not know whether the tires fit that category; however the board did not deny the use of the funds for the tire purchase. Discussion also included the FY11 budget. Conservation questioned the supervisors as to budget increases, reductions, etc. The supervisors responded that they believed next year would be worse than the current year.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-65, Amending Resolution #09-48. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-65
Amending Resolution #09-48
Bank Depositories

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby amend Resolution #09-48, adopted on June 30, 2009, designating banks to be depositories for the County funds. Said amendment sets new depository limits for the banks listed below: The remainder of the original resolution adopted on June 30, 2009, remains in full force and effect.

US Bank

Vinton

\$ 500,000

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

93

Farmers Savings Bank & Trust Vinton/Traer	\$15,000,000
Cedar Valley Bank & Trust La Porte City/Mt. Auburn	\$ 5,000,000

Signed this 13th day of October 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Mary Williams returned to the board to request the purchase of computers for her office. Williams had previously submitted a quote from Erb's for \$5491.00 for three computers. Williams added that the quote did not include a firewall, which would be an additional \$600.00 to the \$1485.00 installation quoted by Erb's. Supervisor Sanders asked to speak with the county's information technology department as to their ability to install the computers versus paying an outside vendor. The matter was deferred until later in the meeting.

Jerry Petermeier provided an update on the status of the law enforcement center. Petermeier reported that demolition has progressed with a lot of debris taken to the landfill as well as steel being taken to recycling facilities. Petermeier reported on the meeting with FEMA and State Homeland Security officials on October 12th. Petermeier stated that the county was going to have review the plan designs for the new law enforcement facility and justify the increase in size to determine the amount that will be covered by FEMA.

Jennifer Ryan of East Central Iowa Council of Governments, the County Engineer Myron Parizek, and Dick Meyer, met with the Board regarding the county's recycling program. The engineer spoke about the recycling program and issues facing the county. Parizek stated that instead of charging \$25.00 per ton for recycling, we are now being charged \$75.00 a ton to take our recycling to the landfill due to the high level of contamination. Ryan stated that recycling being delivered to the recycling facility contains too much garbage. The source of the garbage was not know as to whether it was rural or urban residents or both. The board discussed various options available for the rural recycling program, including roadside pickup and a reduced number of drop-off sites. Ryan is to research some of the options and return to the board with suggestions.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by Farmers Mutual Telephone Company to place utility lines in the county's right-of-way along 31st Avenue in Section 3 of Canton Township. All members voting aye thereon. Motion carried.

The engineer spoke to the Board about utilizing the buy-back option for the Keystone area motor grader and purchasing a new motor grader for that area. Moved by Buch, seconded by Sanders, to authorize the engineer to pursue the buy back on the Volvo motor grader and the purchase of a used motor grader. All members voting aye thereon. Motion carried.

The board directed the auditor to have the required documents prepared for establishing a tax increment debt for resurfacing the 78th Street into Frontier Cooperative.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #09-66, REPEALING Resolution #09-62A. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

Resolution #09-66 REPEALING RESOLUTION #09-62A

WHEREAS, the Board of Supervisors took formal action on October 7, 2009, adopting Resolution #09-62A, and WHEREAS, the auditor has requested that the resolution be repealed due to a technicality, THEREFORE IT IS HEREBY RESOLVED that Resolution #09-62A, adopted on October 7, 2009, is hereby repealed in its entirety.

Dated this 13th day of October 2009

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The County Auditor reported that the County Engineer had filed a certificate for the 22nd Avenue Drive Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer had inspected the work on the Project and that the same had been performed in compliance with the terms of the contract pertaining to the Project, as follows:

Exhibit A attached hereto and incorporated herein.

Thereupon, Supervisor Buch proposed and moved the adoption of the resolution accepting the work for the Project and levying special assessments.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

94

The motion was seconded by Supervisor Sanders and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted:

Ayes: Vermedahl, Buch, Sanders

Nays: None

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

RESOLUTION NO. 09-67

Accepting work on the 22d Avenue Drive Project, Adopting Final Assessment Schedule and Confirming and Levying Special Assessments

WHEREAS, certain property owners filed a Petition, Contract and Waiver with the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), requesting that the Board undertake sealcoat improvements to 22nd Avenue Drive from the intersection of U.S. Highway 218 and 22nd Avenue Drive north to the intersection of 22nd Avenue Drive with 57th Street Trail (the "Project") and agreeing to be assessed for one-half of the total cost of the Project, which Petition was approved by the Board on July 8, 2008; and

WHEREAS, heretofore and in strict compliance with Chapters 331 and 384 of the Code of Iowa, the Board did order the construction of the Project, and;

WHEREAS, the County Engineer has duly filed a certificate with respect to the Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer has inspected completed work for the Project and that the same has been performed in compliance with the terms of the contract, and the Engineer has filed a final assessment schedule, which has been fully considered by this Board;

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

Section 1. It is hereby found and determined that the work of constructing the Project which has been completed by the contractor is in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the cost of the Project that shall be assessed against private property within the assessable district is \$45,671.52.

Section 3. The final assessment schedule filed by the Project Engineers covering the 22nd Avenue Drive Project is hereby approved and adopted.

Section 4. Each of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule is hereby confirmed and levied, in the amount of \$2,686.56.

Section 5. Each of such assessments is hereby divided into 5 equal installments, as near as may be.

Section 6. All unpaid installments shall bear interest at the rate of 6% per annum from the date of this Resolution; provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of this Resolution, such payments to be made at the office of the County Auditor.

Section 7. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer on the first day of July, 2010, and shall become delinquent from October 1, 2010, and then bear the same interest with the same penalties as ordinary taxes.

Section 8. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2011 to 2014, inclusive.

Section 9. The County Auditor is hereby authorized and directed to certify and file the final assessment schedule with the County Treasurer.

Section 10. The County Auditor shall send notice of the special assessments, by regular mail, to each of the property owners, at the address shown on the final assessment schedule, not more than seven days after the date of this Resolution.

Such notice shall be in form substantially as follows:

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE 22nd AVENUE DRIVE PROJECT BENTON COUNTY, IOWA

TO WHOM IT MAY CONCERN: Take notice that the Board of Supervisors of Benton County, Iowa, has adopted the final assessment schedule covering the 22nd Avenue Drive Project, which has been duly certified to the County Treasurer. The Project consists of the construction of sealcoat improvements on 22nd Avenue Drive from the intersection of U.S. Highway 218 and 22nd Avenue Drive north to the intersection of 22nd Avenue Drive with 57th Street Trail.

The amount of the assessment against each property owner who signed the Petition, Contract and Waiver for this Project and who agreed to be assessed a portion of the cost of the Project is \$2,686.56.

Any assessment may be paid in full or in part without interest within 30 days after the 13th day of October, 2009, such payments to be made at the office of the County Auditor. Assessments which are not paid in full within that time period will be divided into 5 equal annual installments due on the first day of July, commencing July 1, 2010. All unpaid special assessments will draw annual interest at 6% computed initially from the 13th day of October, 2009, to December 1, 2009,

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

95

and thereafter computed from the December 1 immediately preceding the due dates of the respective installments to the December 1 next following the due dates of the respective installments.

By order of the Board of Supervisors of Benton County, Iowa.
County Auditor

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved October 13, 2009.

Chairperson

Attest:

County Auditor

Moved by Sanders, seconded by Buch, to enter into closed session to consider a client appeal to the denial of funding by Benton County Social Services. All members voting aye thereon. Motion carried at 1:05 P.M.

Moved by Buch, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 1:50 p.m.

Moved by Buch, seconded by Sanders, to overturn the denial of the social services' director's decision to deny the client's request for funding and recommend that the client be funded for 30 days of residential placement. All members voting aye thereon. Motion carried.

Mary Williams returned to the Board to seek approval to purchase three computers for her office from Erb's. Supervisor Sanders reported that the county's information technology department advised that they could not install the computers as Williams' department was in a different fund. Moved by Buch, seconded by Vermedahl, to approve the request of the social services director to purchase three computers for her department at an estimated cost of \$6000.00 from Erb's Business Machines, which includes installation. Following discussion Supervisors Buch and Vermedahl rescinded the motion.

Moved by Sanders, seconded by Buch, to request the social services director to obtain additional quotes for the purchase of three computers. Further, after researching the various prices available, the director is authorized to purchase the computers with software and installation at the lowest responsive cost. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the modification to the Child Support Agreement changing the attorney from the Johnson County Attorney to the Attorney General's Office. All members voting aye thereon. Motion carried.

The Board discussed the FY11 budget and the effect the state's financial situation will have on the county. The board briefly discussed possible ways to reduce spending, including personnel needs.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

October 20, 2009

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.

Nancy Farmer, Marc Greenlee and Dr. Marc Dearden, representing Benton County Public Health Board met with the board to request the elimination of term limits for appointed health board members. Dearden stated it wouldn't affect any current board members so they thought this was a good time to address the issue. We currently have good quality members, but it is hard to find people willing and interested to serve. Supervisor Sanders feels it's important to have consistency with our boards. Farmer said the boards they are being compared are not on equal terms. The Health Board has a 3-year term while the Conservation Board is 5 years. In the state code it does have a 3-year term limit but not a rule per say how to limit that term. Buch agreed with Sanders to keep the terms since the county deals with more than one board. Vermedahl stated if we don't have term limits, it can become difficult when re-appointing someone. Will Heber, Benton County Conservation Director was also present for the discussion. The Conservation Board also has a hard time finding willing applicants. Dearden questioned why these Boards had to be treated the same since they both serve different needs. It was agreed to put this back on the agenda for Tuesday, October 27, 2009 at 9:00 A.M. for further discussion and possible action.

The Health Board also discussed the H1N1 preparedness and the current shortage of the vaccine distribution. There is no charge for the vaccine itself, but the providers can charge an administration fee. Those with the highest priority will come first for example: pregnant women, families with infants less than 6 months of age, health care workers, daycare providers and also those with chronic health problems. The Iowa Department of Public Health is in charge of giving out the restrictions. After those are met then it will be available to the general public.

Jennifer Ryan of East Central Iowa Council of Governments presented the Board with some examples of other county recycling programs and provided feedback after talking to others who used roadside pick-up as opposed to drop off sites. After further discussion with Ryan it was agreed that she would contact some local solid waste providers and see if they want to meet with the board to hear how they feel about the recycling program. This meeting will be on Tuesday November 10, 2009 at 9:30 A.M.

Moved by Buch, seconded by Sanders, to approve 28 ½ hours of vacation carry over for Randy Sherwood to be used by March 1, 2010. All members voting aye thereon. Motion carried.

Discussion was held regarding the abatement of property taxes due to loss from flood. Supervisor used Linn County as an example, they won't abate if the taxes were delinquent before the flood and if the property was sold after the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

96

flood date. It also needs to be clearer on flood definition, if this is only from a tributary water and not water backed up in basement. Andy Lent, Vinton's City Coordinator, said he did bring this up to the city council. Lent asked if this was limited to residential or if it also includes commercial. There needs to be a definition of unusable or unoccupied. And also questioned how the schools felt about this abatement and what affects it would have on their budget. Supervisor Buch agreed to contact the superintendents of those schools affected before a decision is made.

Jerry Petermeier and Todd McNall provided an update on the status of the law enforcement center. Petermeier reported that demolition has really moved forward in the last week and the demolition company was able to salvage more than the requested 80% of the tile. The stone is currently being stored in a county shed. McNall stated that Design Dynamics is currently putting together a spreadsheet comparing the old jail design and square footage to the new jail design and trying to justify the increase in size. The information will be presented to the state jail inspector for discussion and feedback. McNall stated that most of the increases in square footage are due to code changes, but the design schedule has been suspended until that feedback is received.

Scott Hansen and Steve Meyer with the Benton County Emergency Management Agency informed the board that the agency received notice that it will be getting \$500,000.00 in federal funding for a new emergency operations center. The agency was originally looking at a stand-alone building when the new jail was going to be located on the west edge of Vinton, but now is hoping to add on to the new jail being constructed at it's pre-flood site. Todd McNall stated that the matter should be discussed with FEMA since it involves federal funding. Supervisor Sanders thought it would be a good fit to have the sheriff and emergency management located together. McNall added this might be a good explanation to justify the difference in square footage also. Ultimately, there were still too many questions waiting to be answered to make any decisions at this time.

Moved by Sanders, seconded by Buch, to approve the minutes of October 13, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the renewal contract with Employee Benefit System for 125 Cafeteria Plan administration for 2010. The coverage cost per employee raised from 4.25 to 4.50 per employee per month. Voting aye were Sanders, Buch and Vermedahl. Nays none. Motion carried.

Ron Tippet, representing the sheriff's department union (Chauffeurs & Teamsters) and Supervisor Chairman Vermedahl, representing Benton County, exchanged initial bargaining proposals for contract negotiations.

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

David Vermedahl, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

October 27, 2009

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 establishing guidelines regarding attendance at meetings by appointed board members. Moved by Buch, seconded by Sanders, to adopt Resolution #09-69, Guidelines for Meeting Attendance by Appointed Commission and Board members. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-69

GUIDELINES FOR MEETING ATTENDANCE BY APPOINTED COMMISSION AND BOARD MEMBERS

WHEREAS, the boards and commissions appointed by the Benton County Board of Supervisors perform a vital service to Benton County; and

WHEREAS, it is necessary for members to regularly attend meetings in order for those boards and commissions to perform efficiently and optimally; and

WHEREAS, the Board of Supervisors desires to establish guidelines regarding attendance of meetings by the various appointees to county boards and commissions;

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

1. That the board and commissions established in Benton County serve a vital role in Benton County
2. It is necessary for members to regularly attend meetings in order for the commissions and boards to perform optimally

THEREFORE, the Board of Supervisors establishes the following guideline for appointees to county boards and commissions:

Persons appointed to county boards and commissions by the Benton County Board of Supervisors are expected to attend regularly scheduled meetings of their respective board and/or commission. The Board of Supervisors may remove appointees from the boards and/or commissions if they miss 25% or more of regularly scheduled meetings.

The Board of Supervisors shall have sole discretion as to the removal or retainage of appointees and may consider extenuating circumstances or any other pertinent factors in their determination.

This is for the sole purpose of establishing guidelines for attendance by appointees at regularly scheduled meetings of their respective board and/or commission. This guideline does not prohibit removal of an appointee for other reasons or as provided by law.

Signed this 13th day of October 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

97

ATTEST:

Jill Marlow, Benton County Auditor

The board discussed the proposed application form for use by persons interested in being appointed to county boards and commissions. The form will standardize the application process and enable the board to review potential candidates on the same criteria. Moved by Sanders, seconded by Buch, to adopt the use of a standard application form for county boards and commissions. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-70, Amending Resolutions #94-84 and #05-33, Conservation and Public Health Board Members. Roll Call: Voting aye were Vermedahl and Buch. Voting nay: Sanders. Motion carried.

RESOLUTION 09-70 AMENDING RESOLUTIONS 94-84 & 05-33 CONSERVATION AND PUBLIC HEALTH BOARD MEMBERS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #94-84 on November 22, 1994, and subsequently amended said resolution by the adoption of Resolution #05-33 on September 2, 2005, wherein guidelines were established limiting the number of terms for members of the public health board and the conservation board; and WHEREAS, Iowa law already sets the lengths of the terms for the public health board and the conservation board; and WHEREAS, the law does not require that the board of supervisors reappoint the same persons to those boards; and WHEREAS, it is within the authority of the board of supervisors to appoint different persons if the so desire at the expiration of a term or a vacancy and therefore a policy establishing terms limits is not required, and WHEREAS, the board has been approached about eliminating the board imposed term limits on members of the public health board,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all references to members of the Public Health Board in Resolution #94-84, adopted on November 22, 1994, and Resolution #05-33, adopted on September 2, 2005, are hereby stricken.

Dated this 27th day of October.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to approve the minutes of October 20, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a Class B Liquor License for Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the final payment and contractor's final lien waiver for the courthouse roofing project upon recommendation of Durrant Engineering. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 117230 through 117493, and ACH deposits numbered 6849 through 6954, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance. Linda Leaven submitted the application. Greenlee reported that Leaven is actively involved in the production of food and fiber as required by the county's ordinance and that the request meets the requirements for an exemption. Moved by Sanders, seconded by Buch, to approve a farm exemption requested by Linda Leaven on a parcel generally described as being located in the NW1/4 of the NW1/4 of 22-83-9, for a single residential purpose as provided in the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

The time of 9:30 having arrived, and this being the time and date for a public hearing on borrowing money for a solid waste improvement project, the board opened the hearing for comment. There were three members of the media present, as well as the county engineer and Vinton City Coordinator. There were no oral or written comments either for or against the matter, nor had any written comments been filed prior to this hearing with the county auditor. Hearing no comment, the chair declared the hearing closed. Moved by Sanders, seconded by Buch, to adopt Resolution #09-68, Resolution Expressing Intent to Enter into a Loan Agreement. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION NO. 09-68

Resolution Expressing Intent to Enter into a Loan Agreement

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors of Benton County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$250,000, for the purpose of paying the cost, to that extent of improvements at the County solid waste disposal landfill, and has published notice of the proposed action and has held a hearing thereon;

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

98

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

Section 1. The Board hereby determines that it will enter into the Loan Agreement in the future, and determines that this Resolution constitutes the "additional action" required by Section 331.402 of the Code of Iowa.

Section 2. All resolutions and orders or parts thereof in conflict with the provisions of this resolution, to the extent of such conflict, are hereby repealed.

Passed and approved October 27, 2009.

Chairperson, Board of Supervisors

Attest:

County Auditor

Jerry Petermeier, Project Coordinator for the Law Enforcement Center, updated the board on the status of various issues on the project. Petermeier reported that demolition was at the removal stage with a crusher being utilized on much of the cement debris. Petermeier also reported on his meetings with the architect and State Homeland Security officials regarding the design of a new facility and the associated codes and standards. Petermeier also briefly discussed the possible grant to Emergency Management for the construction of a new emergency operations facility and tying that into the law enforcement center.

The board discussed the possible abatement of taxes due to flood loss, specifically the 2008 flood. Treasurer Kelly Geater and Vinton City Coordinator Andy Lent were present as well as one affected member of the public. The supervisors discussed the need for a specific plan, with definitions of flooding, extent of damage, etc. in order for the abatement to be administered consistently. The treasurer and Lent offered to draft a proposal and present it to the board at their next meeting. The board was in agreement that tax relief should be provided to qualifying victims of the 2008 flood.

Kelly Geater spoke to the board about when she should decorate the courthouse for the holidays. The board told Geater that she should decorate when her schedule permitted. The auditor questioned whether the large trees on the south side of the courthouse should have lights strung before the ground dries or freezes – as the lawn is quite soft due to the recent rains and trucks would damage it. The board agreed that stringing lights on the trees should be delayed until the time that significant lawn damage will not be incurred.

Supervisor Vermedahl reported on the courthouse renovation project by advising that Durrant has now indicated that it will be another 5 weeks before Zephyr Aluminum receives the windows. The board was reminded that Durrant had reported that the windows would be received in 2 weeks on several different occasions over the past few months.

The auditor spoke with the Board about the Community Disaster Grant received by Benton County. The auditor has prepared grant applications, which were awarded, for various projects centering on the construction of a new law enforcement center. The grant money cannot be used for any expense that will be reimbursed by FEMA or another agency. The auditor stated that she is required to spend the money by June 2010; however she must submit a written report prior to January 1, 2010 on the specific intended use. The Board discussed the possibility of purchasing additional ground near the courthouse or flood protection barriers. No decision was made.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-71, Transfer of Funds. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-71
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that monies be transferred between funds as set forth below:

General Basic Fund to Capital Projects Fund: \$100,000.00
Community Development Block Grant Fund to General Basic Fund: \$45,925.00

Dated this 27th day of October, 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

99

Moved by Sanders, seconded by Buch, to adopt Resolution #09-72, Amending Resolution #07-58, Mileage and Expenses. Roll Call: Voting aye were Vermedahl, Buch, and Sanders. Nay none. Motion carried.

RESOLUTION #09-72 AMENDING RESOLUTION #07-58 MILEAGE AND EXPENSES

WHEREAS, the Benton County Board of Supervisors adopted resolution #07-58, Mileage and Expenses, on the 27th day of November 2007, setting the guidelines for reimbursement of employee expenses relative to mileage, lodging and meals, parking, and other travel related expenses; and

WHEREAS, the Board of Supervisors desires to amend the paragraphs on lodging and meals and incidentals; NOW THEREFORE BE IT RESOLVED that Resolution #07-58 amending the Benton County Employee Handbook, Section II-M, MILEAGE AND EXPENSE, is hereby amended as follows:

MILEAGE AND EXPENSES

Paragraph 2 is stricken and the following inserted in lieu thereof.

Paragraph 2. Lodging:

- A.) Lodging outside of Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk, and Buchanan Counties:
Reimbursement for all lodging expenses requires corresponding receipts.
- B.) Lodging inside of Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk, and Buchanan Counties:
Reimbursement for all lodging expenses requires corresponding receipts. The amount of reimbursement shall be limited to an amount equal to the amount paid for mileage for one roundtrip to the meeting destination. The lodging will only be reimbursable when the employee's attendance meets a business purpose on both days surrounding the overnight stay. Any portion of the lodging expenses exceeding the roundtrip rate shall be the responsibility of the employee. If there is not a business purpose for both days surrounding the overnight stay, then the entire amount of lodging for that night is the responsibility of the employee. Additional nights of lodging will be reimbursed in the same manner as set forth in this paragraph.

The following examples are for assistance in the administration of paragraph 2.B., above, and are for illustrative purposes only:

Example 1: Employee A attends meetings on Monday and Tuesday in Cedar Rapids (60 miles roundtrip). The meetings on both days qualify as a business purpose. The employee may stay overnight in Cedar Rapids on Monday night, but will only be reimbursed in an amount equal to 60 miles (one roundtrip) x the current mileage rate.

Example 2: The same employee also stays Tuesday night (second night) in order to continue attending meetings/classes on Wednesday. The employee will be reimbursed for the second night stay at the same rate as the first night.

Example 3: The same employee stays Tuesday night (second night) in order to attend a social gathering and avoid driving home late. There are no meetings on Wednesday. The entire lodging expense for Tuesday night is the responsibility of the employee.

Paragraph 3 is amended by adding subparagraph D as follows:

Paragraph 3. Meals & Incidentals:

- D.) Meals and incidental expense while traveling inside of Benton County are not eligible for reimbursement.

New Paragraph 9 is added as follows:

Paragraph 9. Determination of need for rest.

Benton County has determined that any travel outside of Linn, Johnson, Iowa, Poweshiek, Tama, Black Hawk, and Buchanan Counties is of sufficient distance and time that a period of rest is needed.

The policy adopted on November 27, 2007, and amended on this date is deemed to be an accountable plan in accordance with IRS regulations.

This policy is effective this 27th day of October 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

100

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve a utility permits requested by Poweshiek Water to place utility lines in various locations in the county's right-of-way in Kane, Union, Eldorado, Eden, Big Grove, Homer, Monroe, and Jackson Townships. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the transportation director to request approximately \$42,000.00 from the 2011-2014 Regional STP funds for the purchase of a transportation van. All members voting aye thereon. Motion carried.

The auditor provided information to the Board on the current budget and status of the county's reserves for the purpose of preparing for the FY11 budget. The board briefly discussed the information and indicated that they would review it further and discuss it at a future meeting. Of importance is the amount of funds that will be reimbursed by FEMA for inmate housing, which amount has not yet been determined by FEMA.

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

David Vermedahl, Chairman

ATTEST:

Jill Marlow, Auditor

November 3, 2009

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 rescinding Resolutions 94-84 and 05-33 establishing terms limits for conservation and public health board members. The board took action on October 27, 2009, removing all references to the public health board and now is considering rescinding the limits on conservation boards. Moved by Buch, seconded by Vermedahl, to adopt Resolution #09-73, Rescinding Resolutions #94-84 and 05-33, in their entirety. Voting aye: Vermedahl and Buch. Voting nay: Sanders. Motion carried.

RESOLUTION 09-73 RESCINDING RESOLUTIONS 94-84 & 05-33 CONSERVATION AND PUBLIC HEALTH BOARD MEMBERS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #94-84 on November 22, 1994, and subsequently amended said resolution by the adoption of Resolution #05-33 on September 2, 2005, and Resolution #09-70, on October 27, 2009, wherein guidelines were established and/or removed limiting the number of terms for members of the public health board and the conservation board; and

WHEREAS, Iowa law already sets the lengths of the terms for the public health board and the conservation board; and

WHEREAS, the law does not require that the board of supervisors reappoint the same persons to those boards; and

WHEREAS, it is within the authority of the board of supervisors to appoint different persons if they so desire at the expiration of a term or a vacancy and therefore a policy establishing terms limits is not required, and

WHEREAS, the board has eliminated the board imposed term limits on members of the public health board, and

WHEREAS, the board now desires to rescind the resolutions in their entirety and eliminate the policy on terms limits for both public health board members and conservation board members,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolutions #94-84, #05-33, and 09-70, are hereby rescinded in their entirety. This action eliminates board imposed term limits on members of the public health board and the conservation board. This action does not supercede any limitations set out in the Code of Iowa.

Dated this 3rd day of November 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve the Veterans Quarterly Report for the period ending September 30, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Rick Selk for a facility 1252 65th Street, Dysart, Iowa. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Benton County State Bank in Blairtown on October 31, 2009, was \$61,497.21.

The board discussed resetting the date for vacating the road located in Iowa Township between sections 35 & 36. The road will need to be surveyed and the landowners have been waiting for the crops to be harvested in order to have the survey done. The matter is deferred until such time as the survey has been completed.

Rob Peck and Todd McNall of Design Dynamics updated the supervisors on the status of the designs for the new law enforcement center. It was reported that numerous meetings have been held with State Homeland Security Public Assistance regarding the square footage of the proposed facility versus the square footage of the destroyed facility. As of this time, there is a discrepancy of approximately 800 square feet. If the extra footage is included it will have to be paid for by county funds with no FEMA Public Assistance funds. The cost per square foot is approximately \$160.00 to \$260.00 per square foot. The board expressed concern as to where funding would come from for the county financed

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

101

portion. There was also brief discussion about the grant funds being received by Emergency Management for an operations center. It is anticipated that the operations center would be added on to the law enforcement center, but there is no clear direction until the grant requirements are received. It was stressed that focus needed to remain with the law enforcement facility and not allow the project to be delayed due to the emergency operations center. The auditor advised that Emergency Management was a separate governmental agency and that Design Dynamics would need a contract with them for their services.

Moved by Sanders, seconded by Buch, to approve the minutes of October 27, 2009. All members voting aye thereon. Motion carried.

Roger Uthoff, Benton County American Legion Commander, met with the board regarding an event being held on November 19, 2009, and the signing of a community covenant. Uthoff requested use of the courthouse lawn as well as inviting all elected officials to sign a covenant that evening supporting the armed forces. Moved by Sanders, seconded by Buch, to authorize the Benton County American Legion to use the courthouse lawn the evening of November 19, 2009. All members voting aye thereon. Motion carried.

Uthoff also spoke to the board about an assistant for the Veterans Affairs Director. Uthoff stated that the issue had been discussed and addressed at meetings earlier in the year and it was his, as well as other veterans, understanding that a director and an assistant would be hired. Uthoff stated that he recently read in the newspapers that the assistant position was on hold. Uthoff requested that the board reconsider and allow the hire of an assistant to provide more availability and services to the county's veterans. Chuck James, Veterans Affairs Director, reported that the amount of claims being processed by him has increased significantly over the past year. James stated that his current budget would not be sufficient to provide relief services to veterans if it is to continue at its current rate. James stated that he is working approximately 30 hours a week. Uthoff added that he would like to see Benton County be a leader in veterans' services. Uthoff stated that more service men would probably be deployed in the next year and that more services will be needed for the veterans, as more and more service related issues arise. Supervisor Vermedahl commented that he believed everyone supported paying for services to veterans; however with the current budget situation he would prefer to see the funds go for services instead of paying for an assistant. Vermedahl and Sanders both stated that it the next budget year will be difficult at best and if he or anyone else had ideas for reducing the county's budget would be welcome at any public meeting. Uthoff stated that he is an advocate for the military's service people and would continue to do so. Uthoff stated that his goal was to ask the board to reconsider the hire of an assistant as the growth in the services being provided and sought has increased dramatically over prior years. Uthoff asked that the board consider a 16-hour assistant instead of a 20-hour per week assistant.

The board discussed the abatement of tax related to loss due to the 2008 flood. Andy Lent and Kelly Geater were present to discuss guidelines for the possible abatement. Geater, Lent and Sanders had agreed to present a proposal to the board at today's meeting. The proposal essentially mirrored Linn County's guidelines for abatement with copies of Linn County's abatement application being presented. The auditor questioned if there was a minimum amount of time relative to the "loss of use of the property" in order to qualify for abatement. The board indicated that there was no minimum requirement. The auditor questioned if tax abatement would also be afforded to agricultural producers who lost uninsured crops and suffered damage as well. Discussion was held on the various possibilities. Supervisor Vermedahl stated he would draft a proposal for board's consideration.

Steve Meyer presented the Benton County Profile and the Hazard Profile; both are parts of the Benton County Multi-Jurisdictional Hazard Mitigation Plan, to the board. Meyer reported that these are the first parts of the plan to be completed. Meyer also requested payment for these two phases of work completed. Moved by Buch, seconded by Sanders, to approve the invoice submitted by Meyer Consulting, LLC for \$8000.00 for the first phase of the project. All members voting aye thereon. Motion carried.

Meyer also spoke to the board about the planning committee for the Mitigation Plan. Meyer is to provide a list to the supervisors at their next meeting for approval.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 10, 2009

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 9:03 a.m. in the boardroom room of the courthouse.

The time of 9:00 a.m. having arrived, the board proceeded with canvassing the November 3, 2009 regular City Election. Having reviewed all results, it was moved by, seconded by, to approve the canvass of the November 3, 2009, City Election, and declare the winners so elected.

Jennifer Fencl with East Central Iowa Council of Governments, met with the board regarding recycling efforts in rural Benton County. Fencl reported on what other counties are doing and the number of recycling sites located in each. Herb Boots questioned how many drop off sites would be placed around Benton County. Boots stated that the county should remember how the trailers were first handled. Boots reported that the quality of recycling items in the trailers has continually gone downhill and drop-off sites need to be monitored. Boots suggested that the county get out of the recycling business and allow private business to handle it. Vermedahl questioned how the county would go about doing that. Boots questioned the cost of recycling now. Parizek stated approximately \$5000 per month is spent on recycling efforts in Benton County. Supervisor Buch said the problem is the county would have to change the tax rate on rural property, as recycling is included in their levy. Boots stated that the business community is being paid by the public. Waste Management commented that recycling pickup in rural Benton County would require two trucks – one for garbage and one for recycling – which would be pretty costly. Fencl stated that she spoke with several haulers who all expressed that the county should get out of the business and allow private industry to handle recycling. Supervisor Buch stated that he would like to see the private business take over the recycling process. No decisions were made.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

102

The board considered a request for a variance to the county's subdivision ordinance submitted by Jennifer Rouse. Marc Greenlee explained that the applicant occupies a residence on property owned by her mother, Jodene Ludden. Greenlee explained that Ludden had split off a parcel several years ago and now ask that the pre-existing home be split off as well. Kyle Helland of Helland Engineering explained that there were not going to be any improvements other than bringing septic systems up to code and therefore are requesting a variance be issued. Supervisor Vermedahl questioned what the hardship was to request the variance. Helland explained that the applicant was unable to secure financing for the property without it being split. Moved by Buch, seconded by Sanders, that a variance be granted to the Benton County Subdivision Ordinance to Articles VI: 6.02 Preliminary Plat and its contents items A – Q and 6.05 Attachments to the Final Plat items A – F, for Parcel A located in the SE1/4 of the SW1/4 of 10-86-10, due to the financial hardship for the applicant to obtain financing and due to the property was pre-existing and roads are pre-existing. All members voting aye thereon. Motion carried.

Mary Williams spoke to the Board about a Substance Abuse and Mental Health Services Administration (SAMHSA) a federal grant for children's mental health services. The East Central Iowa Children's Mental Health System of Care Initiatives is requesting a letter of support from Benton County to submit with the grant application. The grant is for regional services. Moved by Buch, seconded by Sanders, to offer a letter of support for the grant with no financial commitment other than in-kind contributions. All members voting aye thereon. Motion carried.

Mike Elwick, Rick Ohrt, and Andrew Lent met with the Board regarding the city's efforts to provide mitigation measures for future flood events. Elwick stated that the Vinton Municipal Electric Utility purchased approximately 2200 feet of Hesco barriers going four feet high to help protect the utility and adjacent areas. The county had contacted the VMEU regarding the mitigation measures for consideration in partnering with the county the Community Disaster Assistance Grant. Elwick stated that the City would like to partner with the county as to the costs for engineering, acquisition, and/or planning for the Hesco barriers and would like to form a committee to study mitigation measures. Supervisor Vermedahl asked Gerald Petermeier if he would represent Benton County on the committee once formed. Petermeier agreed.

Design Dynamics met with the board to discuss the status of the design for the law enforcement center. Todd McNall reported on the various spaces that FEMA would not fund in the new facility, totaling 808 square feet. McNall reported that narrower corridors were being implemented to reduce overall square footage to try to comply with FEMA's desires. Design Dynamics presented several floor plans for the board's consideration. Differences between the plans included the total amount of square footage as well as use specific uses for some areas. Understanding that approximately 808 square feet would not be FEMA reimbursable expense, it was moved by Buch, seconded by Sanders, to direct the architects to continue development of "Plan C". Plan C does not include any additional square footage. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve checks numbered 117494 through 117763 and 118001 through 118123, and ACH deposits numbered 6955 through 7061, for payment. It is further noted that checks numbered 117764 through 118000, are unused and voided as the vendor erroneously omitted checks numbered 117800 through 118000 leaving an insufficient number available for use. All members voting aye thereon. Motion carried.

The auditor spoke with the board about capturing tax increment funds for road improvements to Florence Township near Frontier Cooperative. Moved by Buch, seconded by Sanders, to adopt Resolution #09-74, AUTHORIZING LOAN TO TAX INCREMENT FUND. Roll Call Vote: Ayes: Vermedahl, Buch, and Sanders. Nays: None. Motion carried.

RESOLUTION NO 09-74

AUTHORIZING LOAN TO TAX INCREMENT FUND

WHEREAS, the Board of Supervisors of Benton County, Iowa, has established the Benton County Frontier Urban Renewal Area (the "Urban Renewal Area") and has established the Benton County Frontier Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"); and

WHEREAS, expenses have been incurred in connection with a project within the Urban Renewal Area known as the Frontier Road Project (the "Project"); and

WHEREAS, in order to make the cost of these expenses eligible to be paid from incremental property tax revenues, it is necessary to create an internal debt;

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

Section 1. It is hereby directed that \$65,000.00 be advanced to the Tax Increment Fund from the Secondary Road Fund, in order to pay the costs of the Project. This advance shall be treated as a loan (the "Loan") to the Tax Increment Fund and shall be repaid to the Secondary Road Fund, with interest at the rate of 4 % per annum, out of incremental tax revenues received with respect to the Urban Renewal Area.

Payments on the Loan are subject to annual appropriation by the Board of Supervisors and to the Board's determination that there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund.

Once appropriated, payments shall be made on the Loan on June 1 of each year to the extent there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund. Funds shall be credited first to accrued interest and then to outstanding principal. The right is hereby reserved to issue

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

103

additional obligations, or to enter into additional loans, payable from the Tax Increment Fund, which may either rank on a parity with the Loan or may have a priority over the Loan with respect to the revenues in the Tax Increment Fund.

Section 2. The Tax Increment Fund is hereby pledged to the repayment of the Loan, and a copy of this Resolution shall be filed in the office of the County Auditor to evidence this pledge. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2009, the original amount of the Loan.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED the ____ day of _____, 2009.

Chairperson

Attest:

County Auditor

Moved by Sanders, seconded by Buch, to appoint the following persons to the Benton County Multi-Jurisdictional Hazard Mitigation planning committee: Andrew Lent, William Hiner, Jason Sanders, Pat Daily, William Heber, Nancy Farmer, Mary Williams, Renae Becker, Teresa Floyd, Mary Jo Hainstock, Jerry Meadows, Patricia Rausch, K.C. Rausch, Tom Budak, Randy Bauer, Mike V. Hagan, Keith F. Schmitz, Josh Humphrey, Scott Hansen, and Jason Sanders. Discussion: The auditor reminded the board that the committee would not be gender balanced and although the law is not in effect yet it was the intention to delay enactment to allow political subdivisions time to balance the various boards. Supervisor Sanders replied that his motion stood as stated. All members voting aye thereon. Motion carried.

The board began reviewing applications for the Benton County Conservation board. There were ten applications received. Applications were sought to fill the vacancy and for the term beginning January 1, 2010.

The board discussed the FY11 budget and the need to meet with the various departments. The board was unsure how the next budget year would unfold with the various state reductions and reductions in anticipated FEMA reimbursements. The board agreed to hold a meeting with the departments on November 24, 2009, to discuss the upcoming budget process at 1:30 p.m.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 13, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch, and Sanders present. Supervisor Sanders and Buch attended by telephone due to the exigency of the matter and it was fiscally in the best interest to attend electronically by two members. The meeting was placed on a speakerphone available to public participation. The chair called the meeting to order at 5:00 p.m. in the supervisor's office of the courthouse.

Moved by Buch, seconded by Sanders, to order a recount of the ballots cast in the Regular Belle Plaine City Election for the position of Council Member Ward 3 pursuant to a request filed by James Kurovski. Buch Aye. Sanders Aye. Vermedahl Aye. Motion carried.

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

David Vermedahl, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

November 17, 2009

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 adopt Resolution #09-75, Ludden First Addition to Benton County, Iowa. Roll Call: Ayes: Vermedahl & Sanders. Nays: none. Motion carried.

**LUDDEN FIRST ADDITION
TO
BENTON COUNTY, IOWA**

RESOLUTION NO. 09-75

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

104

RESOLUTION ACCEPTING AND APPROVING THE "LUDDEN FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Ludden First Addition to Benton County, Iowa, containing two (2) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Ludden First Addition is a subdivision of the North ½ Northeast ¼ Southwest ¼ Section No. Ten (10), Township No. Eighty-Six (86) North, Range No. Ten (10) West of the Fifth P. M. and commencing at the Northwest corner of the North ½ of the Southeast ¼ of Section No. Ten (10), Township No. Eighty-Six (86) North, Range No. Ten (10) West of the Fifth P. M., thence South 40 rods, thence East 32 rods, thence North 40 rods, thence West 32 rods to the place of beginning, Except Parcel "A", per plat of Survey dated 8/20/2003 and recorded in Book 13 page 75 in the Office of the Benton County Recorder.

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 Benton County Board of Supervisors find that the Final Plat of Ludden First Addition would be advantageous to Benton County, Iowa, and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that said Final Plat of Ludden First Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

3. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
4. Any new private on-site sewage treatment system will be constructed with the approval of the Benton County Health Department

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Benton County Board of Supervisors that said board, on November 10, 2009, at the request of Jodene Ludden, Developer, did grant a variance waiving the following items regarding the submission of the "Ludden First Addition" Final Plat:

Article VI: 6.02 Requirements of the Preliminary Plat, A-Q, Article VI 6.05 Attachments to the Final Plat, A-F, and Article V, 5.01-5.07.

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 17th day of November 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 10, 2009 and November 13, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by the City of Urbana to place utility lines in the county's right-of-way in Polk Township, approximately ½ mile south of Highway 150 along 31st Avenue. All members voting aye thereon. Motion carried.

The board discussed the possible creation of a Benton County Integrated Roadside Vegetation Management Committee (IVRM). Ann Jorgenson, representing a group of interested persons, spoke about the advantages of creating such a committee and the function they would provide to Benton County. Jorgenson reported on other formal IVRM programs in other jurisdictions including the State. Jorgenson stated that few counties have a full time weed commissioner. Myron Parizek stated that the duties of the weed commissioner were to address weed control outside of the county ditches; however the Benton County weed commissioner has spent most of their time dealing with noxious weeds in the secondary road ditches. Parizek stated that using native grasses and forbs in the ditches started with the road south of Van Horne and have gradually implemented native plantings from that time. Benton County applies for free native seed most years dependant upon the amount of seed in inventory. The engineer reported that a map is being created indicating what areas have been planted by the county with native forbs and grasses. Parizek stated that the formation of a committee could be advantageous in pulling together the knowledge of individuals to assist in the direction of the county's IVRM program. The board heard comments from those present supporting the IVRM program and the committee. Supervisor Vermedahl warned that one of biggest problems facing the county is money and the need to do things that are budget wise, asking if the program will save money in the long term or if it is an investment with no return?

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

105

Jorgenson responded that the program could not be sold as a money saver but that it won't cost anything. Jorgenson stated that other counties have very successful programs but that it took years to reach that point. The board reviewed a draft of document forming the IVRM committee; however the auditor pointed out several areas that either needed to be rewritten or clarified. The matter was placed on December 1, 2009, agenda for final action.

Moved by Sanders, seconded by Vermedahl, to approve 12 hours of vacation carry-over requested by Mary Ann Blumer. Said carry-over is to be used no later than January 1, 2010. Both members voting aye thereon. Motion carried.

Nathan Hesson, Vinton Unlimited Director, requested use of the courthouse lawn on November 19, 2009, for Vinton's annual Christmas lighting and November 22, 2009, for business open house, and December 5, 2009, for the train ride. Moved by Sanders, seconded by Vermedahl, to approve the request of Vinton Unlimited to use the courthouse lawn on November 19, 2009, November 22, 2009, and December 5, 2009. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to allow Vinton Unlimited to use the courthouse on November 22, 2009, and allow Santa Claus to be stationed inside of the courthouse. The auditor questioned the directive of the county's insurance carrier stating that holiday activities be restricted due to the separation of church and state. Supervisor Vermedahl stated that he would check with the insurance company prior to the event as to their opinion. Supervisor Sanders stated that allowing Santa Claus in the courthouse was not a religious expression in his opinion. The board discussed the matter and proceeded with the vote. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve for submittal to the State a claim for services provided by Tammy Wetjen-Kestersen, in the amount of \$4,812.00. Both members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen requested that the board approve an amendment to the agreement between Benton County and the Department of Human Services for services. The amendment provides for an increase from \$28,875 to \$31,040, due to a wage increase for Wetjen-Kestersen as approved by the Decategorization Board. Moved by Sanders, seconded by Vermedahl to approve the Second Amendment to the Decat Program Administration Contract, effective immediately. Both members voting aye thereon. Motion carried.

The Board discussed the abatement of taxes due to properties destroyed by the June 2008 flood disaster.

Moved by Sanders, seconded by Vermedahl, to correct the Abstract of Votes for the City of Newhall election held on November 3, 2009. The initial abstract was erroneous and this action merely corrects the error. Both members voting aye thereon. Motion carried.

Treasurer Kelly Geater spoke with the Board regarding the FY2011 budget. Geater stated that she would not be able to attend the meeting with the board on November 24, 2009, and requested that she be provided with any information and/or directions provided. Geater requested that the board give direction at the start of the budget process as to wage and department increases rather than after the budgets had been submitted as had been done in prior years. Geater stated that it was difficult to submit an accurate budget estimate without direction from the supervisors up front and added that when the direction by the board is given that they stand behind it and not change that directive at a later time.

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

David Vermedahl, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 20, 2009

The Benton County Board of Supervisors met in special session with Supervisors Vermedahl, Buch, and Sanders present. Supervisor Buch attended by telephone due to the exigency of the matter and it was fiscally in the best interest to attend electronically by one member. The meeting was placed on a speakerphone available to public participation. The chair called the meeting to order at 2:30 p.m. in the supervisor's office of the courthouse.

Moved by Buch, seconded by Sanders, to declare Janet Sliter the winner by draw for Blairstown City Council. Buch Aye. Sanders Aye. Vermedahl Aye. Motion carried.

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

David Vermedahl, Chairman

ATTEST: _____
Gina Edler, Elections Clerk

November 24, 2009

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl, Buch, and Sanders present.

Moved by Buch, seconded by Sanders, to approve the minutes of November 13, 2009 and November 20, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 118124 through 118206 and 118207 through 118376, and ACH deposits numbered 7062 through 7166, for payment. All members voting aye thereon. Motion carried.

It was discussed that Bill Grovert contacted Supervisor Buch about the old Grovert car dealership property in Newhall and asked if the county would benefit from it and if they were interested in purchasing it.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the Amended Fiscal Agent Agreement with Benton County Empowerment. The amendment reduces the amount Empowerment is required to pay the county for fiscal agent fees. All members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that after checking with Alternative Risk Services about hosting Santa Claus in the courthouse, that wasn't a problem. It was just treated as one of the normal risks of having the public use the courthouse for any reason.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

106

Sheriff Forsyth and Deputy Ferguson discussed the law enforcement contract costs between the Sheriff's office and the local cities and also the dispatching fees. They did recommend a slight increase after researching the costs to the county involved and compared that cost with other local departments.

Moved by Sanders, seconded by Buch to increase the law enforcement contract costs from \$20 an hour to \$21 an hour, effective July 1, 2010. All members voting aye thereon. Motion carried.

It was moved by Sanders, seconded by Buch to increase the dispatching contract with the City of Belle Plaine from \$17,000 a year to \$17,850 and the City of Vinton from \$18,000 to \$18,950 a year. All members voting aye thereon. Motion carried.

The Board held four interviews with conservation board applicants from 10:30 a.m. until 12:00 p.m., no applicants requested to go into closed session.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

107

Moved by Sanders, seconded by Buch, to adopt Resolution #09-76, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-76 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$100,000.00 be transferred from the General Basic Fund to the Capital Projects Fund.

Dated this 24th day of November 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Hayley Rippel, Deputy County Auditor

Mary Williams, Social Services Director presented and discussed the 2009 Benton County MH/MR/DD Report. She explained some of the increases and decreases and went over the progress on the goals and objectives.

The board took a short lunch break from 12:30 until 1:15.

Myron Parizek, Benton County Engineer, met with the board to discuss and set the price for sand and salt mixtures for the 2009/2010 winter season. Moved by Sanders, seconded by Buch to stay with the \$28/ton to local government entities and \$32/ton for non-government entities. All members voting aye thereon. Motion carried.

Parizek also gave the board an update on the new cell construction project at the landfill. He estimated another 5 to 6 working days before they will be ready for the liner. Depending on how that all goes and talking to the coordinator of the project he'll know more which direction it will be headed.

The board discussed the lighting in the unincorporated town of Watkins. Dan Schulte had contacted a board member regarding the Watkins street lights. The county gives \$800 a year to the city to cover costs of the lighting. Schulte wanted to inform the county of the increasing costs and how they wanted to handle this. Parizek said it was his understanding that Schulte took care of the monthly billing and just submitted a yearly reimbursement bill to the County. Supervisor Buch said he would get back with Schulte.

The Board met with the department heads to discuss the budget. The Board stressed how important it is to be very conservative and to not have any increases in the budget this year. Supervisor Buch stated that they are open to any suggestions, but things weren't looking good. The jail issues with FEMA were beyond our knowledge. Sanders explained that he understood the frustration but until they know more from the state's cuts he wanted them to realize General Basic is already levying at its max. Supervisor Vermedahl asked that each department look at their own departments spending and to put off purchases if possible. We are all in this together and we need to work together in this situation.

Jerry Petermeier, Project Coordinator, updated the board on the status of the law enforcement center site. They are coming to the near end with the dirt fill. The slopes around the edges still need some work and the fence will need to come down. The parking concerns for the finalized project were also discussed.

Scott Hansen and Steve Meyer, Emergency Management Agency, wanted to discuss with the board about inclusion of Emergency Management Center with the new law enforcement center. It has been previously discussed at prior meetings and the EMA has approval with their commission but needs the boards ok. Vermedahl questioned how FEMA would handle this funding. Meyer explained that it will still be considered two separate projects, and that they will need to keep track of the increased costs. Attorney Dave Thompson questioned the funding and how the EMA planned to pay the contractor before the grant money becomes available. The EMA has already looked into a possible advance on their budget funding from the Duane Arnold Center and still some other options. After no further discussion, it was moved by Sanders, seconded by Buch, to agree to the inclusion of the Emergency Management Center with the new Law Enforcement Center with the understanding that the EMA commission continues to pursue the temporary funding issues until that grant money becomes available. Voting aye were Vermedahl, Sanders and Buch. Motion carried.

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

David Vermedahl, Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

December 1, 2009

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 four days of vacation carry-over requested by Marc Greenlee, to be used by March 1, 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the resignation of Doris Trefz from the sheriff's department due to retirement. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to acknowledge the receipt and filing and the annual manure management plan submitted by Cedar Valley Farms, LLC, at the facility located at 2188 78th Street, Blainstown, Iowa. All members voting aye thereon. Motion carried.

Mary McLaughlin advised that she and the recorder had arranged for a wellness event for county employees for this afternoon at 1:00 p.m. to discuss weight management. Supervisor Sanders questioned if this event was in lieu of the employee appreciation. McLaughlin stated that it did. Mary Ann Blumer questioned why the employee appreciation was replaced – commenting that part-time employees were no longer able to participate in the new wellness program as they

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

108

had been able to in the past. McLaughlin stated that ISAC would no longer reimburse for the appreciation event stating that the auditor had explained to ISAC that it was a "feel good" event that benefited the employees. The auditor corrected the statement by stating that she told ISAC that the county held a wellness event in conjunction with an appreciation event that included wellness topics, i.e. stress relief, etc. The auditor stated that as far as the appreciation event, it was a legal expense of the county and was never reimbursed by the ISAC wellness program due to prior action taken by the board of supervisors, and the cost was minimal at most. The auditor stated that the event also provided an opportunity to provide training to the employees on personnel matters. The board stated that they believed the employee event should still continue.

Lexa Speidel informed the board that she had placed a Christmas tree in the hall outside of her office and that it was going to remain there. The board did not disapprove.

Randy Scheel, representing the Old Creamery Nature Trail, met with the board to request that Benton County Conservation assume control of the nature trail. Scheel explained the advantages, including grant availability, should the county assume ownership. Mark Pingnot, Benton County Conservation Board member, reported that the conservation board had considered the request and that this would be a relatively low cost activity due to the number of current volunteers on the trail. County Attorney Dave Thompson questioned if the trail committee would continue to do fundraisers and provide funding for the trail. Scheel stated that the committee would continue to be active and serve as a "foundation" type organization. Supervisor Sanders questioned if there would be any use restrictions, i.e. use a snowmobile trail. Thompson stated that if the county accepted the trail it would be the conservation board that would set all rules and regulations for the trail. Scheel stated that the OCNT committee would like to see if the integrity of trail to remain, but would present the trail with no stipulations. Supervisor Buch questioned what the current surface was on the trail and what the expectations were for future surfacing. Scheel stated that the current surface is limestone and that the committee has received many compliments on the current surface. Pingnot stated that there are many grants available to upgrade the surface; however there are many reports supporting the limestone surface. Buch questioned what the amount of use was on the trail. Scheel stated that cameras have been placed along the trail, which indicates more use close to Vinton. Several other members of the committee were present and provided comments as to its use. Nancy Baldwin emphasized that it was a nature trail as well. Supervisor Vermedahl questioned if conservation had enough staff to operate the trail knowing that the county's budget is extremely limited, and added that if the county cannot afford to support the trail, the decision could be made to close it and the committee would have no control over that decision. Scheel responded that he understands there are no guarantees in life it is an effort that he would continue to support. Pingnot stated that although budgets are always a concern, but he believed this was a once in a lifetime opportunity. The trail would help fill the conversation's mission and is equivalent to a 200-acre park. Pingnot reported that the conservation board has discussed the proposal, but requested that the group meet with the supervisors as the conservation board would like the supervisors' approval to accept the gift. Supervisor Sanders stated that he has financial concerns should the county accept the property. Pingnot stated that either the county steps up and makes it work or we don't. Pingnot stated that there will be a cost to the county, but how much is an unknown. Pingnot stated that the bridges are in good repair and that the group has done a great job in keeping the trail system up.

Moved by Sanders, seconded by Buch, to accept and file the weed commissioner's annual report for 2009. All members voting aye thereon. Motion carried.

The county engineer provided an update on the new landfill cell construction. Parizek stated that the liner installation should begin by the end of the week. Parizek stated that the project was delayed slightly due to the rain in November.

Ann Jorgenson met with the board regarding the creation of the Integrated Vegetation Roadside Management Advisory Committee. Jorgenson reviewed the contents of a proposal setting forth the formation of the committee, meetings, term length, etc. Mark Pingnot stated that his occupation allows him to be involved with other counties and that this was a good start to the process. Moved by Buch, seconded by Sanders, to adopt Resolution #09-77, CREATION OF THE BENTON COUNTY INTEGRATED VEGETATION ROADSIDE MANAGEMENT (IVRM) ADVISORY COMMITTEE. Roll Call: Ayes: Vermedahl, Buch, and Sanders. Nays: None. Motion carried.

RESOLUTION #09-77

CREATION OF THE BENTON COUNTY INTEGRATED VEGETATION ROADSIDE MANAGEMENT (IVRM) ADVISORY COMMITTEE

WHEREAS, the Benton County Board of Supervisors has determined that the integration of native vegetation in the county's road right-of-ways would be beneficial to the county; and
WHEREAS, the board believes that an advisory committee would serve a useful purpose in developing a integrated vegetation roadside management program; and
WHEREAS, the Board of Supervisors has the authority to create an advisory committee for that purpose,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors, that a Benton County Integrated Roadside Management Advisory Committee is hereby created as follows:

BENTON COUNTY INTEGRATED VEGETATION ROADSIDE MANAGEMENT (IVRM) ADVISORY COMMITTEE

An Integrated Vegetation Management Advisory Committee is formed to assist in the planning and implementation of Benton County's roadside management efforts. The committee shall consist of no more than ten persons and be comprised of five persons representing the public sector (federal, state, and local) and five persons representing the private sector. Committee members should possess a background in native vegetation, weed management, environmental sciences, conservation, agriculture or have a demonstrated interest in one of the stated areas and/or roadside management.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

109

It is suggested, but not required, that consideration be given to the following persons, departments and organizations when making appointments:

Public Sector:

Benton County Engineer
Benton County Conservation
School Districts/Educators
Natural Resources Conservation Service (NRCS)
Benton County Soil and Water Conservation District (LSWCD)
Benton County Board of Supervisors and/or their designee

Private Sector:

County residents interested in roadside management
Trees Forever, Pheasants Forever, or other conservation organizations
Farm Bureau, Soybean Association, Corn Growers Association, or other persons/organizations involved in or with the agricultural industry

It shall be the sole authority of the board of supervisors to appoint members to the committee. The county engineer and/or current committee members may recommend persons for appointment; however, the board of supervisors may accept or reject any or all such recommendations.

The members shall serve three-year staggered terms. Terms shall be on a calendar year basis. The initial appointments shall be as follows:

3 persons – 1-year term
3 persons – 2-year term
4 persons – 3-year term

The committee shall elect a chairperson from the membership to preside over meetings and perform other duties. The chairperson will serve for one year and may be re-elected by the committee. The committee or the board of supervisors may designate a member of the committee or other county employee to serve as secretary of the committee.

The committee shall be subject to Chapter 21 and 22 of the Code of Iowa concerning open meetings and public records. Meetings of the IVRM will be held quarterly at a minimum and at additional times as determined by the committee and/or chairperson. However, consideration should be given to the public's ability to participate.

Expenses of the committee, if any, shall be the responsibility of the county engineer and must be approved in advance.

The board of supervisors may amend the purpose, duties, structure, composition, or any matter relating to the committee at their sole discretion at any time.

Dated this 1st day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The board discussed the parking area for the new law enforcement center. It had been suggested that the brown transportation building be moved across the street so that the sheriff's department could have parking adjacent to their new facility versus parking across the street or on the street. Jerry Petermeier reported that he had researched having angled parking on 2nd Avenue and found that it may be a possibility. Supervisor Buch stated that he had stepped off the street area and found that approximately fourteen spots would be available on the street. Petermeier questioned if the lot to be used for geothermal could have parking above it. Todd McNall replied that you could have a parking lot over it. McNall stated that a majority of the wells for the geothermal would be located on vacant lot, but would need some wells on the county's property to the east of the courthouse unless the county purchased additional land to the north of the vacant lot. The sheriff stated that he would need 14 parking spots for employees during a normal day and that the old lot had about 24 spaces, which was full at times. The sheriff stated that the lot across the street would be ok if it is fenced and secured. The county attorney stated that there should be parking for the general public and secured parking for law enforcement employees. Supervisor Buch stated that he would rather see fenced parking versus moving a building just so to provide parking adjacent to the new law enforcement center. Discussion also included cutting into the curb adjacent to the new facility and put restricted diagonal parking in that area. . Forsyth stated that it would cost in the area of \$50,000 if the parking lot were constructed in a way as to provide the most security and convenience to the officers and employees. The board requested that Design Dynamics research the costs for a secured parking area on the vacant lot located across the street east of the law enforcement facility.

Moved by Sanders, seconded by Buch, to approve the minutes of November 24, 2009. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

110

The board discussed the creation of the tax abatement program for the June 2008 flood victims. The board reviewed the proposed application forms prepared by the treasurer. Supervisor Vermedahl commented that the application did not contain a definition of flood, so that sewer back up was not included. The board questioned the auditor if she had any questions with the proposed applications. The auditor responded that she had not received a copy of the most recent revision and therefore was not able to comment. The board deferred action until the application forms could be reviewed and possibly refined further.

The board discussed the applicants for the conservation board. Moved by Sanders, seconded by Buch, that Stephanie Black be appointed to the Benton County Conservation Board for a five-year beginning January 1, 2010, and that Trent Jacobi be appointed to the Benton County Conservation Board to fill the vacancy created by the resignation of Erin Monaghan. 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

December 8, 2009

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 118377 through 118642, including payroll, and ACH deposits numbered 7167 through 7272, for payment. All members voting aye thereon. Motion carried.

The auditor provided an update on the replacement of the window in the courthouse clock tower. Zephyr Aluminum is to replace the window on December 10, 2009. The cost of the new window is \$2,319.00; however Zephyr is providing a \$700 credit and then Durrant Engineering is going to reimburse the county \$919.00 according to Dan Plisek of Durrant.

The auditor told the board that she was not ready to present the lease agreement for signature between Benton County and LDM, Inc. for the old Lincoln school building as there were several areas she wanted clarification on before taking action.

Moved by Buch, seconded by Sanders, to approve 21 hours of vacation carry-over requested by Hayley Rippel, to be used by March 1, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of December 1, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 37.5 hours of vacation carry-over requested by Elaine Bolton, to be used by March 1, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to set December 15, 2009 at 11:15 a.m., as the time and date for action on vacating a road between sections 35 and 36 in Iowa Township. All members voting aye thereon. Motion carried.

Librarians from Shellsburg and Keystone met with the Board to discuss the upcoming budget and requested that the board continue to fund the libraries with the hopes of an increase for FY11. The librarians explained that services have increased due in large part to the economy, including the number of rural patrons. Supervisor Vermedahl explained that the county has not started the budget process; however with the state funding reductions and other issues facing the county, it did not appear that there would be any increases in funding and that he hoped there would not be reductions.

The engineer submitted a written report stating that the balance in the landfill bank account in Blainstown on November 30, 2009, was \$61,020.00.

The engineer's report also provided an update on the landfill cell stating that the project is basically done until spring due to the weather. The clay liner was completed and is ready for the geomembrane/geotextile installation.

Moved by Buch, seconded by Sanders, to authorize an application process for property owners who suffered loss due to the June 2008 flood to request tax abatement, with the added definition of "flood". The requests for abatement must be submitted no later than January 30, 2010 to the Benton County treasurer. The board reserves the right to grant or reject any request for abatement in full or in part. All members voting aye thereon. Motion carried. The application sets forth certain criteria needed for the board to use when determining whether an abatement will be granted.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-78, Amending Resolution #09-50 Interfund Transfers. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-78
AMENDING RESOLUTION #09-50
INTERFUND TRANSFERS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #09-50 Interfund Transfers on June 30, 2009; and

WHEREAS, said resolution sets forth interfund transfers and the times when said transfers are to be made, and WHEREAS, the Sanitary Landfill fund is experiencing a cash flow problem due to the development of a new cell, and WHEREAS, by advancing a quarterly transfer to said fund from January to December will alleviate the cash flow issue, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #09-50, be amended to allow that the second quarterly transfers to the Sanitary Disposal be completed in December 2009, to allow for cash flow in that fund.

Signed this 8th day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

111

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Rob Peck and Todd McNall, architects with Design Dynamics, presented preliminary drawings for a new law enforcement and emergency operations center. After reviewing the plans, Design Dynamics requested permission to continue to the construction documents and specifications based on the preliminary designs. Moved by Buch, seconded by Sanders, to approve the preliminary design documents and authorize the architect to proceed with the construction documents and specifications based on the plans presented. Further, it is stated for clarification purposes that the board determines that the project is an unimproved project as defined by FEMA and the plans presented are consistent with that determination. All members voting aye thereon. Motion carried.

The board discussed the type of parking lot to be constructed for the new law enforcement center and the use of the community disaster grant funds. Additional information on the costs of security is needed prior to making a decision. The matter was placed on the next agenda and whether the Community Disaster Grant funds will be used for this purpose.

Charles James, Veterans Affairs Director, spoke to the board about filling the vacancy created by the resignation of Ambrose Gibney. The board directed that applications be taken for the appointment. James also spoke to the board about the use of a van for transporting veterans to and from medical facilities. There is a van available for use by the county for \$200 per month, which includes gas and all maintenance. The van is owned and insured by the Veteran Affairs Medical Center, who also is responsible for the volunteer drivers. James would be responsible for coordinating the service provided in Benton County. Supervisor Vermedahl requested that a copy of the agreement be provided for review. James also spoke with the supervisors about the FY11 budget, stating that if he is held to a zero increase that it will result in a reduction in funding for relief services. The board advised that although they understood – it was difficult to begin making exceptions to their zero increase directive at this time.

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

David Vermedahl, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

December 15, 2009

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 December 8, 2009. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption requested by Kelli Knoop on a parcel located in the NE1/4 of the NE1/4 of 18-85-12. Greenlee reported that the request is to build a residence on a parcel ¼ mile east of the intersection of Highway 218 and Highway 8. The applicant is actively involved in the 1500-acre family farm operation of Karpisek Farms. The location was a farmstead many years ago. Moved by Sanders, seconded by Vermedahl, to approve the request for a farm exemption requested by Kelli Knoop on a parcel located in the NE1/4 of the NE1/4 of 18-85-12 for a single residential purpose as allowed by the Benton County Agricultural Land Use Preservation Ordinance. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignation of Ambrose Gibney from the Benton County Veterans Affairs Commission, effective immediately. All members voting aye thereon. Motion carried.

Supervisor Vermedahl suggested that the Community Disaster Assistance Grant fund be used to purchase fencing for the parking lot for the law enforcement center, valves to prevent sewer backup into the transportation building, and/or stockpile sand. Supervisor Buch stated that he had contacted the sheriff about costs for camera surveillance equipment for the parking lot as well. No decision was reached.

Mary Lou Erlacher, Workplace Learning Connection (WLC), updated the supervisors on the activities being done by WLC over the past year. Erlacher reported that 167 high school students participated in job shadows in the fall of 2009 in Benton County, which provides students with the opportunity to experience various professions. WLC also held a mini medical school job shadow at the University of Iowa for students interested in the medical field. Erlacher reported on planned activities for the upcoming months. Erlacher stated that the programs in Benton County provide a great resource to the students.

Benton County Treasurer Kelly Geater and Recorder Lexa Speidel met with the board to discuss the county's policy on closing for inclement weather. County Attorney David Thompson was present as well. Geater requested that the board consider changing the county's policy on closing the courthouse. Geater stated that if the courthouse is closed when travel is not recommended then people won't try to get out. Geater stated that sixteen counties were closed last Wednesday. Supervisor Buch stated that he spoke with the auditor on Wednesday morning and advised that if any of the other board members called – that he was in favor of closing the courthouse; however, neither Sanders nor Vermedahl contacted the auditor about closing the courthouse. Geater presented the policy used by Linn County for consideration by the board. Supervisor Buch stated that the proposed policy allows for elected officials to close their offices. County Attorney Thompson stated that he did close his office and that the elected officials had the authority to manage their own offices. Geater stated that she didn't agree, as the public will come to the courthouse only to find the elected official's office closed. Recorder Speidel stated that there is a committee in Cass County comprised of two board members as well as other officials, who make the decision as whether to close or not. Sanders stated that there were open meeting considerations and Cass County has a five-member board where Benton County is a three-member board so two board members could not sit on such a committee. Sanders stated that perhaps a policy could provide that emergency situations would allow for an emergency meeting to determine whether the courthouse remain open or not. Supervisor Buch stated that he was in favor of closing when weather conditions are like last Wednesday. The auditor advised that the county currently has a policy that provides that an employee, who is unable to report to work due to the weather, must use

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

112

vacation or compensatory time. The policy provides that the board can close the courthouse at their discretion. The matter was placed on the next agenda for further consideration.

Craig Stuart-Paul of Fiberight met with the board to introduce himself and his company. Fiberight has purchased the ethanol plant near Blairstown and plans to convert it to a solid waste processing facility where waste is converted to ethanol and other products. Stuart-Paul explained his plans for the facility and the amount of waste that could be recycled and the resources needed for the facility. Stuart-Paul will provide more detailed information in the future as plans progress, but advised that he would like to divert solid waste from the landfill stream to his facility and then landfill any product that was unusable. Stuart-Paul stated that there would be little land filled material, estimating about 15 tons out of 200 tons would eventually be land filled. The plant will produce cellulostic ethanol as a byproduct of recycled waste, and future expansion will produce organic chemicals from feedstock. Stuart-Paul stated that there is currently a pilot plant in Virginia, which will be closed and operations moved to the Blairstown facility. Stuart-Paul stated that he would like to negotiate with the county to divert solid waste from landfill to the facility; and suggested a host fee agreement be considered. Stuart-Paul stated that any organic waste can be turned into biofuel and that plastic, food, metals, etc. are recycled. Supervisor Vermedahl questioned if the facility produced an odor. The response was "yes when it hits the floor", but the smell is reduced during the process. Stuart-Paul stated that he was not asking for any tax incentives, but would ask the county to support grant applications, specifically the Iowa Power Fund

Moved by Buch, seconded by Sanders, to adopt Resolution #09-51, TO VACATE A COUNTY ROAD. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

**RESOLUTION #09-51
TO VACATE A COUNTY ROAD**

WHEREAS, this being the date and time set for the hearing on the proposed vacation and closure of a portion of Benton County Secondary Road, described as follows:

That portion on an "Unnamed Road", originally established on June 2, 1862 (See Road Record Book B, page 296), commencing on the south line of Benton County at the corners of Sections 36 & 35 T82N R12W, thence north approximately 77 rods to the south right-of-way line of 79th Street Trail. Said road described as being 66 feet wide, all lying in Iowa Township.

WHEREAS, No objections have been received, either in writing or by persons present.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the subject section of road be ordered vacated and closed.

Signed this 15th day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to that the county will participate in the extension of the driveway, as a result of vacating the roadway in Resolution #09-51. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #09-52, WAGE INCREASE FOR DARRIC MCLEOD. Supervisors Vermedahl, Buch, and Sanders voting aye. Nays none. Motion carried.

**Resolution #09-52
Wage Increase for Darric McLeod**

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 Darric McLeod be set at \$16.93 effective December 16, 2009. This position carries a Labor Grade IVB classification.

Signed this 15th day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Dean Studer met with the Board to request that the county provide snow removal for Edward Jones located north of the vacated alley by the old law enforcement center. Studer asked that the county blow the snow over onto the law enforcement site this winter or haul the snow out. Jerry Petermeier commented that placing the snow on the building

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

113

site may delay construction in the spring, as the contractor would have to wait until the snow melted. The county engineer agreed to use his department to remove the snow.

Moved by Buch, seconded by Sanders, to approve the Request for Proposals for test bore and thermal conductivity analysis for a geothermal system for the new law enforcement center and to set December 22, 2009, as the time to award the work. 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 22, 2009

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 December 15, 2009. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve checks numbered 118643 through 118896, and ACH deposits numbered 7273 through 7378, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee, Public Health Officer, met with the board regarding the test boring and drilling of wells for a geothermal system for the new law enforcement center. Greenlee stated that the project would require a county-issued permit for both the test well and the system, if installed. Greenlee continued that the permit for the test well would cover the system as well. Greenlee stated that the fee is waived for governmental fees for his office; however a \$25.00 fee will be due to the Department of Natural Resources. Greenlee advised that the City of Vinton has ordinances governing private wells within the city limits. Greenlee has met with city officials regarding the matter. The Jordan well is considered inactive, but separation distance is required, which should not be a problem. The city regulates drinking wells and is not interested in regulating the geothermal wells per a conversation with Andrew Lent, City Coordinator. Greenlee stated that storm sewer accesses are in the vicinity of the site and regulations prohibit runoff from the drilling to access the river. Greenlee continued that the location is a little different and that he wanted to ensure there wasn't any contamination in the area. Greenlee does not believe there is anything in the immediate proximity of the site; however there is a concern with an area approximately four blocks away where there were underground storage tanks. Greenlee is trying to obtain information regarding that site from the DNR to ascertain if there is any problem. Greenlee stated he is confident that there are not any issues that would prohibit the issuance of a permit assuming nothing is discovered in the next few days. Greenlee said protection of the city's drinking water source is paramount.

Todd McNall, Design Dynamics, in conjunction with KJJW Engineering, reviewed the two quotes received of the four requested, for test bore and thermal conductivity analysis for a geothermal system. The quotes were as follows:

Enviro-Tech - \$10,306

BarkerLemar - \$, 8100

McNall recommended that BarkerLemar be awarded the job for the test bore and thermal conductivity analysis. Moved by Sanders, seconded by Buch, to award the project to BarkerLemar at a cost of \$8,100.00. All members voting aye thereon. Motion carried.

Jerry Petermeier spoke with the board about stockpiling sand for future flood mitigation. Petermeier suggested that sand be piled on county-owned property by the county home. The property is currently under the management of Benton County Conservation. Petermeier stated a 100 square foot area would be all that is necessary for the sand pile. Supervisor Vermedahl questioned if there would be problems with the sand getting weedy, etc. if it hadn't been used for several years. Petermeier stated that the material would have to be sprayed to keep the weeds down. The board indicated that the area would be ideal, but discussions would need to be held with the conservation board. The estimate for the sand is \$8000 to \$10,000 total. Petermeier stated that he would contact the conservation board regarding the matter.

The county engineer presented quotes received for chemicals for the 2010 roadside spray season. Quotes were received as follows:

O'Grady Chemical - \$77,040.00

Vegetation Management Supply - \$75,552.40

Van Diest Supply - \$71,302.70

Crop Production Services - \$78,270.00

The engineer stated that he checked with the vendors about purchasing different products from various vendors.

Moved by Buch, seconded by Sanders, to award the quote for chemicals the 2010 spray season as follows:

Vegetation Management Supply, Inc. – Patron 170 at \$30,732.00

Van Diest Supply Co. – Milestone, Spike 20P and Gardian - \$39,466.70

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right away along a line from north of Belle Plaine to the eastern boundary of Benton County through Kane, Union, Eldorado, and Fremont Townships. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge and approve the receipt and filing of the annual manure management plan update submitted by Daren Rinderknecht for the facility located at 2385 70th Street, Van Horne, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to acknowledge and approve the receipt and filing of the annual manure management plan submitted by Christensen Farms Midwest, LLC, for the facility located at 5602 20th Avenue, Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #09-53, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-53
TRANSFER OF FUNDS

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

114

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$50,000 from General Basic to Capital Projects.

Dated this 22nd day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to approve 22.5 hours of vacation carry-over requested by Barbara Greenlee, to be used no later than January 1, 2010. All members voting aye thereon. Motion carried.

The board revisited the issue of closing the courthouse during inclement weather. Supervisor Vermedahl stated that he had been questioned about employees being paid that stated they worked at home and did not use vacation or compensation time during the blizzard on December 9th, 2009, as required by the county's policy. Vermedahl questioned what the board's position was on that issue. The board also discussed the closing of the courthouse and the impact on the sheriff's department and secondary roads. Following a lengthy discussion, it was moved by Buch, seconded by Sanders, that the current policy on weather related courthouse closure remain as written. All members voting aye thereon. Motion carried.

The board continued the discussion on whether employees are permitted to work at home. Supervisor Sanders stated that he was not willing to make a blanket statement that employees would be allowed to work from home. Supervisor Vermedahl suggested a policy stating that working at home is generally not approved unless approved by the elected official over said department or employee. Supervisor Sanders agreed to look into the issues surrounding working at home and report back to the other members.

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

December 29, 2009

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

Moved by Sanders, seconded by Buch, to approve the minutes of December 22, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to amend the action of December 22, 2009, to allow Barbara Greenlee to use her vacation carry-over no later than March 1, 2010. The original action allowed the carry-over with a deadline of January 1, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Jason Sanders as the Board Chairman for 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Ron Buch as the Vice-Chairman for 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to designate the official newspapers for Benton County for 2010 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

Treasurer Kelly Geater spoke with the Board about renewing a service contract with Pitney Bowes for a postage meter. The agreement, if signed now, would save the county money over a five-year period as well as up front fees.

Moved by Buch, seconded by Sanders, to renew a five-year contract with PitneyBowes for a postage meter. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to appoint the following persons to the Benton County Eminent Domain for 2010. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Denise Weeda

Danny Kaestner

Gloria Feuerbach

Shannon Feuerbach

Carmie Behrens

Wayne Siela

Kathy Tranel

Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum

Carol Goodchild

Jeff Geiger

Dave Coulter

Mary Wauters

Harold Knaack Jr.

Melissa McBride

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

115

Owner-Operator Agricultural Property

Bonnie Sanders
Judi Hertle
David Rhinehart
Denise Wiley
John Elwick
Wayne Riley
Todd Hennings

Owners of City or Town Property

Darold Sindt
Jeff Kelly
Earlene Clausen
Janice Eldred
Larry Weeda
Connie Ogier
Lloyd Benson

Moved by Sanders, seconded by Buch, to adopt Resolution #09-54 Authorizing Auditor to Issue Checks in 2010. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION #09-54

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 29th day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to appoint the following members to the respective boards for 2010. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl

Regional HACAP –Supervisor Sanders

Emergency Management Commission - Supervisor Sanders

Supervisor Vermedahl, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

Note: the Board of Supervisors no longer appoints to the North Benton Ambulance board of directors.

Moved by Sanders, seconded by Vermedahl, to appoint Myron Parizek as Benton County's ADA Coordinator for 2010. All members voting aye thereon. Motion carried.

The board deferred action on appointing a compensation board member and the civil rights coordinator until next week pending legal research.

The board deferred action on appointing members to the Benton County Public Health Board until a current board member could be contacted to ascertain their interest in remaining on the board. One application was received requesting appointment.

Moved by Buch, seconded by Sanders, to appoint Judi Hertle, Larry Beatty, and Dan Kaestner to the Benton County Zoning Commission for 3-year terms. All members voting aye thereon. Motion carried.

The Board deferred action appointing members to the Benton Development Group until it can be determined if members have to be public officials.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

116

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

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

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

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

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

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

EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS

Director: Appointment deferred
Jason Sanders, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

David Vermedahl
No Alternates

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Chris Justice
No Alternates

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

Moved by Sanders, seconded by Vermedahl, to appoint Steve Runyan and Joan Lindberg to the Benton County Land Use Board of Adjustment for a five-year term. All members voting aye thereon. Motion carried.

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

Van Horne Benefited #1 – Ronald Bossler

Keystone Benefited #2 – Tom Harty

Newhall Benefited #4 – Timothy Rathje

Ben-Linn Benefited #3-#5 – Jim Keiper

Moved by Sanders, seconded by Vermedahl, to appoint Ilene Kreider and Melody Lohf to the Pioneer Cemetery Commission for terms ending December 31, 2012. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2010. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to three-year terms on the Benton County Historic Preservation Commission: Alberta Reifenthal and Martha Long. All members voting aye thereon. Motion carried.

Moved by, seconded by, to appoint the following persons to the Integrated Vegetation Roadside Management Advisory Committee: Ann Jorgenson – 3 year term; James Humber – 3 year term; and Randy Scheel – 3 year term. All members voting aye thereon. Motion carried. This is only a part of the appointments for this newly created board.

Moved by Buch, seconded by Sanders, to appoint Jason Sanders to a three-year term on the Iowa Valley Resource Development. All members voting aye thereon. Motion carried.

The auditor reviewed the use of the Community Disaster Assistance Grant with the supervisors.

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

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 30, 2009

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 9:30 a.m. in the boardroom of the courthouse.

Supervisors Buch and Sanders attended the meeting by speakerphone.

The board had been provided with a copy of a lease agreement between Benton County and LDM, Inc. for leasing property located at Lots 1, 2, 7 & 8, Block 2, Tilford's Vinton, an Addition to Vinton, Iowa. The property is commonly known as the Lincoln school building in Vinton. The county is leasing the property to be used as a holding facility for inmates due to the destruction of the county's law enforcement center from the June 2008 flood. The lease agreement is for a two-year period and provides that the county will pay \$50,400.00 and \$50,401.00 prior to possession, plus one dollar due on January 1, 2011. Possession is scheduled for January 2010. The county then agrees to pay \$1200.00 per month beginning January 1, 2012; however it is intended that a new law enforcement facility will be operational prior to that date. Moved by Sanders, seconded by Buch, to enter into a lease agreement with LDM, Inc. for the Lincoln School building in Vinton, Iowa, for use as an inmate holding facility. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution \$09-55, TRANSFER OF FUNDS. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-55 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$25,000.00 be transferred from the General Basic Fund to the Capital Projects Fund.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "L-L"

117

Dated this 30th day of December 2009.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #09-56, SERVICE AREA BUDGET AMENDMENT. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #09-56

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 FY2010 county budget is hereby amended within the following service areas: Service Area 0 and 8. The auditor is directed and authorized to amend said service area as needed.

Dated this 30th day of December 2009.

BENTON COUNTY BOARD OF SUPERVISORS

David Vermedahl, Chairman

Ronald Buch

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

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

David Vermedahl, Chairman

ATTEST: _____

Jill Marlow, Auditor