

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

129

January 5, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Buch and Vermedahl present. The chair called the meeting to order at 9:07 a.m. in the boardroom of the courthouse.

Mary Halstead requested permission to attend the Route Match Conference in Atlanta, Georgia the week of April 5<sup>th</sup> 2010. Route Match is the computer program she uses for her department. Supervisor Sanders asked what the cost would be for the trip. Halstead reported the cost would be around \$300-\$400 depending on what airline she would use, and added that she would be sharing a hotel room with Jones County to save on cost. Supervisor Sanders stated he was struggling with approving the request for out-of-state travel with the budget being the way that it is. Supervisor Vermedahl stated he supported Halstead's request since we have had issues in the past with the program as well as other counties. Halstead did add that there was technical support available over the phone. Moved by Vermedahl, seconded by Buch, to approve the request by Transportation Director Mary Halstead to attend the Route Match Conference in Atlanta, Georgia the week of April 5<sup>th</sup>, 2010. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Rodney Kubichek to the Benton County Compensation Board, as a representative of the supervisors. All members voting aye thereon. Motion carried.

The Board discussed other possible appointees for the compensation board as well as its clerical assistance. Jill Marlow, County Auditor, has provided clerical assistance to the board for sixteen years and has informed the supervisors that due to the additional workload placed on her she would no longer perform those duties. The board discussed the possibility of appointing Lexa Speidel; however the county attorney questioned if Kelly Geater was no longer volunteering to be the designee. Supervisor Sanders contacted Geater and reported that she no longer wished to be considered. Moved by Vermedahl, seconded by Buch, to appoint Lexa Speidel to be the clerical assistant for the compensation board. All members voting aye thereon. Motion carried.

The county attorney reported that he had researched the legality of appointing the city attorney for Belle Plaine to the compensation board. Public officials and employees are prohibited from serving on the compensation board; however he said that the city attorney was a contracted position and not considered a public official or public employee. Moved by Vermedahl, seconded by Buch, to appoint Jennifer Zahradnik to the Benton County Compensation Board as a supervisor representative. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Jennifer Zahradnik as the Benton County Civil Rights Coordinator. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Lisa Vogt to the Benton County Development Group Board. All members voting aye thereon. Motion carried.

The board also discussed other possible candidates for the Benton Development Group Board. The Board decided that no one from the Board of Supervisors would be appointed as a voting member on the Benton Development Group Board; however Supervisor Buch stated he would still attend the meetings. The board asked that the final appointment be placed on the next week's agenda.

County Engineer Myron Parizek discussed the structure problems he was having with 22<sup>nd</sup> Avenue bridge and the need to replace it. Parizek stated he had estimated the cost of a new bridge between \$350,000.00 and \$375,000.00. Bids had been requested and received as follows:

Taylor Construction, Inc. - \$365,421.50

Peterson Contractors Inc. - \$436,193.08

Iowa Bridge & Culvert, L.C. - \$445,606.06

Moved by Buch, seconded by Vermedahl, to award the bid and contract for the bridge replacement project on 22<sup>nd</sup> Avenue to Taylor Construction, Inc. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account at the Benton County State Bank was \$74,375.27 as of December 31, 2009. The engineer advised that he would not need the loan for the landfill project until spring. Parizek also stated that he did not believe there would be a need to increase the landfill rates in FY11. The matter of setting the landfill rates was put on next week's agenda.

Moved by Buch, seconded by Vermedahl, to approve 8 hours of vacation carry-over requested by Dan Higdon. Said carry-over is to be used by April 1, 2010. All members voting aye thereon. Motion carried.

The engineer updated the board on the lighting for the Luzerne Bridge.

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Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-1 CONSTRUCTION EVALUATION RESOLUTION. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION # 10-1**

### **CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2010 and January 31, 2011 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).

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Chair, Board of Supervisors

Date: January 5, 2010

ATTEST:

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Gina Edler, Clerk

Jill Marlow, County Auditor

Moved by Buch, seconded by Vermedahl, to change the meeting from January 12, 2010, to January 11, 2010. All members voting aye thereon. Motion carried.

The board discussed with the positions of the 2010 weed commissioner and assistant weed commissioner with the county engineer. Supervisor Vermedahl suggested that the appointments stay the same as the previous year. The matter of appointing a weed commissioner and assistant for 2010 was deferred for a week so that the engineer could speak with the current weed commissioner.

Moved by Vermedahl, seconded by Buch, to appoint Kathleen Van Steenhuyse to East Central Iowa Council of Government Board of Directors. All members voting aye thereon. Motion carried.

The board tabled a decision on the appointment of safety coordinators until next week to allow time to hear back from the Sheriff for suggestions of an appointment from his department.

Supervisor Buch updated the board on the Decategorization Committee meeting. Buch stated that the Decat Board is considering turning the vacated Millersburg School into transitional housing and a school for migrant workers. He stated that they would be able to purchase the school for \$1.00. The facility would have one to three bedroom apartments and there would be approximately six apartments. Buch said he was questioning what the fall back would be on Benton County. Buch stated the Decat Board had a lot of good ideas, but not a whole lot of answers at this point. The Decat Board is hoping that Senator Boswell would be able to help get money to fund the project. Supervisor Vermedahl questioned why the school was being sold for only \$1.00, and if we should be worried about asbestos. Buch added that the occupants of the transitional housing would be limited to 2 years.

The board discussed possible applicants for the Integrated Vegetation Roadside Management Advisory Committee. A decision was deferred until next week.

Supervisor Sanders stated that he had reviewed employee time sheets for December 9<sup>th</sup>, 2010 (the blizzard). The current county policy states that if an employee is unable to report to work due to weather, that they are required to use vacation or compensation time. Sanders reported that there was one department head who wrote on their timesheet that they worked from home that day and the employees and department head of another office, that did not open at all that day, did not use vacation or compensation time but were paid as if they were present. The office that did not open is under another board. Supervisor Buch asked what the policy was for that office if a person did not show up to work. Supervisor Sanders stated that the office was subject to our handbook as the separate board had taken action establishing the county's handbook as the policies for that particular office. Sanders stated he would talk to the department head and advise that the employees would be required to take vacation or compensation time for the day they did not come. It was then discussed on what to do if a person states they are working from home. The supervisors agreed that in this situation the department head should have called a supervisor stating that he/she was unable to come in due

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to weather. Supervisor Buch did not believe any changes should be made to the current policy and that personnel should not be allowed to say they are working from home, adding that work is to be done at the courthouse. The county attorney asked if the employee would be able to work from home if they got prior approval from the board of supervisors.

Supervisor Vermedahl stated that it should be up to the department head. County Attorney David Thompson stated that the policy was currently not nailed down, and the department head was within their rights to run their department from their home. Vermedahl asked if the employee could prove that they were actually doing work from home. Sanders said that if the employee were logged into the county computer via their home computer there would be a record that the computer was connected. The issue was placed on the next week's agenda to decide whether an employee could work from home with pre-approval from the Board of Supervisor's. The county attorney was requested to draft a policy for consideration by the supervisors.

Supervisor Vermedahl stated that dates needed to be set to work on the FY11 budget. Supervisor Sanders asked if January 19<sup>th</sup> would work since he would be back from vacation and it would give the County Auditor Jill Marlow to develop the budget. The board agreed to begin work on the FY11 budget on January 19, 2010.

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

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Jason Sanders, Chairman

ATTEST:

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Gina Edler, Clerk  
Jill Marlow, County Auditor

January 11, 2010

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

Moved by Vermedahl, seconded by Buch to approve the minutes of December 29, 2009, and December 30, 2009. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the treasurer's investment report and semi-annual report for the period ending December 31, 2009. Both members voting aye thereon. Motion carried.

Rob Peck and Todd McNall with Design Dynamics, and Jerry Petermeier, met with the board to discuss the schedule for bid letting on the construction of the new law enforcement center. They also gave an update on the geothermal grant and if the county will qualify. The Iowa Department of Energy is currently reviewing the grant application. The board will need to make the decision for or against a geothermal installation before February 22, 2010, when the drawings and specifications are available to the public for bidding on the new construction.

Moved by Vermedahl, seconded by Buch, to approve the schedule presented for the bid letting on the new construction project for the law enforcement center as follows: Drawings and specifications available starting February 22, 2010. Bids are due no later than 3:00 P.M. on March 18, 2010. Design Dynamics will be present for the opening and will give the board their recommendation on March 23, 2010. The board will then award the bid for the project on March 23, 2010 at 10:00 A.M. Both members voting aye thereon. Motion carried.

The engineer spoke with the board about the landfill fees for fiscal year 2011. Moved by Sanders, seconded by Buch, to keep the per capita rates the same for the landfill for FY11 at \$27.00 rural and \$22.00 city. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 35 hours of vacation carry-over for Myron Parizek to be used by April 7, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Dawn Lundvall to Benton County Development Group Board. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Mindy Brittain to the Benton County Health Board for a three-year term. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Will Heber, Dan Higdon, Mike Ferguson, and Kelly Geater as Safety Coordinators. Both members voting aye thereon. Motion carried.

The board discussed applicants for the Veterans Affairs Commission. The Board is going to call and set up interviews with the applicants.

Moved by Vermedahl, seconded by Buch, to approve the Sheriff's and Auditor's quarterly report for period ending December 31, 2009. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve the minutes of January 5, 2010. Further the minutes of December 15, 2009 are amended to reflect the following correction:

"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 ¾ mile east of the intersection of Highway 21 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."

Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve claims and checks numbered 118897 thru 119219, and ACH deposits 7379 through 7482, for payment. Both members voting aye thereon. Motion carried.

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

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

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Deputy Auditor

January 19, 2010

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

Dean Werner met with the board to request \$20,000 from the local option sales and services tax fund for the purchase of a new fire truck for the Van Horne which serves the /Van Horne Benefited Fire District. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-2, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-2**

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 Van Horne Benefited Fire District in the amount of \$ 20,000.00 for the purchase of equipment.

Adopted this 19th day of January 2010.

\_\_\_\_\_  
Ron 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 Van Horne Benefited Fire District, a governmental subdivision, acting through its authorized officers ("Benefited Fire District"), as follows:

1. 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.
2. The Benefited Fire District agrees that said amount shall be used to purchase the following described equipment and for no other purpose:  
  
A new truck and apparatus for the Van Horne Fire Department/Benefited Fire District.
3. 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.
4. The County will release said funds upon the written request of the Benefited Fire District as follows: \$15,000 immediately as proof of expense has been provided and the remainder on or about August 1, 2010. The remainder of the request for \$5,000.00 shall include either a signed purchase order or actual invoice for the equipment.
5. 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.
6. 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.

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

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

Attest: \_\_\_\_\_  
Benton County Auditor

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

\_\_\_\_\_  
Chairman  
Van Horne Benefited Fire District

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

Attest: \_\_\_\_\_  
Van Horne Benefited Fire District Secretary

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

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Marc Greenlee, Land Use Administrator, spoke with the Board about a replat of Kearn's Second Addition, requested by Phil and Linda Barkdoll and prepared by a licensed surveyor. Greenlee explained that request is to allow a transfer of property and is in accordance with the county's ordinance. Greenlee stated that there is no land use change for the parcel. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-3, REPLAT OF LOT '4', KEARN'S SECOND ADDITION IN BENTON COUNTY, IOWA. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **REPLAT OF LOT '4', KEARN'S SECOND ADDITION IN BENTON COUNTY IOWA RESOLUTION NO. 10-3**

**WHEREAS**, A Replat of Lot '4', Kearn's Second Addition in Benton County, Iowa, containing two (2) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Replat of Lot '4', Kearn's Second Addition in Benton County, Iowa is a subdivision of Lot '4', Kearn's Second Addition in Benton County located in Government Lot 5, in Section 6, Township 85 North, Range 10 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 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 the Replat of Lot '4', Kearn's Second Addition in Benton County, Iowa, will be and the same is hereby acknowledged and approved and accepted on the part of the 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 the Resolution Approving Plat and affix the same to said Plats as provided by law.

This Resolution passed and approved on the 19<sup>th</sup> day of January, 2010

BENTON COUNTY BOARD OF SUPERVISORS  
(absent)

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

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

\_\_\_\_\_  
David Vermedahl

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

Approximately nine veterans, including Veterans Affairs Director Charles James, met with the Board to discuss funding for the Benton County veterans. Ed McGivern addressed the board stating that adequate funding should be maintained for the veterans' affairs office. McGivern commented that Benton County has approximately 2500 veterans, which is approximately 10% of the county's population. McGivern continued that very few families in Benton County did not have a veteran in their immediate or extended family. McGivern advised that the current director is doing a good job but needed to have adequate funding to continue services. McGivern met with state legislators regarding the continuance of the \$10,000 grant to counties program, which is in jeopardy of being cut. Donald Roepke advised that the Benton County veteran affairs director needs additional support in order to provide the best possible service to veterans. Roepke stated that once Benton County is providing optimum services to its veterans that the money coming into the county will

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far exceed the cost to provide those services. The board acknowledged the veterans request but indicated that the county's budget was in the beginning stages of being developed.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan submitted by G & R Feeders, Inc. for the facility located at 1179 52<sup>nd</sup> St., La Porte City, Iowa. Both members voting aye thereon. Motion carried.

Mary McLaughlin and Lexa Speidel told the board that an employee wellness event would be held on March 12, 2010, from 1:00 p.m. to 3:30 p.m. The event will be open to all employees and cover several different wellness topics.

Moved by Vermedahl, seconded by Buch, to approve the recorder's quarterly report for the period ending December 31, 2009. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Becky Van Wey and Stephanie Black to the Integrated Vegetation Roadside Management committee for one-year terms. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to re-appoint Dave Coulter, Marty Junge, and Eldon Zumbaugh, to the Benton Development Group for one-year terms.

The county attorney presented a draft of a "Work from Home" policy requested by the board of supervisors. The policy provides that employees would be allowed to work from home with the prior approval of their department head or elected official in charge - in the case of appointed department heads approval would be by the board of supervisors. The board discussed the policy but deferred action until a full board could be present.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the First Amendment to the Social Service Block Grant County Contract between Benton County and the Iowa Department of Human Services, effective February 1, 2010. Both members voting aye thereon. Motion carried. The amendment is an addendum to the contract and replaces the Business Associate Agreement. The amendment contains language that complies with the Health Information Technology for Economic and Clinical Health Act and the Health Insurance Portability and Accountability Act.

Moved by Vermedahl, seconded by Buch, to adjust the lease agreement with Tim Sage for farm ground to allow a reduction in the rent for 2009 by 2.5 acres due to the tiling not be completed prior to planting. Both members voting aye thereon. Motion carried. The board also discussed the non-payment of rent due for the county's farm ground. The matter was placed on the next agenda for further action.

A brief update was given to the board on the waste recycling facility being constructed by Fiberright. Fiberright requested the board's oral support for the project, which was hoped to be operational in 2010. Moved by Vermedahl, seconded by Buch, that Benton County support Fiberright's efforts in the construction of a waste recycling facility in Benton County. Both members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen, Emergency Management Commission, met with the Board to discuss financing options for the emergency operations center. The EMA has been awarded a \$500,000 grant for the construction of a new operations center, which will be an addition to the new law enforcement center. The discussion centered on the short-term financing and the county's funding ability. The auditor advised that more concrete data was necessary in order to proceed with the funding options and that the architects should be able to provide some of the needed information. The auditor stated that the funding from FEMA has a certain delay due to processing the necessary paperwork and the county would need to provide funding with reimbursement approximately six weeks later.

Roger Witt met with the Board to update the board on plans for a virtual server for disaster recovery. Witt stated that with a few upgrades the county will have the virtual server and be able to eliminate four or five physical servers.

The board reviewed the flood coverage amounts for various county facilities with some increases being noted.

Moved by Vermedahl, seconded by Buch, to approve and authorize the chair to sign the contract and bond with Taylor Construction for the bridge replacement project on 22<sup>nd</sup> Avenue, BROS -CO06(77-8J-06). Both members voting aye thereon. Motion carried.

The board continued discussions on the recycling program and the various options available. No action was taken.

No action was taken on the appointment of a weed commissioner and assistant pending further research by Supervisor Buch.

Supervisor Vermedahl reported that the work on the renovation of the courthouse clock was nearly complete with only caulking remaining to be done.

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

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Ron Buch, Vice-Chairman

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

January 21, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 11, 2010 and January 19, 2010. All members voting aye thereon. Motion carried.

The Board began reviewing budget estimates for FY11 and discussed the various options available.

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

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

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

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

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January 26, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders and Buch present. Supervisor Vermedahl was absent. The chair called the 8:30 a.m. scheduled meeting to order at 8:44 a.m., once a quorum was present, in the boardroom room of the courthouse.

Moved by Buch, seconded by Sanders, to approve the minutes of January 21, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 119220 through 119475, for payment and ACH deposits numbered 7483 through 7586, for payment. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #10-4, TRANSFER OF FUNDS. Voting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-4 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 26<sup>th</sup> day of January 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to adopt Resolution #10-5, WAGE INCREASE FOR DONALD ERGER. Voting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-5**

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 Donald Erger be set at \$17.08 effective January 27, 2010. This position carries a Labor Grade VB classification.

Signed this 26th day of January 2010.

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

ATTEST:

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Benton County Auditor

The engineer requested approval to purchase a 2004 Komatsu excavator. The cost to rent an excavator has been approximately \$34,000 since the summer of 2009. The engineer estimates the cost to purchase the unit is \$70,400. Supervisor Buch indicated that he was in favor of purchasing an excavator, as he believed the county had a need for the specific type of equipment. Supervisor Sanders was concerned about the purchase due to the condition of the county's budget. Sanders questioned if the conservation department would be able to use the equipment as well. Sanders reported that the conservation department was frustrated over the lack of cooperation between departments and the sharing of labor and equipment. Supervisor Buch echoed that he would encourage the sharing of resources as well. Moved by Buch, seconded by Sanders, to table action on the issue for two weeks. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the chair to sign the ODFI Origination Agreement for Consumer Payments with Farmers Savings Bank for direct deposit of employee payroll. Both members voting aye thereon. Motion carried. The agreement allows Benton County to continue automatic payroll deposits for its employees.

The Shellsburg Library Board cancelled their appearance before the board and rescheduled it for February 2, 2010.

The Board interviewed Mary Summy for the position of Veterans' Affairs Commissioner.

The Board discussed the past due rent for farm ground in both Taylor and Leroy Townships. Supervisor Buch stated no action needed to be taken as the checks were received for the appropriate amounts.

The Board discussed a "Work from Home" policy. Supervisors Buch and Sanders decided no changes should be made at this time to the county's current policy, which does not allow or disallow working at home. The incident that prompted the discussion was when an employee did not report at his/her regularly scheduled work time due to the blizzard and reported that he/she worked from home. The county's current policy provides that persons who are unable to report to work due to weather must use vacation or compensation time. The board had been considering whether a "work from home" policy should be adopted. Supervisor Sanders stated he would discuss the issue with the employee who reported that he/she worked from home during the December blizzard.

Mary Williams spoke with the board about amending the current service contract with John Delaney. The current contract provides that Delaney provide cleaning and snow removal services. Williams stated that she would like the agreement amended to remove the snow removal duties. Moved by Buch, seconded by Sanders, to amend the current contract with John Delaney and remove all language pertaining to snow removal duties, effective this date. Both members voting aye thereon. Motion carried. Williams is to return with an amended agreement with the language removed for signature by the board.

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The board discussed budgets for FY11 with the sheriff, treasurer, conservation board and director, and mental health/social services director. There was no action taken on any of the budgets reviewed.

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

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Jason Sanders, Chairman

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

Jill Marlow, Auditor

February 2, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of January 26, 2010. 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 K & W Hogs for a facility located at 1641 71<sup>st</sup> St. Keystone, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Veterans Affairs quarterly report for the period ending December 31, 2009. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to set the date for a land use hearing requested by Benjamin and Jenny Reineke for March 2, 2010, at 9:15 a.m., on a parcel located in the NW ¼ SE ¼ Sec 24-82-12. All members voting aye thereon. Motion carried.

Deb Harrison presented a proposal requesting more funding for the Shellsburg Library. Harrison stated the present payout scheme seemed dated and has not been updated since the 1970's. Harrison reported that the library has to increase staff hours due to increased patronage. The proposed funding levels are based on fifty percent of the county's allotment dispersed equally between the county libraries and fifty percent of the allotment dispersed to the libraries based on readership levels. Supervisor Buch stated they needed to consider the proposal before making a decision.

The board discussed the budget for FY11 with the Veterans Affairs Director. There was no action taken on any of the budget at this time. It was discussed that a part time assistant would not be considered for FY11.

Todd McNall with Design Dynamics and Emily Rice with The Energy Group discussed with the Board the services available through The Energy Group. The Energy Group can provide services that would assist the county in obtaining loans for the geo-thermal project for the law enforcement center. Rice also discussed energy audits that could be done on the county's buildings. Moved by Vermedahl, seconded by Buch, to audit the Department of Human Services building, Governor Sherman building, courthouse, and the transportation building for their energy use. All members voting aye thereon.

The board discussed budget for FY11 with the Marc Greenlee, Land Use/Sanitarian. There was no action taken on any of the budget at this time.

The engineer reported that the balance in the Benton County State Bank landfill account on January 31, 2009, was \$75,555.65.

The engineer updated the board on the Federal Economic Stimulus funding. The engineer prepared two projects on behalf on Benton County. One of the projects is resurfacing E66 between Belle Plaine and Luzerne.

The board discussed budget for FY11 with the engineer and transportation director. There was no action taken on any of these budgets at this time.

The board recessed for lunch from 12:45 p.m. until 1:30 p.m.

The board discussed budgets for FY11 with the maintenance manager, recorder, information technology director and the county attorney. There was no action taken on any of the budgets reviewed.

Dave Coulter and Renae Becker with Benton Development Group presented their budget to the Board and also gave updates on projects and current activities the group has been working on.

The county auditor reviewed her budgets with board, which included administration and elections. The auditor provided a brief update on the status of financing options for the law enforcement center and an energy grant as well.

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

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

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

Gina Edler, Clerk  
Jill Marlow, Auditor

February 4, 2010

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

Moved by Vermedahl, seconded by Buch, to set February 23, 2010, at 9:15 a.m., for the time and date for a public hearing on reducing the appropriation for juvenile probation and increasing the appropriations to public health nursing. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to allow the Food Pantry to use additional storage area in the Governor Sherman building until June 1, 2010. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:15 a.m., but had been meeting with individuals in the courthouse prior to that time regarding county matters.

The board reviewed various county budgets and met with the sheriff, county attorney, and conservation director. Reductions were made to discretionary funding including, but not limited to, the fairgrounds and historical organizations. A reduction in funding to Benton Development Group was discussed in the amount of \$5000 or alternatively to begin charging the organization rent for the office space they currently occupy. The board also discussed charging rent to the Volunteer Cooperative, which is currently occupying office space in a county building.



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

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The board requested that the budget be re-worked to incorporate the various reductions discussed and to increase the general supplemental levy. The budget will continue to be worked on at the next board meeting.  
Moved by Buch, seconded by Vermedahl, to approve the minutes of February 2, 2010. All members voting aye thereon. Motion carried.

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

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

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

February 9, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 4, 2010, with the correction that Vice-Chairman Buch called the meeting to order. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve claim and payroll checks numbered 119476 through 119767, and ACH deposits numbered 7587 through 7691, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set April 6, 2010, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by John and Irene Cherveney on a parcel located in a Part of the N ½ NE ¼ of Section 16-83-11. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Mary Sumy as a Veterans Affairs Commissioner to fill the vacancy created by the resignation of Ambrose Gibney. All members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:07 a.m.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-6, APPROVING HIRE OF SHERIFF'S EMPLOYEES. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-6 APPROVING HIRE OF SHERIFF'S EMPLOYEES**

WHEREAS, the Benton County Sheriff has requested approval for the hire of employees for his department; and WHEREAS, the Board of Supervisors has previously approved the number of employees in the sheriff's department; and WHEREAS, the hire of the persons will not exceed said number set by the Board; and WHEREAS, the Sheriff has the funds available in his budget to employee said persons, NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following named persons are hereby approved for hire by the Benton County Sheriff:

Amy Sue Benson – Part-time Matron – effective February 9, 2010, at \$12.17 per hour  
April Saunders – Full-time Communication Specialist – effective February 9, 2010, at a wage of \$15.99 per hour  
Mark Christy – Reserve Officer – effective February 9, 2010, at a wage of \$18.28 per hour  
Brian Randall – Reserve Officer – effective February 9, 2010, at a wage of \$18.28 per hour  
Clint Sandburg – Reserve Officer – effective February 9, 2010, at a wage of \$18.28 per hour

Dated this 9<sup>th</sup> day of February 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plans submitted by Prairieview Hog Farm, Inc. for the facility located at 7311 13<sup>th</sup> Ave., Belle Plaine, Iowa, and Swine Designs, LLC., for the facility located at 1665 71<sup>st</sup> St., Keystone, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to terminate the contract between Benton County and John Delaney, effective March 3, 2010, for snow removal and cleaning services. All members voting aye thereon. The snow removal duties had been removed from the contract on January 26, 2010.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign and enter into an affiliation with Abbe Mental Health Center. All members voting aye thereon. Motion carried.

Representatives of the Atkins Library met with the Board to request support for a Vision Iowa CAT grant. Richard and Donna Scheer, Ralph Savoy, and Dick Lange explained the progress that has been made towards the construction of a new library. The growth of Atkins has dictated the need for a new library, community center, and city hall. A non-profit organization has done extensive fund raising and is applying for a CAT grant that requires support from the county. Supervisor Buch explained that the fund that providing money to Blairstown is no longer being done by the county. The county used to provide \$10,000 per year to be distributed as grants through Benton Development Group; however last year the \$10,000 grant program was discontinued and the funds given to Benton Development Group for operational costs. The auditor stated that the county had recently agreed to give Belle Plaine \$1000 per year for ten years for their swimming pool and a CAT grant.

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

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Moved by Buch, seconded by Vermedahl, to accept the retirement resignation submitted by Mary McLaughlin, effective March 31, 2010. All members voting aye thereon. Motion carried.

Tony Thomsen, North Benton Ambulance, and Kirk Appleby, Taylor Township Trustee, met with the board to request funding from the Local Option Sales Tax for the purchase of an ambulance and monitoring equipment. Moved by Buch, seconded by Sanders, to adopt Resolution #10-7, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Sanders and Buch. Nays none. Vermedahl abstained as he currently is on the North Benton Ambulance Board of Directors. Motion carried.

## **RESOLUTION #10-7**

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

Adopted this 9th day of February 2010.

\_\_\_\_\_  
Jason Sanders, 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 Taylor Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

7. The County agrees to gift to the Township the sum of \$20,000 or 10% of the price of the equipment, whichever is less.
8. The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:  
  
A new ambulance for North Benton Ambulance and monitoring equipment.
9. 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.
10. The County will release said funds upon the request of the Township on or before June 1, 2010. The request shall include either a signed purchase order or actual invoice for the equipment.
11. 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.
12. The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and/or life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

\_\_\_\_\_  
Jason Sanders, Chairman  
Benton County Board of Supervisors

\_\_\_\_\_  
Chairman  
Taylor Township Trustees

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

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

Attest: \_\_\_\_\_  
Benton County Auditor

Attest: \_\_\_\_\_  
Taylor Township Clerk

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

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

Jerry Petermeier, Project Coordinator, Marc Greenlee, Sanitarian, and Rob Peck and Todd McNall of Design Dynamics, met with the board regarding the installation of a geo-thermal heating and cooling system at the new law enforcement center. There had been some question as to the type of geothermal system being considered and other systems available, the effect on the aquifer and the possible impact on current public wells in the area, including any contamination concerns. Todd McNall addressed the various questions stating that the substance used in the system is a glycol product and is not hazardous if consumed should the system leak. The effect on the aquifer could result in a clouding of the water to the area wells due to the activity. Supervisor Vermedahl questioned the status of the grant that the auditor applied for from the Iowa Department of Energy Independence. The auditor advised that the grant would have been approved for approximately \$200,000; however the grant would require that the entire project comply with the Davis-Bacon Act. Compliance with Davis Bacon would increase the overall cost of the project by \$300,000 to 400,000 dollars, which exceeds the amount of the grant and therefore is not to the county's advantage. The auditor explained that it was her understanding that FEMA would not reimburse for the additional costs incurred due to Davis Bacon compliance. The

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

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architects also advised that the timeline for putting the project out to bid was going to have to be pushed back to the first of March with bids being due March 25<sup>th</sup>. The auditor advised that if the county wanted to levy for debt for the project in the next fiscal year, that the necessary procedures had to be adopted and certified to her no later than April 1<sup>st</sup>, and cautioned that the timeline is beginning to get pretty tight. Supervisor Buch indicated that the county was going to have to borrow money for the project. The auditor stated that without estimates of the project cost it was difficult to determine the amount needed. The board discussed the requirement for builder's risk insurance and whether it would be the county or the contractor's responsibility to carry it. It was decided that the county would obtain the insurance.

Treasurer Kelly Geater met with the board regarding the abatement of tax for June 2008 flood damaged property. The board had taken earlier action indicating that they would consider abating properties damaged by the flood and setting out various guidelines. Geater presented 49 requests for abatements. After reviewing each, it was moved by Vermedahl, seconded by Buch, to adopt Resolution #10-8, ABATING TAX. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-8 ABATEMENT OF TAX**

WHEREAS, Benton County suffered from unprecedented flooding in June 2008; and  
WHEREAS, many Benton County property owners incurred major losses; and  
WHEREAS, the Benton County Board of Supervisors, in consultation with other taxing bodies, has determined that abatements should be made on taxes levied against the damaged property upon request by the property owner,  
NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the following tax amounts be abated for the 2008 assessments collected in FY09/10:

240-24350 - \$681	240-89650 - \$569	240-36550 - \$196
240-36000 - \$386	240-90100 - \$1,081*	240-33300 - \$341
240-75225 - \$498	240-53550 - \$442	240-38750 - \$1,523
240-51850 - \$1,054	240-50200 - \$699	240-38900 - \$1,886
240-79350 - \$134	240-03450 - \$703*	240-85050 - \$448
240-51000 - \$1,105	240-44100 - \$960*	240-93725 - \$512
240-22100 - \$516	240-83200 - \$481	240-83625 - \$462
240-43300 - \$318	240-83225 - \$49	240-52400 - \$181
240-18650 - \$649	240-72625 - \$451	240-49050 - \$631
240-44050 - \$672	240-76675 - \$1,549	240-12300 - \$701
240-31100 - \$526	240-6330 - \$495	240-93475 - \$1,015
240-31150 - \$105	240-19800 - \$331	290-19950 - \$237
240-80650 - \$262	240-07250 - \$599	280-01300 - \$141
240-85775 - \$258	240-11200 - \$163	390-23840 - \$346*
390-23610 - \$0	390-23620 - \$186	390-23530 - \$63
870-12650 - \$138	870-37200 - \$390	870-37400 - \$16
870-29800 - \$172		

\*denotes that there is additional interest and penalty to be abated  
Total abatement: \$25,221

Signed this 9th day of February 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

The engineer requested approval to purchase a used excavator that his department has been renting over the past several months. Moved by Buch, seconded by Vermedahl, to approve the engineer's request to purchase a used Komatsu excavator at a cost not to exceed \$72,849.00. All members voting aye thereon. Motion carried.

The board continued working on the FY11 budget, which primarily included discussion on possible options to reduce expenses to the general fund.

The Board set Friday, February 12, 2010, at 9:00 a.m. as a special session to work on the budget.

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

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

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

February 12, 2010

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

The Board continued working on the FY11 budget.

Dennis Harper, Iowa Homeland Security, met with the board to discuss the public assistance money being paid to the county for the new law enforcement center, the timetable for reimbursement requests, and the grant awarded the Emergency Management and the county's involvement. Harper stated that the public assistance money would be distributed on a reimbursement basis, although an advance can be requested but must be spent within sixty days of

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

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receipt. Harper also stated that ten percent would be withheld until the project is closed, which would be in the summer of 2011.

Supervisor Buch left the meeting at 11:00 a.m.

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

Motion carried at 12:00 p.m.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 9, 2010. Both members voting aye thereon. Motion carried.

The board continued discussing the FY11 budget. Discussion included shifting costs from General Basic to Rural Services, using local option sales tax revenue to supplant operating expenses, reducing services, and wages of non-union employees. Discussion included the elimination and/or reduction in discretionary funding and reorganization of some services.

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

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

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

Jill Marlow, Benton County Auditor

February 15, 2010

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

There were twelve Farm Bureau members present.

Chairman Sanders explained the FY11 budget and the various issues that have arisen in the development process. Sanders explained that the reserve in the General Fund have decreased significantly over the past several years. Sanders stated that this year seemed to be especially difficult with most be attributing to flood-related issues. Sanders stated that the board prefers to see a carry-over of approximately 20 percent in the General Basic fund. Sanders stated that the board is comfortable with the proposed ending balance. Sanders explained that Iowa law allows for the county to exceed the General Basic fund levy in specific circumstances, including natural disasters. The board is going to proceed with exceeding the \$3.50 levy by .25 cents. Sanders reviewed the board's decision to reduce transfers going into the secondary roads fund. The Oak Grove Road project was discussed with Sanders advising that the board would still like to see the project done; however with the flood the engineer's attention was directed elsewhere. Sanders stated that the grading on that project should begin in FY11. Norman Sackett stated that project has been in the works since the early nineties. Sanders stated that Mental Health is always an issue. The board discussed in detail the new law enforcement center and its associated costs. Discussion included snow removal expenses and the possibility of erecting snow fences on private property. The board discussed the increase in levy rates overall and the state's across-the-board cuts on the county. The board left the Farm Bureau building at 7:25 p.m. to continue the meeting at the Emergency Operations Center in the courthouse at 7:30 p.m.

The board attended the meeting of the Emergency Management Commission (EMC) to discuss funding and various other issues. The budget being proposed for the EMC contained various options reflecting varying salary increases for the emergency management coordinator as well as funding requests from the county. Supervisor Sanders indicated that no salaries had been set for other county employees and expressed concern that some employees may receive salary increases while others do not. Supervisor Sanders asked the other supervisors their thoughts on the funding request by EMC. There was no response. Supervisor Sanders stated that EMC had sufficient fund balance and a reduction in the funding from the county would only reduce the EMC's fund balance at the end of the year. It was explained however that the fund balance was misrepresentative, as funding had been received from sources that generally do not pay until the end of the year. Supervisor Sanders questioned if EMC had figured out their cash flow issues relative to the \$500,000 federal grant they received. Steve Meyer responded that the Board of Supervisors did not have the cash available to advance a loan to the EMC nor did the supervisors indicate that they would take a loan out on behalf of the EMC (EMC does not have legal authority to borrow money) then he took steps to contact private investors. Meyer stated that he has not gotten a definitive response from those persons at this time. Sheriff Forsyth questioned the need for the EMC budget to reflect the receipt and expenditure of the \$500,000 grant. It was explained that EMC would have to amend their budget if the grant is passed through their funds. Supervisor Sanders questioned the local match requirement for the \$500,000 federal grant. Meyer responded that other grant opportunities are being considered for the local match as well as clarification and/or a waiver request for the local match is being pursued.

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

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

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

Jill Marlow, Auditor

February 16, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 12, 2010 and February 15, 2010. All members voting aye thereon. Motion carried.

He board discussed the FY11 budget, including the request from the Emergency Management Commission, the reduction in funding to the Benton County Historical Society, the Atkins library/community center request, transfers from the local option sales tax fund, and wages.

Mary Williams, Social Services Director, met with the board regarding a request from Genesis for a \$12,000 funding request due to a cash flow problem. Williams reported that some counties are agreeing to the funding while others are not. Supervisor Sanders stated that he had issues with just giving additional funds. Williams stated that she did not recommend granting the additional funding. Supervisor Vermedahl questioned how many Benton County clients

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

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Genesis was serving. Williams estimated that there are approximately ten Benton County residents who are being served by Genesis out of the twenty total clients served in the county. Moved by Vermedahl, seconded by Buch, to deny the request for additional funding by Genesis. All members voting aye thereon. Motion carried.

The Board continued working on the FY11 budget.

Chief District Judge Patrick Grady met with the Board to introduce himself as well as update them on court related issues. Judge Grady advised that Benton County is now a five-day-a-week courthouse. Judge Grady stated that the trial schedule is very busy here. Benton County is the third busiest and third most populated county in the district. He stated that there would be few days when one or both of the courtrooms isn't used. Judge Grady reported that the courts would no longer be cutting down on travel as previously implemented. Cases have been prioritized with criminal and family cases involving children, mental health cases taking priority. The legislature has directed a no-growth budget which includes a 7.1% cut from what was appropriated in July 2009.

Moved by Buch, seconded by Vermedahl, to approve the FY11 budget for publication. Publication is to include the required notices to exceed the general basic levy by .25 cents. Further, a public hearing on the budget is set for March 9, 2010 at 9:30 a.m. All members voting aye thereon. Motion carried.

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

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

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

February 23, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 16, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 119768 through 120034, including payroll, and ACH deposits numbered 7692 through 7795, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-8, TRANSFER OF FUNDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-8 TRANSFER OF FUNDS**

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

Dated this 23rd day of February 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Buch, seconded by Vermedahl, to approve the Class C Liquor License for Tara Hills Country Club. 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 reducing the appropriation of funds to Juvenile Probation, it was moved by Vermedahl, seconded by Buch, to open the public hearing. All members voting aye thereon. Motion carried. The chair declared the public hearing open. The county treasurer was present. The auditor explained that the reason for the reduction in appropriation was to allow the spending authority to transfer to the public health department. The increase in spending for the public health department is due to grant funds being passed through the county to Virginia Gay Hospital for public health grants. The auditor explained that appropriated funds for juvenile detention and shelter care appeared to be in excess of what will be needed this year and by reducing the appropriation it will eliminate the need for a budget amendment at this time. Hearing no comment, it was moved by Buch, seconded by Vermedahl, to close the public hearing. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-9 REDUCING BUDGET APPROPRIATION. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

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

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## **RESOLUTION #10-9 REDUCING BUDGET APPROPRIATION**

WHEREAS, the Benton County Board of Supervisors adopted a FY2010 budget on March 12, 2009; and  
WHEREAS, the FY2010 budget included appropriations of juvenile probation for detention and shelter services; and  
WHEREAS, the funds appropriated for juvenile probation are in excess of their current needs; and  
WHEREAS, the board desires to reduce the appropriation in the amount of \$65,000; and  
WHEREAS, notice was published in accordance with Iowa law; and  
WHEREAS, no objections were heard,  
**NOW THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2010 appropriation to Juvenile Probation is hereby reduced by \$65,000.00. The auditor is directed to correct the budget records in her office to reflect the same.  
Signed this 23rd day of February 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-10, SERVICE AREA BUDGET AMENDMENT. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-10 SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 12, 2009; and  
**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds between juvenile probation and public health nursing; and  
WHEREAS, the board has taken action to reduce the appropriation to juvenile probation by \$65,000,  
**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2010 county budget is hereby amended within the following service areas: Service Area 3. The auditor is directed and authorized to amend said service area as needed.  
Dated this 23rd day of February 2010.

**BENTON COUNTY BOARD OF SUPERVISORS**

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

The board discussed the need to replace the air conditioner at the Cedar Valley Ranch. Discussion included the possibility of the Ranch assuming the cost of the replacement. Moved by Vermedahl, seconded by Sanders, to contact the Cedar Valley Ranch and request that they pay for the replacement of the air conditioning due to the financial situation of Benton County. All members voting aye thereon. Motion carried.

Doug Elliott, Executive Director of East Central Iowa Council of Governments, provided an update to the board on the activities of ECICOG. Elliott reviewed the revolving loan program, disaster recovery efforts, funding opportunities under the United States Department of Agriculture, solid waste programs, transportation programs including the purchase of two new buses for Benton County Transportation, as well as federal stimulus programs. ECICOG stated that the county's sponsorship for the USDA housing program is advocated and the county would serve as a point of information only and ECICOG would administer the program. The program provides financial assistance for persons who meet income guidelines who need home rehabilitation, i.e. new roof, windows, accessibility issues, etc., home ownership assistance, or rental assistance. Elliott explained that ECICOG could administer the program without the county's sponsorship but would encourage the county to consider the sponsorship.

Curt Nelson of Entrepreneurial Development Center, Inc. (EDC) met with the board to provide information on the services provided by his organization. EDC provides business accelerator services to interstate businesses in the Cedar Rapids/Iowa City corridor, which includes Benton County. The organization recently provided services to Click Stop in Urbana. The organization assists new businesses with business development plans, funding opportunities, and other business needs. The group works with the East Central Iowa Council of Governments as well by connecting businesses with ECICOG to access their revolving loan fund. Nelson was asking for Benton County's financial support for their operation, adding that EDC does not charge businesses for their services. The request was for \$10,000 annually with a five-year commitment. No action was taken on the request.

The board discussed the county's need for an animal control officer. The auditor questioned if the animal control officer would be a county employee, with the county providing the equipment or a contract worker with the contractor providing the equipment. Discussion also included whether the City of Vinton would allow the animal control officer to use their equipment, if it were the same person. The sheriff stated that Vinton and the county always worked together in the past; however that appeared to be changing based on correspondence he received from the city

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coordinator. Supervisor Vermedahl stated that he wanted to speak with the City of Vinton to determine how the county and city can work together for animal control and asked the sheriff to accompany him.

Sheriff Forsyth and Chief Deputy Ferguson met with the board to discuss the Disaster Assistance Grant awarded to the county. The auditor advised that the grant funds had to be expended no later than June 30, 2010, and wanted to make sure that steps were being taken to obtain the fencing and camera/security equipment for the sheriff's parking lot. Sheriff Forsyth and Deputy Ferguson agreed to speak with the county's architect about drafting a bid document and to put the project out to bid. Supervisor Vermedahl offered to speak with the City of Vinton regarding angle parking as well.

The county engineer provided an update on activities in his department. The engineer advised that he is currently working on the five-year construction plan adding that the dollars aren't going as far as they used to. The engineer stated that there are a few bridges that are of concern with more on the horizon. Discussion on the time line for bridge inspections was held, which is based on the length of the structure with approximately 320 structures being 20 feet or over, and 30 less than 20 feet, and approximately 8-10 driveway bridges. The engineer stated that are numerous box culvert structures as well. The 320 structures must be inspected biennially and failure to do so could result in loss of federal funding. The engineer advised that the life span of bridges ranges from 50 to 60 years, and bridges built in the 1940's are going to be in need of replacement.

The board questioned the status of hiring a new assistant for the engineer. The engineer stated that he has had several more applications submitted from a job fair held at Iowa State several weeks ago. Some of the persons are interested in internships, assistants, and full and part-time positions.

The engineer advised that if more federal stimulus money becomes available that he plans to use it to resurface 77<sup>th</sup> St Drive (E66) between Belle Plaine and Luzerne.

Supervisor Vermedahl stated that he is getting complaints about rural residents pushing snow from driveways into the traveled portion of the roads. The engineer advised that he has not received any complaints of that nature, but that the county's ordinance prohibits pushing snow from private drives onto the county road and/or shoulders.

Supervisor Sanders discussed the status of the Oak Grove Road project. Sanders stated that he has told residents that grading would begin this year and asked the engineer to prepare a timeline for the supervisors within the next couple of weeks. Supervisor Buch stated that the county had hired a third-party to negotiate the purchase of right-of-way and asked the status of that. The engineer indicated that acquiring the right-of-way has not been completed. Mary Ann Blumer questioned how long the engineer had the necessary information to complete the acquisition. The engineer stated that plats were done about a year ago. Supervisors Sanders and Vermedahl asked that the matter be placed on the March 9, 2010 agenda for follow-up on the estimated time-line for completion.

Moved by Vermedahl, seconded by Buch, to approve 57 hours of vacation carry-over requested by Bruce Anderson. Said carry-over is to be used no later than June 1, 2010. All members voting aye thereon. Motion carried.

The Board discussed an employee paid dental and vision plan for county employees. The auditor stated that she had gotten information from several vendors who offered group plans. The plans offer different benefit levels with differing premiums, deductibles and maximum benefits. The auditor also added that the plans require varying minimum participation levels and without knowing if employees were interested, she wondered how far to go with the matter. The board requested that the auditor send information to each department and ask that they survey their employees to determine the level of interest.

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

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

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

March 1, 2010

The Benton County Board of Supervisors met special session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. The Vice-chair called the meeting to order at 8:00 a.m. in the boardroom room of the courthouse.

The board met for the purposes of reviewing the bid documents for the construction of a new law enforcement center. After reviewing the same, it was moved by Vermedahl, seconded by Buch, to adopt Resolution #10-11, SETTING DATES FOR BID LETTING OF A LAW ENFORCEMENT CENTER AND DELEGATING AUTHORITY TO OPEN BIDS. Voting aye were Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #10-11 SETTING DATES FOR BID LETTING FOR CONSTRUCTION OF A LAW ENFORCEMENT CENTER AND RELATED ACTIONS DELEGATING AUTHORITY TO OPEN BIDS**

WHEREAS, the Benton County's law enforcement center was destroyed by the June 2008 flood; and  
WHEREAS, the Benton County Board of Supervisors intends to construct a new law enforcement center; and  
WHEREAS, Benton County has, in accordance with law, contracted with Design Dynamics, Inc., an architectural firm, to draw plans and specifications for a law enforcement facility; and  
WHEREAS, the Board desires to let a bid on said plans and specifications for a law enforcement center,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the following:

1. The plans and specifications for a new law enforcement center are hereby approved for the purpose of letting bids on said facility.
2. The date for a pre-construction meeting is set for March 10, 2010 at 1:30 p.m.
3. The date for bids to be received is set for March 25, 2010, at 3:00 p.m. in the office of the county auditor, as evidenced by her time stamp. No late bids will be accepted.

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4. The date and time for the bids to be publicly opened is set for March 25, 2010 at 3:15 p.m.
5. The auditor or her designee is authorized to open the bids on said date and report the same to the Board of Supervisors at the March 30, 2010, board meeting or the next regularly scheduled meeting whichever comes first.
6. The architects are hereby authorized to review said bids prior to bid letting and provide a recommendation to the Board of Supervisors at the March 30, 2010, bid letting.
7. The date for a public hearing on the plans, specifications, form of contract and estimated cost of the project is set for March 30, 2010 at 9:30 a.m. in the Boardroom of the Benton County Courthouse.
8. The date and time for letting the bid is set for March 30, 2010, at 9:45 a.m. in the Boardroom of the Benton County Courthouse.
9. The auditor is directed to publish the Notice to Bidders and the Notice of Public Hearing for the construction of a new law enforcement center in accordance with law.

Dated this 1<sup>st</sup> day of March 2010.

Ayes: Buch and Vermedahl

Nays: none

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

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

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

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

March 2, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders absent. Vice-Chairman Buch called the meeting to order at 9:00 a.m. at the Benton County Courthouse, 2<sup>nd</sup> floor Boardroom.

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 23, 2010, and March 1, 2010. 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 Benjamin Reineke and Jenny Reineke, 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 single residential use. Greenlee reported that access is pre-existing and meets sight distance but would need slope work if widened. There is rural water eliminating the need for a well and there is no problems anticipated with a septic system. Moved by Vermedahl, seconded by Buch, to approve the request for a land use change from agricultural to non-agricultural on approximately two acres for a residential purpose on a parcel generally described as being a Part of Parcel A in the NW1/4 of the SE1/4 of the SW1/4 of the SE1/4 of 24-82-12. Both members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Perry and Jane Schoff. Schoffs currently own approximately 52 acres located in section 10-85-10. The ground is currently being rented for hay and pasture ground and although the applicants are not actively engaged in the farm operation the property is used for a farm operation by definition as it is used for the production of food and fiber. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as provided for in the Benton County Agricultural Land Use Preservation Ordinance for a single residential use on a parcel described as being a part of the N1/2 of the NE1/4 of the NE1/4 of Section 10-85-10. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the updated manure management plan filed by Swine Designs, LLC for a facility located at 1665 71<sup>st</sup> Street, Keystone, Iowa. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Pig Palace, LLC. For a facility located at 5192 30<sup>th</sup> Avenue, Walker, Iowa. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl introduced a resolution hereinafter next set out, setting a date for public hearing on a general obligation loan agreement, and moved its adoption, seconded by Supervisor Buch; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

Ayes: Vermedahl and Buch

Nays: None.

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



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RESOLUTION NO. \_\_10-12\_\_

Resolution to fix a date for a public hearing on a loan agreement

WHEREAS, the Board of Supervisors of Benton County, Iowa (the "County"), proposes to enter into a loan agreement (the "Loan Agreement") in the principal amount not to exceed \$750,000, pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of financing a portion of the cost of constructing and equipping a new County Law Enforcement Center; 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, Be It Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. This Board shall meet on the 30th day of March, 2010, at the Boardroom, Benton County Courthouse, Vinton, Iowa, at 10:30 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 four nor more than twenty days before the meeting, in a legal newspaper of 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 A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000**

The Board of Supervisors of Benton County, Iowa, will meet on the 30th day of March, 2010, at the Boardroom, Benton County Courthouse, Vinton, Iowa, at 10:30 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$750,000 for the purpose of financing a portion of the cost of constructing and equipping a new County Law Enforcement Center.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

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 County 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

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

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Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved March 2, 2010.

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Chairperson, Board of Supervisors

Attest:

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County Auditor

The time of 9:45 a.m. having arrived and this being the time for taking action on issuing a \$250,000 Solid Waste Disposal Revenue Note, the board took up the matter for consideration.

The County Auditor announced that she had received bids for the purchase of the County's \$250,000 Solid Waste Disposal Revenue Note, to be issued for the purpose of making improvements to the County solid waste disposal landfill, as follows:

<u>Bidder</u>	<u>Effective Interest Rate</u>
Security State Bank, Independence	2.38%
Banklowa, Independence	3.75%
Benton County State Bank, Blainstown	3.78%
Cedar Valley Bank & Trust, La Porte City	5.00%

After due consideration and discussion, Supervisor Vermedahl introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Buch. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisor voted:

Ayes: Vermedahl and Buch

Nays: None.

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

## **RESOLUTION NO. 10-13**

Approving and authorizing a Loan Agreement and providing for the issuance of a \$250,000 Solid Waste Disposal Revenue Note

WHEREAS, pursuant to 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") to provide funds to pay the cost, to that extent, of making improvements to the County solid waste disposal landfill, and has published notice and held a hearing on such proposal; and

WHEREAS, in response to an invitation to bid on a \$250,000 Solid Waste Disposal Revenue Note (the "Note"), the County received four bids; and

WHEREAS, the bid of Security State Bank, Independence, Iowa, is deemed to be the best, offering the lowest interest cost to the County; and

WHEREAS, it is necessary at this time to authorize and approve the Loan Agreement and to make provision for the issuance the Note in evidence of the obligation of the County under the Loan Agreement;

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

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

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Section 1. The County hereby determines to enter into the Loan Agreement with Security State Bank, Independence, Iowa, as lender (the "Lender"), providing for a loan to the County in the principal amount of \$250,000 for the purpose set forth in the preamble hereof.

The Chairperson and County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 2. The Note is hereby authorized to be issued in the principal amount of \$250,000, and shall be dated as of the date of its delivery to the Lender and shall be payable as to principal in the amounts and with interest at the rates as follows:

<u>Principal Payment Date</u>	<u>Amount</u>	<u>Interest Rate</u>
June 1, 2011	\$50,000	2.00%
June 1, 2012	\$50,000	2.25%
June 1, 2013	\$50,000	2.50%
June 1, 2014	\$50,000	3.25%
June 1, 2015	\$50,000	3.50%

The County Auditor is hereby designated as the registrar and paying agent for the Note and may be hereinafter referred to as the "Registrar" or the "Paying Agent".

Interest on the Note will be payable on June 1 and December 1, of each year, beginning December 1, 2010. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The Note will not constitute a general obligation of the County but will be payable solely and only from the net revenues of the County solid waste disposal system (the "Solid Waste Revenues"). The County hereby pledges the Solid Waste Revenues for the full and prompt payment of the principal of and interest on the Note.

Payment of both principal of and interest on the Note shall be made to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the payment date and shall be paid by check or draft mailed to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of the Note to the Paying Agent.

The County reserves the right to prepay principal of the Note in whole or in part at any time prior to and in any order of maturity on terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

The Note shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson and attested by the official manual or facsimile signature of the County Auditor and shall have the County's seal impressed or printed thereon and shall be a fully registered Note without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Note shall cease to be such officer before the delivery of the Note, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Note shall be fully registered as to principal and interest in the name of the owner on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owner or its legal representatives or assigns. The Note shall be transferable only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of any owners of the Note shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 3. The Note shall be in substantially the following form:

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

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(Form of Note)

UNITED STATES OF AMERICA  
STATE OF IOWA BENTON COUNTY

## **SOLID WASTE DISPOSAL REVENUE NOTE**

No.1

\$250,000

MATURITY DATE  
June 1, 2015

NOTE DATE  
March 15, 2010

Benton County (the "County"), State of Iowa, for value received, promises to pay in the manner hereinafter provided to

Security State Bank  
Independence, Iowa

or registered assigns, the principal sum of TWO HUNDRED FIFTY THOUSAND DOLLARS, together with interest on the outstanding principal hereof from the date of this Note, or from the most recent payment date on which interest has been paid, except as the provisions hereinafter set forth with respect to prepayment prior to maturity may be or become applicable hereto.

This Note shall be payable as to principal in the amounts and with interest at the rates as follows:

<u>Principal Payment Date</u>	<u>Amount</u>	<u>Interest Rate</u>
June 1, 2011	\$50,000	2.00%
June 1, 2012	\$50,000	2.25%
June 1, 2013	\$50,000	2.50%
June 1, 2014	\$50,000	3.25%
June 1, 2015	\$50,000	3.50%

Both principal of and interest on this Note are payable to the registered owner appearing on the registration books of the County maintained by the County Auditor (hereinafter referred to as the "Registrar" or the "Paying Agent") at the close of business on the fifteenth day of the month next preceding the payment date in lawful money of the United States of America by check or draft mailed to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of this Note to the Paying Agent.

This Note is issued by the County to evidence its obligation under a certain Loan Agreement (the "Loan Agreement") entered into by the County for the purpose of paying the cost of making improvements to the County's solid waste disposal landfill.

This Note is issued pursuant to and in strict compliance with the provisions of Section 331.402 of the Code of Iowa, 2009, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Note and the rights of the owner of this Note.

This Note will not constitute a general obligation of the County but will be payable solely and only from the net revenues of the County Solid Waste Disposal System (the "Solid Waste Revenues"). In and by the Resolution, the County Board of Supervisors has pledged the Solid Waste Revenues for the full and prompt payment of the principal of and interest on this Note.

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

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The County reserves the right to prepay principal of this Note, in whole or in part, at any time prior to and in any order of maturity on terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the prepayment date.

This Note is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Note to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time.

IN TESTIMONY WHEREOF, Benton County, Iowa, by its County Board of Supervisors, has caused this Note to be sealed with its official seal, to be executed by its Chairperson and attested by its County Auditor, all the \_\_\_\_ day of \_\_\_\_\_, 2010.

BENTON COUNTY, IOWA

By: (Signature)

Chairperson, Board of Supervisors

Attest:

(Signature)

County Auditor

(Seal)

## **ABBREVIATIONS**

The following abbreviations, when used in this Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with  
right of survivorship and  
not as tenants in common

UTMA \_\_\_\_\_  
(Custodian)

As Custodian for \_\_\_\_\_  
(Minor)

under Uniform Transfers to Minors Act

\_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in the list above.

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

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## **ASSIGNMENT**

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Note to

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(Please print or type name and address of Assignee)

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PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint \_\_\_\_\_, Attorney, to transfer this Note on the books kept for registration thereof with full power of substitution.

Dated: \_\_\_\_\_

Signature guaranteed:

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NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Note in every particular, without alteration or enlargement or any change whatever.

Section 4. The Note shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration and delivery to the Lender, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects.

Section 5. It is the intention of the County that interest on the Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Note as a "Qualified Tax Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

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

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Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved on March 2, 2010.

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Chairperson, Board of Supervisors

Attest:

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County Auditor

Recorder Lexa Speidel told the Board about the national Passport Day on Saturday, March 27, 2010, from 10:00 a.m. to 3:00 p.m. Speidel requested permission to open the courthouse on that day for that purpose. Treasurer Kelly Geater stated that she would open her office as well during that time to allow persons an opportunity to pay taxes. The board stated that a courthouse security sweep would need to be done prior to leaving the courthouse, but had no objections to the courthouse being open on that date.

Treasurer Kelly Geater stated that Roger Witt contacted her about a problem with the door at the Governor Sherman building. Geater stated that she looked at the door and although it was broken, the maintenance staff was able to fix it readily. Geater questioned if the door met handicap accessibility requirements. The auditor stated that the facility was ADA compliant.

Ranae Patava did not appear before the board regarding tax abatement on parcel 870-31500.

The engineer reported that the balance in the landfill account at the Benton County State Bank in Blirstown on February 28, 2010 was \$78,327.41.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Qwest Communications to place utility lines in the county's right-of-way along 60<sup>th</sup> Street Drive in Jackson Township Sections 23,24, and 25. Both members voting aye thereon. Motion carried.

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

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Ronald Buch, Vice-Chairman

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

March 9, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of March 2, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the claims numbered 120035 through 120323, and ACH deposits numbered 7796 through 7902, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of the following persons in the sheriff's department. All members voting aye thereon. Motion carried.

Amy Sue Benson – part-time matron effective February 9, 2010 at \$12.17 per hour.

Mark Christy – Reserve Officer, effective March 9, 2010, at a wage of \$18.28 per hour

Whitney Rowden – part-time correctional officer, effective March 9, 2010, at a training wage of \$12.43 per hour

Matthew Stombaugh – part-time correction officer, effective March 9, 2010, at a training wage of \$12.43 per hour

Change in classification – Clint Sandburg from unpaid reserve officer to paid reserve officer, effective March 9, 2010, at a wage of \$18.28 per hour.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan submitted by J & S Hogs, for the facility located at 7363 13<sup>th</sup> Avenue, Belle Plaine, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the fireworks permits requested by Charles Yedlik for events held on March 27, 2010, May 29, 2010, May 30, 2010, and July 10, 2010, at 5898-1/2 28<sup>th</sup> Avenue Dr., Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to provide a total of \$5,000 to the Atkins library and community center project for the purpose of providing financial support for a Community Attraction and Tourism (CAT) grant. This funding is subject to a CAT grant being awarded for this specific project. If awarded the funds will be provided over a five-year period in the amount of \$1,000.00 annually. Vermedahl and Buch voting aye. Sanders voting nay. Sanders stated that his nay vote was due to the arbitrary nature of the board's decisions in the amount of funds being provided to different cities noting that the county had recently provided \$10,000 to the City of Belle Plaine for use as local support for a CAT grant. Motion carried.

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

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The engineer presented a timeline for completion of the Oak Grove Road Project as follows:

Review property owners – first 2 weeks of March  
Revise property plats – month of March  
Informational Meeting – 1<sup>st</sup> or 2<sup>nd</sup> week of April  
Box culvert final plans – end of April  
Right of Way negotiating/purchase – April, May, and June  
Grading final plans – early June  
Distribute project plans – middle of June  
Letting date – July 16, 2010

The engineer stated that there had been a few ownership changes since the original road plat was prepared and would need some minor updating. Parizek stated that the county could hold an informational meeting with area property owners in the first or second week of April. The box culverts for the route should be completed by the end of April 2010. Once the right-of-way is completed, then mid to late June the grading plans could be completed. The engineer suggested that a July 16, 2010, bid opening date with the letting the following week at the supervisor meeting. Permits will need to be obtained. Sandy Koppen was present and asked about dust control timing since many people put down dust control just to have it ripped up later in the summer. Koppen asked if the county would provide the second dust control or if the property owners would be notified well in advance so that they can make a decision as to whether to buy it. Supervisor Sanders stated that many dust control companies will allow for just one coat. Koppen stated that she would like to have it mandated that the road would be completed this year since she has been told for a number of years that the project would be completed. It was also discussed about the need for additional gravel in soft areas of the road in that area. Supervisor Sanders stated that it was the normal for this time of year. Moved by Vermedahl, seconded by Buch, to accept the proposed time-line submitted by the engineer for completion of the Oak Grove Road Project. All members voting aye thereon. Motion carried.

The board discussed setting wages for 2010 for non-union employees. Supervisor Buch stated that the conference board recommended a zero percent increase for the assessor's office and that he recommended a zero percent increase for non-union employees and moved the same. Seconded by Vermedahl. Supervisor Sanders stated that he believed that a zero percent increase was needed due to the county's budget situation. Discussion:

Mary Ann Blumer stated that since the proposed and published budget included a two percent increase for non-union employees and if there were no wage increases, if the board would reduce their tax asking. Sanders stated that for every 1% wage increase for non-union and elected officials it affected the county's general basic fund by approximately \$17,000, but that the board would probably not reduce the tax asking. Gina Edler commented that her job, as well as many other employees' jobs, was her only source of income unlike the members of the board of supervisors who had this as their second income or received oil income. Benton County Attorney Dave Thompson stated that he could understand no wage increases if the county did not have the money; however he added that he had sat in on many of the board's budget sessions and noted that the supervisors did not reduce the wasteful discretionary spending in the county's budget. Thompson stated that he suggested various ways to reduce spending or raise funds; however the board took little, if any, action on his suggestions. Thompson added that he supports the union employees and that the board of supervisors has negotiated in good faith and agreed to increase the wages of the union personnel and questioned why the union personnel were different than the courthouse's non-union employees. Thompson pointed out that the supervisors have used the position that they have no control over the actions of the conference board in past years whenever it was to the supervisors advantage to deviate from the conference board's and not be consistent, but this year when it was convenient the board's position is that they must be consistent. Thompson reminded the supervisors that they paid the county engineer for his unused vacation and money wasn't an issue, but when it comes to rank and file then money is an issue. Thompson told the board that the budget problem was not created by the employees and added that the flood of 2008 was not the sole reason for the budget situation now.

John Watson, Vinton Mayor, explained that the conference board consists of city mayors, school board representatives and the board of supervisors with each body having one of three votes. Watson stated that the school boards unanimously voted for a 0% increase for the assessors' employees.

Thompson stated that the supervisors' actions in granting increases to unionized employees encouraged the courthouse employees to unionize.

Belle Plaine Mayor Jim Daily stated that Belle Plaine did not give raises due to the significant increase in health premiums.

Al Schabuch, a rural property owner, stated that people have to pay the taxes that come due and that people who are out of job will still have to pay taxes. Schabuch stated that there have been newspaper articles about asking union employees to take a zero percent increase and letters to editor from the public stating that union should take zero percent. Schabuch added that a zero percent increase should be across the board and include the union as well and not just a few employees.

Thompson told the supervisors that until the county adopts a uniform pay grade/scale and lets the employee know what they can expect the board will have this meeting and every year there will be hard feelings. Thompson stated that a uniform pay grad/scale will help the departments know how to budget.

Kim Staab added that when she started working for the county, the treasurer's office had a pay scale that consisted of six steps. Staab stated that then one year even though the wages were frozen for all the other employees, the treasurer's employees still received an increase under the six-step scale and the following year the six-step scale was eliminated.

Thompson continued that he, like Farm Bureau members, was a taxpayer too and that there were a lot of things that could be cut in the budget. Thompson stated that the board of supervisors have been warned repeatedly over the years by Auditor Jill Marlow that the county needed to curb spending or the county would get into financial trouble, but the supervisors refused to cut the cash cows and other flagrant spending projects, i.e. the radio tower, etc. and those decisions are what is putting the county in its financial position and not the county employees who are doing their jobs.



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

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John Watson questioned where the county was in labor negotiations. The board responded that one union is going to mediation while the other is at fact-finding. Supervisor Vermedahl advised that he could not reveal what had been offered but it was true that insurance costs had gone up and there were no discussions about increasing the employee's share. Watson replied that the City of Vinton finalized a one-year labor contract with its street department granting a thirty-five cent per hour increase. Watson stated that he would not run the City off of the backs of its employees. When asked what the City did for non-union employees Watson responded that the City was waiting to see what the county did for wage increases for its non-union employees and elected officials.

Schafbuch commented that he was more interested in keeping the taxes lower and that if there were places in the budget that could be reduced, then the board of supervisors should do that and give an equal increase to everyone.

Thompson reiterated that he had sat in on numerous budget meetings and that he did witness Supervisor Sanders attempt to cut some of these programs that had been out there for years.

County Engineer Myron Parizek pointed out that a one percent increase of about \$17,000 on the general basic fund would result in less than two cents of levy per thousand dollars of valuation.

Sandy Koppen questioned what the unemployment and under employed rate was in Benton County. Other comments were heard as to social security being frozen.

Thompson stated that if it were a tough budget year then freeze the wages but urged the supervisors to be honest in that there were things that could be cut. Parizek suggested that a \$500 increase be granted for all employees.

John Watson questioned if the could grant a .25 cent per hour increase could be considered based on a 1950 hour year. Supervisor Sanders responded that the county could do that as well.

Hearing no further discussion, the chair called for the vote. (on a 0% increase). Sanders voted aye. Vermedahl and Buch voting nay. Motion failed.

Moved by Vermedahl, seconded by Buch, to grant a .25 per hour increase to non-union employees based on their normal workweek. Supervisor Buch stated that would be giving the lower people a larger percentage increase and higher paid employees a lesser percentage. Supervisor Vermedahl withdrew his motion. Buch commented that he believed the county had an obligation to those employees making less, but questioned where the line is drawn. Moved by Buch, seconded by Vermedahl, to grant a \$500 increase to non-union employees making less than \$35,000 annually; part-time employees are granted a twenty-five cent per hour increase unless they earn \$35,000 or more annually. The \$35,000 threshold is to be calculated on base salary only. Further all other non-union employees are to receive a zero percent increase for FY11. There was continued discussion concerning the cutoff of \$35,000 and part-time employees. Additional statements were heard regarding budget reductions with Supervisor Vermedahl stating that the comments towards additional budget cuts heard during the discussion were directed at economic development. Thompson responded that Vermedahl's statement was unfair as there were all kinds of things in the budget that could have been cut. A comment was also heard from the Belle Plaine mayor that the county should exercise caution when granting increases to lower paid employees while no increases to higher paid employees as the possibility exists that soon the managers are making less than the employees they manage.

Vote: Supervisors Buch and Vermedahl voting aye. Supervisor Sanders voting nay. 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 FY2011 county budget, the board took up the matter for consideration. Supervisor Sanders began by opening the public hearing on exceeding the \$3.50 general basic levy. Sanders explained that exceeding the \$3.50 maximum levy limit was needed to maintain the fund balance and that state law permits the county to levy above the maximum. Sanders stated that the county suffered a natural disaster with the flood of 2008 and the expenses that were not reimbursed from that event have caused the county to take this step. Sanders stated that the county had anticipated being reimbursed at 100% for inmate housing in other counties and found later that FEMA would not reimburse at 100%. Sanders also explained that the county would like to maintain a twenty percent fund carry-over and although not required it was recommended.

The chair then asked for board action regarding the compensation board's recommendation for elected officials. The recommendations were for a one percent increase with the exception of a two and one-half percent increase for the auditor. Moved by Vermedahl, seconded by Buch, that the recommendations be reduced by 100% resulting in a zero percent increase.

Auditor Jill Marlow explained that the compensation board had recommended that her salary be increased by two and one-half percent due to the amount of extra hours she was performing related to FEMA work. Marlow explained that she had a full-time job before FEMA that required many extra hours and that workload has significantly increased. Marlow stated that federal and state FEMA officials have told her that most entities with the amount of damage incurred by Benton County hired additional personnel to do what she is having to do. Marlow stated that she did not have extra time before and that all of the FEMA work is being completed on her own time. Marlow stated that she has certified 180 hours of extra time on ten projects and that she has thirty more projects that she is working on. Marlow stated that the county is receiving the money from FEMA for the time she is certifying but she personally does not receive any of it although it is she that is putting in the extra time.

County Attorney Thompson stated that the compensation board recognized that Marlow is putting in many extra hours but also stated that once the FEMA related work was done they would take away the extra compensation.

Vinton Mayor John Watson stated that Vinton had received help from FEMA with the paperwork but that the people never stuck around. Watson told the auditor that she would be a shoe-in for the next election as no one would want to do it. Watson further stated that the flood was a disaster and that perhaps it wasn't fair that Marlow didn't get the compensation but that is why no one wants to be an elected official. Watson added that it needed to be kept in perspective and remember that social security did not get a raise.

The county attorney stated that the auditor should get the raise and that he would donate his one percent raise to the charity of Watson or Grovert's choice. Thompson reiterated that the compensation board recognized all of the extra work being placed on the auditor at this time.

Vote: All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-14, ADOPTION OF THE FY11 COUNTY BUDGET.

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

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Jill Marlow, County Auditor, questioned that if the board truly was concerned about the effect of the budget and the economic times on the taxpayer, then they should reduce the tax asking by the amount they saved by not granting wage increases since increases were figured into the budget.

Moved by Buch, seconded by Sanders, to amend the original motion to reduce tax dollars by \$30,000 in the general basic fund and that the levy reflect the same. All members voting aye on the amendment. Motion carried. Voting on the original motion: Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

The auditor questioned if reductions were to be made in the budget for the decrease in budgeted wages, if the spending authority would still be given to the departments, or if the reductions would be handled through appropriations. The board indicated that they would not be reducing the budget at this time.

## **RESOLUTION #10-14**

### **ADOPTION OF THE FY11 COUNTY BUDGET**

**BE IT REMEMBERED** that on this, the 9th day of March 2010, 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 2010-11 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 FY11 salaries for elected officials was reduced to reflect a zero percent increase.

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

- General Basic - \$11,000 – Historic Preservation
- General Basic - \$51,463 – Equipment/Vehicle Replacement
- General Supplemental - \$50,000.00 – Emergency Response
- General Supplemental - \$57,000.00 – Election equipment
- Rural Services - \$14,000 – Vehicle Replacement
- Other (Closure/Post Closure) - \$1,134,478

**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 2010-11.

General Basic	\$4,054,652
General Supplemental	\$1,249,413
Mental Health Services	\$ 885,826
Rural Services Basic	\$2,038,063

**IT IS THEREFORE RESOLVED**, by the Benton County Board of Supervisors that the FY11 budget is hereby adopted.

Dated this 9<sup>th</sup> day of March 2010.

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

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

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

ATTEST:

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

The 2011 Grand Jury met with the Board and discussed various issues affecting the county.

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

155

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-15, AMENDING DEPOSITORY RESOLUTION #09-48. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-15 AMENDING RESOLUTION #09-48 BANK DEPOSITORIES**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #09-48 setting depository limits for county funds on June 30, 2009; and

WHEREAS, the Board now desires to amend said resolution to designate an additional depository,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #09-48 adopted on June 30, 2009, is amended to add the following named bank as a depository for the County funds in amounts not to exceed the amount named opposite it for fiscal year 2010. The remainder of Resolution #09-48 remains in full force and effect.

Security Savings Bank, Independence, Iowa	\$500,000
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Dated this 9<sup>th</sup> day of March 2010.

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

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Ronald R. Buch

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

ATTEST:

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

The board met with representatives of the Cedar Valley Ranch (the Ranch) and Mary Williams, Social Services Director, regarding the current lease agreement between Benton County and the Ranch. The Ranch had notified the county that the air conditioning unit needed replaced at their facility at an estimated cost of \$90,000. The board of supervisors had requested that the Ranch bear the cost of the replacement due to the county's financial situation. The Ranch responded that they would consider the request, but in exchange requested that their rent be waived for five years and that the per diem rate of \$79.90 remain the same for FY2011. Moved by Vermedahl, seconded by Buch, to agree to the terms presented by the Cedar Valley Ranch, for the replacement of the air conditioning units and waiving rent payments. All members voting aye thereon. Motion carried. A formal agreement will be presented for final action.

Representatives of the Urbana Fire Department and Polk Township met with the Board to request funding from the Local Option Sales and Services fund. The request was for the purchase of a new fire truck.

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

156

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-16, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Sanders, Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-16 EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT**

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

Adopted this 9th day of March 2010.

\_\_\_\_\_  
Jason Sanders, 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 Polk Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

13. The County agrees to gift to the Township the sum of \$20,000.00 or 10% of the price of the equipment, whichever is less.
14. 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 Urbana Fire Department.
15. 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.
16. The County will release said funds upon the request of the Township. The request shall include either a signed purchase order or actual invoice for the equipment.
17. 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.
18. The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and/or life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

\_\_\_\_\_  
Jason Sanders, Chairman  
Benton County Board of Supervisors

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

Attest: \_\_\_\_\_  
Benton County Auditor

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

\_\_\_\_\_  
Chairman  
Polk Township Trustees

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

Attest: \_\_\_\_\_  
Polk Township Clerk

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

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the annual report of the Benton County Historic Preservation Commission. All members voting aye thereon. Motion carried.

The board discussed animal control in rural Benton County. Supervisor Vermedahl had agreed to research the current arrangement with the City of Vinton. Vermedahl reported that Garrett Wittmer is currently working for the City of Vinton as their animal control officer for \$200 a month. Supervisor Vermedahl questioned if the county should hire someone as well for the same amount of money, which would be paid from Rural basic. The animal control officer would be an employee of the sheriff's office. Vermedahl stated that he would take care of advertising for the position. Barb Greenlee stated it would be helpful to share the position with the city. Discussion on ownership of the equipment used by the animal control officer was held. It was reported that the equipment belongs to animal shelter and would be available for use in the unincorporated areas of the county. The county's animal control officer would be for the unincorporated areas of the county only. The towns would have to provide their own animal control. Vermedahl stated that county's workman's compensation would cover the person if they would get into an accident. The person would have to have his or her own vehicle with auto insurance coverage at their expense. Moved by Vermedahl, seconded by Buch, to advertise for animal control officer. All members voting aye thereon. Motion carried.

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

157

Demar and Shirley Enget met with the board and submitted a petition for seal coating Ben/Linn Rd. The Engets advised that the road washes out regularly and is traveled a lot creating quite a bit of dust. The Engets asked that the county seal coat a stretch of road that would include nine houses. The Engets stated that the road is very unsafe for the school buses to drive on. Supervisor Sanders advised that when the county sealcoats just a small area it must then use a different truck for snow removal in the winter as a maintainer cannot be used on sealcoated surfaces for snow removal. Supervisor Sanders stated that it was good to know where the problems were. The Board did not take any action on the petition.

Charles James discussed transportation that his department would be providing using a van from the Veterans Affairs Hospital in Iowa City. James stated that he still needed to get the lease and will update the Board once he received. James also discussed his request for assistance with answering the telephone. A member of the board of supervisors had approached the treasurer and asked if her office would take phone calls and schedule appointments for veterans' affairs. Sanders told James to discuss the matter with the treasurer.

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

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

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

March 12, 2010

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Buch and Vermedahl present. The chair called the meeting to order at 9:30 a.m. in the auditor's office of the courthouse.

Todd McNall, Design Dynamics, met with the board to report on the pre-bid meeting with the contractors on the law enforcement center. McNall stated that there was a good turn-out for the contractors meeting; however many of those present were concerned about the date for the bid opening as it coincided with another bid opening for a larger project. McNall added that contractors generally will not bid two projects on the same day and asked if the board would consider changing the bid opening to Wednesday, March 24, 2010 instead of March 25, 2010, as originally set. McNall added that the bid documents would also be changed to reflect that the last addendum date would be March 19, 2010 should the board change the opening date.

The auditor had spoken with the county attorney and with Design Dynamics regarding the date change and that the county would need to republish reflecting the new date. The county attorney also had stated that all contractors present at the pre-bid meeting should be contacted by phone and in writing regarding the date change.

McNall stated that an addendum would be written showing the change in date which all contractors receive and that phone calls would be made advising contractors to that an addendum was issued changing the bid date.

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

158

Moved Vermedahl, seconded by Buch, to adopt Resolution #10-17, AMENDING RESOLUTION #10-11 SETTING DATES FOR BID LETTING FOR CONSTRUCTION OF A LAW ENFORCEMENT CENTER AND RELATED ACTIONS DELEGATING AUTHORITY TO OPEN BIDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

RESOLUTION #10-17  
AMENDING RESOLUTION #10-11  
SETTING DATES FOR BID LETTING FOR CONSTRUCTION OF A LAW ENFORCEMENT CENTER  
AND RELATED ACTIONS  
DELEGATING AUTHORITY TO OPEN BIDS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #10-11, SETTING DATES FOR BID LETTING FOR CONSTRUCTION OF A LAW ENFORCEMENT CENTER AND RELATED ACTIONS DELEGATING AUTHORITY TO OPEN BIDS on March 1, 2010; and

WHEREAS, the Benton County Board of Supervisors has been advised that another jurisdiction has a bid opening scheduled for the same date; and

WHEREAS, it would be in the county's best interest to move the bid opening so as not to conflict with other bid openings, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the following:

Item # 3 and Item #4 of Resolution #10-11 adopted on March 1, 2010, is hereby amended to reflect a change in the date for receiving and opening the bids as follows:

3. The date for bids to be received is set for March 24, 2010, at 3:00 p.m. in the office of the county auditor, as evidenced by her time stamp. No late bids will be accepted.
4. The date and time for the bids to be publicly opened is set for March 24, 2010 at 3:15 p.m.

The architectural firm is directed to publish an addendum reflecting the change in date and in addition they are to verbally notify all contractors attending the mandatory pre-bid meeting on March 10, 2010.

The auditor is directed to publish a Revised Notice to Bidders reflecting the change in date in the county's official newspapers.

The remainder of Resolution #10-11, adopted on March 1, 2010, remains in full force and effect.

Dated this 12<sup>th</sup> day of March 2010.

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

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Ronald R. Buch

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

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

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

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

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

159

March 16, 2010

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

Moved by Buch, seconded by Sanders, to set April 15, 2010, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by James and Danette Dahl on a parcel located in the N1/2 of the NE1/4 of Section 22-85-9. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to designate Ron Buch as the authorized person to sign documents on behalf of Benton County for farm related matters with the Farm Service Agency (FSA). Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve the minutes of March 9, 2010, March 12, 2010, and March 15, 2010. Both members voting aye thereon. Motion carried.

The auditor spoke with the board regarding the action taken on January 19, 2010, granting a gift of up to \$20,000 to the Van Horne Fire Department for emergency services equipment. The auditor requested clarification that the money could be disbursed as a purchase order and not an invoice document the expense. Moved by Buch, seconded by Sanders, to adopt Resolution #10-18 Amending Resolution #10-2, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-18 AMENDING RESOLUTION #10-2, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT.**

WHEREAS, the Board of Supervisors adopted Resolution #10-2, on January 19, 2010; and  
WHEREAS, said Resolution #10-2 provided for \$20,000 to be gifted to the Van Horne Fire Department through the Van Horne Benefited Fire District; and  
WHEREAS, said resolution stated that \$15,000 should be distributed upon signing of the agreement and \$5,000 upon receipt of a signed purchase order or actual invoice on or before August 1, 2010; and  
WHEREAS, the auditor has advised that a purchase order was received from the Van Horne Fire Department,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #10-2, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT adopted on January 19, 2010, is hereby amended to reflect the following:

- 4 The County will release said funds upon the written request of the Benefited Fire District as follows: \$20,000 immediately as proof of expense for the truck has been provided and a purchase order including proof of down payment has been provided for the equipment.

The remainder of Resolution #10-2 adopted on January 19, 2010 remains in full force and effect.  
Dated this 16th day of March 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Buch, seconded by Sanders, to approve the request submitted by Penny Applegarth to carry-over 22.5 hours of unused vacation. Said carry-over is to be used no later than June 30, 2010. Both members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen met with the Board regarding an agreement between Benton County and the Emergency Management Commission for ownership, management, and financial matters regarding the new emergency operations center. Hansen advised that the state would be administering the grant and making payments directly to the contractor for the new center. Meyer stated that the county's local match may be the county's parking lot, geothermal system, or radio system. Supervisor Buch stated that some type of an agreement turning ownership of the building over to the county is needed. Hansen stated that the agreement should include language that emergency management is allowed to occupy the space. Meyer and Hansen agreed that some type of agreement should be entered into and Buch questioned if Meyer and Hansen would meet with the county attorney. Hansen stated that the county attorney represents the county and not the Emergency Management Commission and therefore the board of supervisors should approach the county attorney.

Cathy Cooks and Vicki Vanderhaart of Wellmark Blue Cross Blue Shield met with the board regarding the renewal of the county's health plan. Cooks reviewed the Iowa State Association of Counties health insurance pool of which the county is a member. Cooks explained how the county's claim experience affects the costs. Cooks pointed out that the county's loss ratio has been in the eighties since 2002 and stated that the county should continue doing whatever it started to do in 2002 since it seemed to be working to control costs. The county implemented an employee wellness program in 2002.

Moved by Buch, seconded by Sanders, to direct the chair to serve notice on Tim Sage and Robert McNeill, lessees of the county's farm ground, that due to non-payment of rent on March 1 as required, that a full year's payment is now due in full on or before April 1, 2010, as set forth in the lease agreements. Further, if either fails to make full payment on or before April 1, 2010, then the lease(s) is to be terminated. Both members voting aye thereon. Motion carried.

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

160

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

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

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

March 23, 2010

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

John Mitchell met with the board to discuss road issues. Mitchell reported that there are chunks of sod lying in the ditch and that he maintains the ditch area like his lawn. Mitchell expressed his unhappiness with the situation and stated that he is considering filing a harassment/revenge lawsuit against the county if nothing is done about the matter. Mitchell added that he would not remove the chunks of sod. Supervisor Buch advised that he would look at the area.

Moved by Buch, seconded by Sanders, to approve the minutes of March 16, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 120324 through 120602, and ACH deposits numbered 7903 through 8009, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Kristina Kremer to the ECICOG Business Assistance Revolving Loan Fund Loan Review Committee. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan submitted by Swine Designs, L.C. for the facility located at 1665 71<sup>st</sup> Street, Keystone, Iowa. All members voting aye thereon. Motion carried.

Gary McKenna of the Vinton Fire Department, and Eden Township Trustees John Holst and Dwight Sanders requested \$20,000 in local option sales and services tax funds for the Vinton Fire Department. McKenna stated the department purchased a ladder truck and various equipment. McKenna also requested that the costs for the addition to the fire station needed in order to house the new truck be considered as well. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-19, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. All members voting aye thereon. Motion carried.

## **RESOLUTION #10-19**

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with Eden Township in the amount of \$8,001.57 for the purchase of equipment.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2010.

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

Attest: \_\_\_\_\_  
Gina Edler, Clerk  
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 Eden Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

The County agrees to gift to the Township the sum of \$20,000 or 10% of the price of the equipment, whichever is less.

The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:

Ladder truck, building expense and miscellaneous fire equipment for the Vinton Fire Department.

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.

The County will release said funds upon the request of the Township on or before June 15, 2010. The request shall include either a signed purchase order or actual invoice for the equipment. A written request is not required for the portion of the funds for which documentation was provided to the County at the time of the initial request.

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.



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

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The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and/or life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

\_\_\_\_\_  
Jason Sanders, Chairman  
Benton County Board of Supervisors

\_\_\_\_\_  
Chairman  
Eden Township Trustees

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

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

Attest: \_\_\_\_\_  
Benton County Auditor

Attest: \_\_\_\_\_  
Eden Township Clerk

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

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

The board tabled a decision on vacation payout request by Mary McLaughlin until the next meeting. Benton County Engineer Myron Parizek met with the Board to discuss the flood control measures requested by the City of Palo. Representatives from Palo met with the supervisors a year ago and asked that the county installs smaller culverts in the ditches to slow the flow of the water in an attempt to reduce flooding down river. Parizek stated he hasn't done much research on this idea, but he wasn't sure if the idea would help. Parizek questioned if the County would be liable for the water that would be backed up onto adjoining farm ground and was concerned about the county's involvement. Parizek stated there are a lot of reasons the flood of 2008 happened besides the rain. Supervisor Vermedahl commented that the county doesn't have the money to replace the culverts at this time, and without knowing if the idea would work or not - it would be a waste of money. Supervisor Sanders questioned if this would increase the chances for another event if we decreased the sizes of the culverts. Vermedahl questioned the safety factor of going to a smaller culvert, and if the direct force of water and a smaller culvert would be more of an issue. Supervisor Buch stated that the county roads should not serve as dams. Vermedahl stated he has no problem trying to reduce flooding, but not by endangering the rest of the population. The board asked this be put back on the agenda in two weeks to allow further research to be done. No decision was made.

Parizek also discussed with the county's recycling program. Supervisor Vermedahl stated he had a visit from a hauler who is upset that he has seen a lot of haulers taking items to the landfill that can be recycled. Parizek stated there is a certain degree of violations that could be happening. Parizek stated that he has seen where some haulers are advertising that people don't need to recycle that the effort isn't worth it. Supervisor Buch stated that recycling will always be an issue, and questioned how the county could control it. Sanders pressed that the county needs to make a decision about the recycling program in rural Benton County as the issue has been before the supervisors numerous times and the board should make a decision whether it is more education and/or enforcement. Vermedahl stated that he would research the matter with the engineer and report back to the board.

Move by Vermedahl, seconded by Buch to adopt Resolution #10-20, REMOVE WEIGHT RESTRICTIONS ON COUNTY STRUCTURE. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

## **RESOLUTION #10-20**

WHEREAS, the structures at these locations have been replaced by new structures and

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

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restriction previously imposed on these structures be removed. The structures are located as follows:

UN-0900                      0.9 mile east of the NW corner of section 6-83-11 (Union Township) on 68<sup>th</sup> Street.

Signed this 23<sup>rd</sup> day of March 2010.

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

ATTEST: \_\_\_\_\_  
Gina Edler, Clerk  
Jill Marlow, Auditor

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

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**Moved by Buch, seconded by Vermedahl to adopt Resolution #10-21, IMPOSING WEIGHT RESTRICTIONS ON COUNTY STRUCTURES. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.**

## **RESOLUTION #10-21**

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

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

<u>BE-2159</u>	<b>20 ton</b> 0.1 mile east and 0.9 mile south of the NW corner of section 33-85-9 (Benton Township) on 30 <sup>th</sup> Avenue Drive.
<u>BE-5545</u>	<b>20 ton</b> 0.5 mile east and 0.5 mile south of the NW corner of section 25-85-9 (Benton Township) on 33 <sup>rd</sup> Avenue Drive.
<u>JA-3044</u>	<b>20 ton</b> 0.4 mile south of the NW corner of section 27-85-11 (Jackson Township) on 19 <sup>th</sup> Avenue.
<u>PO-0520</u>	<b>20 ton</b> 0.5 mile east of the NW corner of section 7-86-12 (Polk Township) on 52 <sup>nd</sup> Street.
<u>HO-4200</u> <b>25 ton</b>	0.2 mile south of the NW corner of section 2-84-12 (Homer Township) on 62 <sup>nd</sup> Street.
<u>HO-2020</u> <b>25 ton</b>	Near the NW corner of section 16-84-12 (Homer Township) on 12 <sup>th</sup> Avenue.

Signed this 23<sup>rd</sup> day of March 2010.

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Chair, Board of Supervisors

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ATTEST: \_\_\_\_\_  
Gina Edler, Clerk  
Jill Marlow, Auditor

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

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Moved by Vermedahl, seconded by Buch to adopt Resolution #10-22, IMPOSING WEIGHT RESTRICTIONS ON COUNTY STRUCTURES. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

## **RESOLUTION #10-22**

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

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

<u>CE-3915</u>	<b>15 ton</b> 0.5 mile south and 0.9 mile east of the NW corner of section 10-86-11 (Cedar Township) on 51 <sup>st</sup> Street Drive.
<u>LE-1560</u>	<b>15 ton</b> 0.5 mile east of the SW corner of section 32-82-12 (Leroy Township) on Benton-Iowa Rd.
<u>LE-3023</u>	<b>15 ton</b> 0.3 mile south of the NW corner of section 15-82-12 (Leroy Township) on 19 <sup>th</sup> Avenue.
<u>KA-3011</u>	<b>15 ton</b> 0.1 mile south of the NW corner of section 10-83-12 (Kane Township) on 13 <sup>th</sup> Avenue.
<u>HO-1041</u>	<b>10 ton</b> 0.1 mile south of the NW corner of section 29-83-12 (Homer Township) on 11 <sup>th</sup> Avenue.
<u>BE-5250</u>	<b>6 ton</b> 0.2 mile east of the NW corner of section 36-85-9 (Benton Township) on 61 <sup>st</sup> Street Lane.
<u>PO-4042</u>	<b>5 ton</b> 0.2 mile south of the NW corner of section 26-86-9 (Polk Township) on 32 <sup>nd</sup> Avenue.

Signed this 23<sup>rd</sup> day of March 2010.

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

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

Gina Edler, Clerk

Jill Marlow, Auditor

Scott Hansen, Emergency Management Coordinator, and County Attorney David Thompson met with the Board regarding an agreement between Benton County and the Emergency Management Commission for the management and control as well as financial matters regarding the new emergency operations center. Hansen advised that the State would be administering the grant and making payments to Benton County for the new center, and they could not begin construction on the new emergency operations center until the grant has been awarded, which could happen anytime before September 30, 2010. Hansen also stated that the money would not be available until sometime in October. Thompson presented a draft Agreement and stated that an Agreement would need to be entered into before the bid is awarded for the construction of the law enforcement center. The Board stated that they wanted the auditor to go over the agreement before they made a decision. The matter was placed on next week's agenda.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Wellmark Renewal documents for the county's health insurance for FY2011. All members voting aye thereon. Motion approved.

Moved by Buch, seconded by Sanders, to approve the claim to the flex spending account in the amount of \$2,621.33. Said funds are to be refunded when monies are available in the flex spending account. All members voting aye thereon. Motion approved.

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

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

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

Gina Edler, Clerk

Jill Marlow, Benton County Auditor

March 30, 2010

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

Chief Deputy Mike Ferguson of the sheriff's department met with the board regarding the commissary account for the inmates. Ferguson reported that a service is available where the inmates order commissary items over the phone and the company then ships them to the inmates. The county receives a commission off of the items sold and eliminates the need for the county to maintain an inmate commissary account. The county will no longer be required to purchase and maintain commissary items. Moved by Vermedahl, seconded by Buch, to enter into a three-year contract with Stellar Services of Madison, Wisconsin, for inmate commissary services. All members voting aye thereon. Motion carried.

The Board met with representatives of the Emergency Management Commission, as well as the county attorney, regarding an *Agreement Re: Emergency Operations Center*. The county attorney presented a revised draft of the proposed agreement presented at a previous meeting. Discussion was primarily on whether interest should be

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

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charged to the Commission for funds the County had to upfront. Discussion also included the requirement for a 25% local match and that the Emergency Management Commission had not determined how that would be funded; however it is their intentions that expenses being incurred for other projects associated with the center would meet the local match requirement and that no actual money would be needed. The projects being considered towards the local match requirement include equipment being purchased by E911, the parking lot being funded by county and state grants, and the portion of the geothermal system being funded by the county. Moved by Buch, seconded by Vermedahl, to authorize the chair to sign the following Agreement. All members voting aye thereon. Motion carried.

## **AGREEMENT RE: EMERGENCY OPERATIONS CENTER**

In light of the award of the Fiscal Year 2010 Emergency Operations Center Grant in the amount of \$500,000.00 for the construction of a new Benton County Emergency Operations Center, Benton County, Iowa and the Benton County Emergency Management Commission hereby agree as follows:

1. The parties agree to work together to cause the construction of a new Emergency Operations Center. The parties will use the proceeds of the FY2010 Emergency Operations Center Grant to accomplish this.
2. The newly constructed Emergency Operations Center shall be titled in the name of and owned by, Benton County, Iowa. The Benton County Emergency Management Commission shall utilize the Emergency Operations Center in accordance with Iowa Code §29C.12.
3. Benton County Emergency Management Commission shall be responsible for compliance with all Federal and State Regulations regarding the administration of the FY2010 Emergency Operations Center Grant Program.
4. The administration/implementation of the FY2010 grant may require that Benton County pay contractors directly, subject to subsequent reimbursement. The Benton County Emergency Management Commission agrees to cooperate with the State and Benton County to cause Benton County, Iowa to be reimbursed for its expenditures in prompt fashion. Further, the Benton County Emergency Management Commission agrees to cooperate with any audit requirements encountered in the administration of the FY2010 Emergency Operations Center Grant.
5. Benton County, Iowa shall be entitled to be paid interest by the Benton County Emergency Management Commission for all expenditures made by Benton County that are not reimbursed to Benton County within 45 days of the Benton County's payment of said expenditure. Said interest shall accrue at the rate of 4.5 percent per annum.
6. The parties understand that due to the uncertainty as to how the FY2010 Emergency Operations Center Grant Program may be administered by the Federal and State governments, this agreement may need to be amended.

Dated this 30<sup>th</sup> day of March, 2010.

\_\_\_\_\_  
Jason Sanders, Chairman  
Benton County Supervisors

\_\_\_\_\_  
Scott Hansen, Emergency Management  
Coordinator

## **Benton County Emergency Management Commission**

The sheriff spoke with the Board about contracting with Shred-It for approximately \$2,000.00, to destroy documents in his department that are of no longer used. Moved by Vermedahl, seconded by Buch, to approve a contract with Shred-It to destroy county documents. All members voting aye thereon. Motion carried.

The board meeting was moved to the 3<sup>rd</sup> floor courtroom due to the number of attendees.

Moved by Vermedahl, seconded by Buch, to approve the minutes of March 23, 2010, with corrections in the amount of funds be given to the Vinton Fire Department and the discussion on recycling was clarified that Vermedahl was contacted by a hauler and not *rural* hauler. All members voting aye thereon. Motion carried.

Sheriff Forsyth presented two quotes for a software program that enable correctional officers to record inmate checks. The quotes were from Timekeeping Systems for \$11,014.40 and Guardian for \$13,324.00. Moved by Vermedahl, seconded by Buch, to enter into a software and maintenance contract with Timekeeping Systems for an inmate monitoring system at a cost of \$11,014.40. 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, form of contract and the estimate of costs to construct a new law enforcement center, the board opened the matter for public comment. There were approximately twelve persons present. Todd McNall of Design Dynamics advised that the estimated cost to construct the buildings is \$6,500,000.00 with an additional \$250,000.00 for elevation/mitigation work, costs for a geothermal heating/cooling system of \$250,000 and 500,000.00 for a new emergency operations center. The contract is the AIA (American Institute of Architects), Contract Forms 101 and 201. The plans and specifications have been on file in the auditor's office as well as other locations in Cedar Rapids and an on-line service. The board asked if there were any questions. There were no comments either for or against the matter heard. Hearing no further comment, the chair declared the public hearing closed. Moved by Vermedahl, seconded by Buch, to approve the plans, specifications, form of contract and estimate of costs for constructing a new law enforcement center and emergency operations center. All members voting aye thereon. Motion carried.

Jill Marlow, County Auditor, spoke with the board regarding air quality in the Governor Sherman building. Marlow stated that she has been in contact with both state officials and the county's insurance carrier regarding the matter. The auditor stated that she spoke with the maintenance staff and the chair of the board of supervisors regarding potential OSHA issues and the need to provide fresh air into the facility. However, no action was taken by either of those persons, so the auditor was requesting authority to address the air quality issues before an OSHA violation is filed. The auditor also explained that additional exit signage was needed in that facility as well. The auditor explained that she was in the process of receiving a quote to modify the furnaces to provide fresh air and installing exit signage. Moved by

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Vermedahl, seconded by Buch, to authorize the auditor to proceed with the necessary improvements at the Governor Sherman building to address air quality and signage. All members voting aye thereon. Motion carried.

Jill Marlow, County Auditor, spoke with the supervisors about a complaint regarding handicap accessibility signage at the courthouse. Marlow advised that she had researched the issue and found that the county needed additional signage. Marlow stated that she contacted the county's civil rights coordinator, who referred her to the county's American with Disabilities Act Coordinator Myron Parizek. The auditor stated that to her knowledge nothing has been done to address the complaint other than the action she has taken. The auditor requested authority to correct the issue. Moved by Buch, seconded by Vermedahl, to authorize the auditor to take the necessary measures to address the ADA signage issue. All members voting aye thereon. Motion carried.

The time of 9:45 a.m. having arrived, and this being the time and date set and published, for letting the bid for the construction of a new law enforcement center and emergency operations center, the Board took up the matter for consideration.

The bids for the project had been opened publicly on March 24, 2010 at 3:15 p.m. The bids were submitted as follows:

## **Option 1 – Law Enforcement Center** – to be funded 100% by FEMA

Garling Construction, Belle Plaine, Iowa - \$5,499,000  
Holland Contracting, Forest City, Iowa - \$5,938,000  
Kleiman Construction, Cedar Rapids, Iowa - \$5,489,551  
Knutson Construction, Iowa City, Iowa - \$5,630,000  
Woodruff Construction, Ft Dodge, Iowa - \$5,780,000

## **Option 2 – Mitigation Work** – to be funded 100% by FEMA

Garling Construction, Belle Plaine, Iowa - \$267,000  
Holland Contracting, Forest City, Iowa - \$281,000  
Kleiman Construction, Cedar Rapids, Iowa - \$166,300  
Knutson Construction, Iowa City, Iowa - \$317,200  
Woodruff Construction, Ft Dodge, Iowa - \$331,000

## **Option 3 – Geothermal System** – to be funded by Benton County

Garling Construction, Belle Plaine, Iowa - \$210,000  
Holland Contracting, Forest City, Iowa - \$200,000  
Kleiman Construction, Cedar Rapids, Iowa - \$206,636  
Knutson Construction, Iowa City, Iowa - \$186,900  
Woodruff Construction, Ft Dodge, Iowa - \$248,000

## **Option 4 – Emergency Operations Center** – to be funded by \$500,000 federal grant with 25% local match (local match is currently being submitted as in-kind expenses for radio equipment, parking lot, and geothermal costs with no additional county tax dollars being contemplated)

Garling Construction, Belle Plaine, Iowa - \$445,000  
Holland Contracting, Forest City, Iowa - \$420,000  
Kleiman Construction, Cedar Rapids, Iowa - \$350,447  
Knutson Construction, Iowa City, Iowa - \$301,500  
Woodruff Construction, Ft Dodge, Iowa - \$401,000

## **Total – All Options included**

Garling Construction, Belle Plaine, Iowa - \$6,421,000.00  
Holland Contracting, Forest City, Iowa - \$6,839,000.00  
Kleiman Construction, Cedar Rapids, Iowa - \$6,212,934.00  
Knutson Construction, Iowa City, Iowa - \$6,435,600.00  
Woodruff Construction, Ft Dodge, Iowa - \$6,760,000.00

The bid documents were to be submitted in duplicate with numbers written both in numerical and word form. The board of supervisors has the authority to waive minor irregularities in the bid documents, reject the bid that was not submitted in compliance with the specifications, reject all bids, and/or award the bid. The board has up to 30 days to award the bid.

Todd McNall, Architect with Design Dynamics, reported that the apparent low bidder was Kleiman Construction; however Kleiman did not submit some of the forms in duplicate and did not write out their bid proposal on one of the two bid proposals as required in the bid specifications. McNall stated that the second low bidder was Garling Construction and that Design Dynamics cannot determine the effects of awarding the contract to a local bidder versus an out-of-county bidder. Design Dynamics recommended that the bid be awarded to Kleiman Construction.

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

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The question as to whether to accept Kleiman Construction's bid was then discussed.

Doug DeMeulenaere, owner of Garling Construction, expressed his position that Kleiman Construction's bid should be rejected, as it did not meet the bid specifications. DeMeulenaere stated that he wished that he had the opportunity to just fill in one of the bid forms on bid day. DeMeulenaere stated that submitting a bid comes down to seconds on the date the bids are due. DeMeulenaere stated that the contractors are receiving bids from subcontractors right down to the last second and completing all of the extra paperwork is difficult due to the extra time it takes, but those are the facts on bid day. DeMeulenaere stated that his concerns were nothing against Kleiman Construction, but that he has had bids rejected before due to incomplete paperwork. DeMeulenaere stated that contractors put in a lot of time so that the bids are submitted in accordance with the bid specifications and that all of the bidders except one had submitted the paperwork in accordance with the bids specifications. DeMeulenaere added that he is a local Benton County contractor and that 75% of his employees live in Benton County.

Kleiman Construction commented that the duplicate bid forms omitted by his company were generally filled out a day prior to the bid day and were not time sensitive and would not prevent a contractor from turning in a bid on time. DeMeulenaere responded that if the duplicate forms were able to be completed two or three days ahead of time, it only reiterated that bid documents should be in place. DeMeulenaere pointed out that at the bid opening, the auditor couldn't read one of Kleiman Construction's bid numbers and that the number was not written out either.

Max Maynard of Garling Construction questioned why, if the duplicate documents could have been done two days ahead of the bid date, why Kleiman Construction was unable to comply and added that Kleiman should be held to the specifications to submit in duplicate. Maynard stated that Kleiman did not write out the numbers in duplicate on the bid proposal and that contractors are literally receiving quotes seconds before the bid is due and are writing their bids out seconds before the deadline.

DeMeulenaere stated that when Kleiman's bid documents were not in duplicate the bid should never have been opened and therefore should not be considered. DeMeulenaere added that Benton County could waive slight informalities, but everything should be kept on a level playing field. DeMeulenaere also stated that the county should consider the economic impact on the county with a \$6 million project and that his business has been in Benton County for 40 years and reiterated that 75% of his employees live in Benton County and urged the supervisors to consider the fiscal impact. DeMeulenaere stated that a year ago the county had to reject a bid due to the lack of documentation and awarded the project to Garling even though the other bid was lower.

Rob Peck, Design Dynamics, stated that the reference to the bid opening several years ago was with Garling Construction and Septagon. Peck stated that Septagon did not turn in any of the supporting documents and that was not a minor irregularity.

Kleiman Construction stated that the Notice to Bidders, prepared by the architects, stated if there was any ambiguity the Notice to Bidders prevailed and that the Notice to Bidders implied only one copy was needed, that the language was unclear and that he did not believe that Kleiman's bid was in violation of the bid specifications.

The question was asked of the architects what exactly was required to be submitted in duplicate. Todd McNall responded that the Form of Proposal or bid form (blue pages in the bid specifications) was to be submitted in duplicate, the list of subcontractors was to be submitted in single copy, the Non-collusion, Non-segregated, and Hold Harmless documents were all to be submitted in duplicate.

Supervisor Buch questioned why the bid was even opened if the supporting bid document requirements were not met. Buch stated that if the bid had not been opened then this matter would not have become a problem for the supervisors. Jill Marlow, County Auditor, responded that it was her duty to open the bids. She stated that when the supporting documents were not in compliance, she sought legal advice as to whether to open the bid proposal. The auditor was directed to open the bid by legal counsel with the understanding that the Board of Supervisors had the authority to reject it due to the irregularities.

Todd McNall stated that the total difference between Garling Construction and Kleiman Construction was approximately \$200,000 and with the county's budget situation that was a lot of money.

Supervisor Vermedahl stated he was curious why Kleiman Construction was the only bidder out of all who bid, who didn't get it right and submit the documents in duplicate.

Maynard added that the bid proposal wasn't even in duplicate since one was written out and one was not.

Supervisor Buch stated that both companies are qualified. Maynard responded that the issue before the board was a simple one – did the supervisors think that Kleiman Construction met the bid specifications? Supervisor Vermedahl replied that the board was being asked to determine fairness between bidders and to the taxpayers. Vermedahl questioned what effect the irregularities would have had on the bids or if the bids would have changed. Maynard stated that contractors have to literally stop considering quotes from subcontractors five minutes before the bid is due so that they can write out all of the proposal documents.

Troy Pins of Garling Construction stated that it is an unfair advantage to Kleiman Construction. Pins reiterated that contractors are receiving bids every minute up to the last minute and that the extra time available from not filling out forms in duplicated may have allowed them to use another subcontractor's bid and have changed their proposal.

Marlow told the board that all of the bidders came into her office between noon and 2:00 p.m. on the day the bids were due to synchronize their watches with the auditor's time stamp and that all bids were received between 2:57 p.m. and 3:00 p.m. on that date.

David Thompson, County Attorney, advised that both Garling Construction and Kleiman Construction were responsible and responsive bidders. Thompson stated that he advised the auditor to open the bid because the board can waive the irregularities. Thompson stated that the process has been fair regardless of the board's decision. Todd McNall stated that the bid documents state three times that Benton County reserves the right to waive minor informalities. Thompson stated that the supervisors have the right to waive minor informalities and to act in best interest of the county. Thompson then asked the architects if they believed the lack of duplicates to be a minor technicality or irregularity and McNall responded that he believed it to be minor. Thompson asked if the bid documents were ambiguous to which McNall responded that there was ambiguity and that it was the fault of Design Dynamics.

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

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The Emergency Management Commission members present were asked for input. Steve Meyer stated that it would be nice to see the business stay local but that the difference in emergency operations center was substantial. Sheriff Forsyth also stated that he would like to keep business local and that it was a matter of money. Gary McKenna echoed the desire to keep the money local but that there was a substantial difference in the emergency operations center cost. McKenna added that there should be an even playing field and that the supervisors needed to decide who broke the rules and who did not. Scott McNeal stated that the money was the bottom line for the commission.

Kleiman Construction stated that they employed workers in Benton County as well.

Thompson told the board that Iowa law stated they must award to the lowest responsive responsible bidder and that both Garling and Kleiman met that requirement. Thompson stated that the board could waive the irregularities in Kleiman's bid and award to Kleiman or not waive the irregularities and be free to award the bid to someone else. Thompson stated that the issue comes down to whether the board wants to waive the irregularities and nothing more than that.

Maynard questioned the county attorney about the need for his office to "cross the t's and dot the i's" when issuing a search warrant. The county attorney responded that they must make sure all technicalities are covered and done correctly. Maynard then replied that Garling was asking that the same standards apply here.

Troy Pins commented that anyone who thinks that the difference of one minute to prepare a bid is a minor irregularity doesn't have a clue. McNall stated that part of the bid process is hectic but that he doesn't define what a minor irregularity consists of.

Supervisor Buch commented that Kleiman did not follow the bid documents, but Sanders added that there was ambiguity in the bid documents as to the duplicates required. McNall told the supervisors not to consider the issue of the lack of duplicates due to the ambiguities but to consider the incomplete bid proposal as far as numbers not written out on one of the copies. The bid proposals state that the written form takes precedent.

Supervisor Vermedahl questioned Kleiman as to why they didn't submit duplicates and why they only wrote out the numbers on one of the bid documents. Kleiman responded that they could have submitted duplicates but didn't and that they only write out the numbers on one copy of the bid proposal in case the two proposals they submit are different.

Supervisor Buch stated that if the board goes along with architect's opinion that irregularities don't effect the bid process, then the county doesn't have a choice as to who to award the project to. Supervisor Sanders stated that is the county's choice to decide if they want to waive the irregularities.

Supervisor Vermedahl stated that he did not appreciate being put in this position and that the board was being asked to make a decision on something they don't have background for and whether the argument that one minute could have saved \$200,000. Maynard replied that Garling Construction did not have the extra minutes and that it could possibly have saved \$300,000.

Vermedahl stated that the county had to be fair to the taxpayers but was concerned if the county didn't stick to bidding requirements. Vermedahl then moved, seconded by Buch, to accept the recommendation of Design Dynamics and award the project to Kleiman Construction. All members voting aye thereon. Motion carried.

The auditor spoke to the board about the Community Disaster Assistance Grant. This was a grant that the auditor applied for and received but is under the jurisdiction of the board. The grant was received in May of 2009 in the amount of \$60,632.06 and was to be used for expenses incurred from the 2008 flood. The funds must be expended no later than June 2010. The auditor reported that she has been before the board on numerous occasions regarding the need to expend the funds. It had been decided that the remaining funds (\$59,292.06) would be used for a parking lot for the new law enforcement center. Design Dynamics was to have drawn up plans and specifications so that the project could be put out for quote. The auditor advised that the money would need to be returned to the state since nothing has been done as of this date. The auditor stated that no plans or specifications had been drawn and that it was reaching the time when the project could not be legally awarded and the products purchased by June 30, 2010. The auditor stated that due to her schedule, she no longer had time to devote to the grant since it had been almost a year now. The sheriff advised that he would take over the project and insured that the grant would be expended by June 30, 2010.

Moved by Buch, seconded by Vermedahl, to authorize the payment to Mary McLaughlin for vacation in the amount of 118.75 hours and 7.5 hours for an unused personal day due to her retirement. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the Class BB liquor license for Watkins Community Athletic Association. All members voting aye thereon. Motion carried.

This being the time and place specified for taking action on the proposal to enter into a certain loan agreement related to paying a portion of the cost of constructing and equipping a new County Law Enforcement Center, the County Auditor announced that no written objections had been placed on file. The Chairperson called for any written or oral objections, and there were none. The Chairperson then closed the public hearing.

After due consideration and discussion, Supervisor Vermedahl introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Buch. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: Sanders, Buch, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

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

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## **RESOLUTION NO. 10-23**

Resolution expressing intent to authorize a Loan Agreement and the issuance of a General Obligation Law Enforcement Center Note in an amount not to exceed \$750,000 and providing for the levy of taxes to pay the same

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement in a principal amount not to exceed \$750,000 to provide funds to pay the cost, to that extent, of constructing and equipping a new County Law Enforcement Center (the "Loan Agreement"), and has published notice of the proposed action and has held a hearing thereon; and

WHEREAS, it is necessary at this time for the Board to express its intent to authorize a loan agreement for the purpose set out above and express its intent to issue a General Obligation Law Enforcement Center Note in a principal amount not to exceed \$750,000 (the "Note") to be issued in the future in evidence of the obligation of the County under the Loan Agreement;

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

Section 1. The County hereby determines to enter into the Loan Agreement in the future, providing for a loan to the County in a principal amount not to exceed \$750,000 for the purpose set forth in the preamble hereof.

Section 2. The County also determines to issue the Note in a principal amount not to exceed \$750,000 in evidence of the County's obligation under the Loan Agreement at the time such funds are needed.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Note, there is hereby ordered levied on all the taxable property in the County a tax for collection in the fiscal year beginning July 1, 2010, sufficient to produce the net annual sum of \$150,000.

Section 4. A certified copy of this resolution shall be filed with the County Auditor, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved on March 30, 2010.

\_\_\_\_\_  
Chairperson, Board of Supervisors

Attest:

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

Treasurer Kelly Geater met with the board regarding the abatement of tax for buildings on leased land, which she deems, is uncollectable. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-24, ABATING TAX. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-24 ABATEMENT OF TAX**

WHEREAS, the county treasurer has notified the board that the following taxes are deemed uncollectable by her; and WHEREAS, Iowa law provides that the taxes may be abated in such situations, NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the tax and penalties be abated on the following properties pursuant to Iowa Code 445.16:

050-09370 - \$936	270-06561 - \$172.00	270-12841 - \$29.00	270-12911 - \$368.00
270-12991 - \$1,213.00	270-12871 - \$330.00	270-15050 - \$92.00	270-17060 - \$1,288.00
390-08300 - \$397.00	390-08650 - \$1,176.00	480-18860 - \$666.00	580-06360 - \$114.16
830-24620 - \$1,683.00			

Total abatement: \$8,464.16

Signed this 30th day of March 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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



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

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-25, SERVICE AREA BUDGET AMENDMENT. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #10-25 SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 12, 2009; and **WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds between activities within the sheriff's budget; and **NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2010 county budget is hereby amended within the following service areas: Service Area 1. The auditor is directed and authorized to amend said service area in the amount of \$5,500.00.  
Dated this 30<sup>th</sup> day of March 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

\_\_\_\_\_  
David Vermedahl

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

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-26, TRANSFER OF FUNDS. Voting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-26 TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Benton County Board of Supervisors that \$50,000.00 be transferred from the General Basic Fund to the Capital Projects Fund.

Dated this 30<sup>th</sup> day of March 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Mary Halstead, Transportation Director, advised that one of her drivers in the Belle Plaine area would be leaving employment. Halstead requested that she be allowed to fill the vacant position. The Board authorized Halstead to advertise for the position.

Benton County Conservation Director Will Heber and Conservation Board member Bob Mahood met with the board regarding the purchase of property to be utilized as a nature center. Heber advised that the money received from the Kerkman Estate must be spent by December 2010 and must be used for a nature center. Heber stated that there is a property for sale adjacent to Rodger's Park, which the conservation board has looked at as well as their architect for use as a nature center. The property has approximately eight acres and a house and the cost to purchase and renovate the property into a nature center would be between \$400,000 and \$500,000. Mahood advised that the conservation department would pay for the property and renovation through the Kerkman Estate money, fundraising and a loan from the Natural Heritage Foundation. The conservation board is looking for support from the board of supervisors. Supervisor Buch stated that he would not be in favor of supporting the project at this time. Supervisor Vermedahl stated that he did not want to make a decision on spending that kind of money without thinking it over.

The board discussed the lease modification agreement between Benton County and the Cedar Valley Ranch. The auditor advised that some changes had been made to the original modification and that she was waiting to hear from the Cedar Valley Ranch. Supervisor Buch stated that he would speak with a representative of the Cedar Valley Ranch before the next meeting and asked that the matter be deferred until that time.

Supervisor Vermedahl reported that he had received complaints about the fireworks permits issued by the county. The fireworks are loud and rattling windows, etc. The issue is placed on the next agenda for further discussion.

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

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

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

Jill Marlow, Auditor

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

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April 6, 2010

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

Moved by Buch, seconded by Vermedahl, to set May 4, 2010, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Ed Scheetz for a parcel located in the S1/2 of the NW1/4 of 15-82-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the auditor's and sheriff's quarterly reports for the period ending March 31, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the fireworks permit requested by Marvin Bartosh for an event to be held on April 17, 2010, at 7612 21<sup>st</sup> Avenue, Blainstown, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve entering into a modification to the lease agreement between Benton County and the Cedar Valley Ranch and adopt Resolution #10-27 Benton County Lease Extension and Modification Agreement Residential Care Facility. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-27 BENTON COUNTY LEASE EXTENSION AND MODIFICATION AGREEMENT RESIDENTIAL CARE FACILITY**

WHEREAS, Benton County, a municipal corporation of the State of Iowa, hereafter known as Landlord, and Cedar Valley Ranch, Inc., an Iowa Nonprofit Corporation, hereafter known as Tenant, desire to extend and modify the current Business Lease Agreement for a Residential Care Facility, which terminate June 30, 2011; and

WHEREAS, a new air conditioning system needs to be installed in the building to keep the facility in operation; and

WHEREAS, the parties have come to an agreement which requires a lease extension and modification agreement be signed and executed; so,

THEREFORE, the following Lease Extension and Modification Agreement is hereby agreed to and approved by the parties.

### **LEASE EXTENSION**

The current lease is hereby extended under Section 2.1, Term of Lease, from July 1, 2011 to June 30, 2016, a period of (5) years.

### **LEASE MODIFICATIONS**

1. The current lease is hereby modified under Sections 3.1, Tenant Responsibility, and 4.1, Landlord Responsibility, to provide that Tenant shall have the right to make structural alterations to the air conditioning system by replacement of any or all thereof, at Tenant's expense.
2. The current lease is hereby modified under Section 5.1, Facility Fee, to provide that Tenant shall pay no facility fee for the final year of the current lease from July 1, 2010, to June 30, 2011, and for the extension agreement period from July 1, 2011 through June 30, 2016.
3. The current lease's Provider and Program Participation Agreement, Attachment A, Service Definitions and Rates, is hereby modified to provided that the Residential Care Facility Daily Unit of Service rate shall be \$79.70 for the period from July 1, 2010, through June 30, 2011.
4. That all other Sections of the Business Lease Agreement and the Provider and Program Participation Agreement shall remain unchanged.
5. This Lease Extension and Modification Agreement is contingent upon the necessary replacement of the air conditioning system. Said replacement shall be completed no later than September 1, 2010.

Benton County, Landlord:

Cedar Valley Ranch, Tenant:

\_\_\_\_\_  
Board Chairman (signature)

\_\_\_\_\_  
Board Chairman (signature)

Jason Sanders

\_\_\_\_\_  
Board Chairman (typed)

James Hyde

\_\_\_\_\_  
Board Chairman (typed)

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

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

Attest: \_\_\_\_\_  
Benton County Auditor

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

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The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by John and Irene Cherveney, 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 land use classification to multiple residential uses. The applicant is requesting a change to allow for the construction of five residential structures containing two condominium units each. There is rural water eliminating the need for a well and there are five septic systems proposed, which may need to be alternative systems designed by an engineering firm. The units will be elevated to a level higher than the adjacent golf course requiring considerable dirt work and fill. The property will not be subdivided and therefore the proposal does not fall under the county's subdivision ordinance. There will be a condominium association formed in accordance with Iowa law. Greenlee reported that the sight distance meets the county's requirements; however there is concern due to the considerable snow accumulations at the end of the existing berm. Greenlee reported that there is a significant drainage area requiring a 54 inch culvert as well. The excavating and dirt work will be under the Department of Natural Resource's jurisdiction. Discussion included concern over drainage and water issues. Supervisor Vermedahl stated that some ability to retain water on the property should be considered. Vermedahl expressed concern that once approval is given, that the ability of the county to enforce water retention methods is minimized. Vermedahl also advised that the county would not pave the road to the entrance of the property. Sanders expressed reservations about the amount of fill dirt needed to elevate the units and also his concern about the lack of basements for storm protection. Sanders stated that the county does not provide rural storm shelters. Ed McGivern stated that he has farmed in the area for a considerable amount of time and was concerned about the drainage. McGivern also questioned if the property was large enough to accommodate the buildings, drive, and drainage ditch. McGivern also expressed his concern about people moving into the rural area and then objecting to the agricultural activities. Sanders indicated that he would like to view the property before making a decision on the request. Moved by Vermedahl, seconded by Buch, to table action on the request for a land use change from agricultural to non-agricultural on approximately 6.58 acres for a multiple residential purpose on a parcel generally described as being a Part of the N1/2 of the NE1/4 of 16-83-11., until April 20, 2010, at 9:00 a.m. Further, that at the stated time the board will view the property and continue said hearing. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Bill and Julie Kester for a parcel located in the E1/2 of Section 4-86-9. Greenlee reported that the applicants are actively involved in a 600 acre farming operation with corn and soybean rotation. The applicants would like to construct a new residence for themselves on their property. Moved by Buch, seconded by Vermedahl, to approve a farm exemption for Bill and Julie Kester as provided in the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in Section 4-86-9 for a residential use. All members voting aye thereon. Motion carried.

The treasurer presented the board with a quarterly investment report reflecting the current investments of county funds. Moved by Buch, seconded by Vermedahl, to approve the quarterly investment report for the period ending March 31, 2010. All members voting aye thereon. Motion carried.

Tony Schirmer presented a petition signed by twenty-nine people regarding the issuance of fireworks permits. Persons living on 29th Ave Drive, 60th Street, 28th Ave Drive, and 56th St. Trail signed the petition. Schirmer reported that a recent event held for approximately ten hours late into the night with large explosives causing windows to rattle and houses to shake. Schirmer requested that time limits be placed on displays and that no displays be allowed after 10:00 p.m. Schirmer stated that the events are disturbing to area residents, especially for young families and the elderly. Schirmer also stated that consideration should be given to burn pits and items being burned. The board stated that state law regulates materials that can and cannot be burned. The board stated that they would contact the permit holder and discuss the concerns.

Charles James, Veterans Affairs Director, met with the board regarding the van for veterans. James reviewed the program where a van supplied by the Department of Veterans Affairs Hospital (VA) in Iowa City will be used by Benton County for the transport of veterans. The van will transport veterans to wherever they need to go for appointments, etc. The cost to Benton County is \$215.00 per month, which helps to cover the lease being paid by the hospital. The VA will provides all insurance, including liability, and all gas. The drivers are local volunteers who are approved by the VA hospital and coordinated by the Benton County Veterans Affairs. Supervisor Vermedahl requested that James obtain a Certificate of Insurance from the VA.

The auditor reported that on February 23, 2010, the board discussed offering employee paid dental and vision plans to employees. The auditor stated that she sent an e-mail to all department heads on February 24, 2010, requesting that they survey their employees to determine the amount of interest by the employees. The auditor stated that she had eight persons indicate that they would be interested in a dental and vision plan. Moved by Buch, seconded by Vermedahl, that the matter of offering employee paid dental and vision plans be set aside at this time due to the limited number of interested employees. All members voting aye thereon. Motion carried.

David Thompson, County Attorney, met with the board regarding the lack of payment of rent by lessees of the county-owned farm ground. The board had requested that the county attorney draft a letter notifying the tenants that they are in breach of the contract and that the county's rights be invoked demanding full payment of the current year lease amount. The board asked that payment be received by April 19, 2010 or termination proceedings begin. Moved by Buch, seconded by Vermedahl, to request that the county attorney serve notice on the farm tenants of the violation and demand for payment. The payment is to be receive by April 19, 2010. All members voting aye thereon. Motion carried.

The board reviewed the two bids received for the courthouse lawn chemical treatments for 2010. The quotes received were from O'Grady Chemical for \$504.00 and McKenna Lawn Care for \$511.50. Both quotes were for three applications. Moved by Buch, seconded by Vermedahl, to award the quote to O'Grady Chemical for \$504.00. All members voting aye thereon. Motion carried.

The auditor questioned if the board would amend the FY10 budget. The county attorney stated that he would like an \$8000 service area amendment moving funds from court services to his line item for part-time help. The auditor stated that type of amendment could be accomplished with a resolution at the end of the current month. The auditor

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

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stated that the sheriff, engineer, and public health may need amendments. Supervisor Sanders reported that conservation may need an amendment as well. The board asked the auditor to prepare a budget amendment for FY10.

The engineer reported that he spoke with an individual from the University of Iowa regarding flood research on water flow into Palo. They would like to monitor the level of water flowing under a Benton County bridge on Dry Creek by hanging monitoring equipment from the bridge. The engineer advised that he approved the placement of the equipment on the bridge. The research is to determine whether slowing the flow of water will reduce the flooding impact in Palo.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #10-28, BRIDGE EMBARGO. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-28**

WHEREAS, the structure at this location due to age and design has reached the point in time where a restricted weight limit should be imposed,

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

MO-4450

TRUCKS OVER 6000 LBS YIELD TO TRUCKS ON BRIDGE

(Eastbound traffic)

0.4 miles east of the NW corner of section 35-85-12 (Monroe Township) on 61<sup>st</sup> Street.

Signed this 6<sup>th</sup> day of April 2010.

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

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

Jill Marlow, Auditor

The engineer reported that the balance in the landfill account was \$87,368.21 on March 31, 2010.

The engineer presented estimates for the 2010 MC-70 dust control program. The engineer stated that he calculated the cost of material and labor based on current prices would be \$1,063.37. The engineer recommended that the price remain the same as 2009 at \$1,060.00 for two applications of 400 feet of MC-70. Additional footage is at \$2.20 per foot. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Josh McGowan from secondary roads, effective April 16, 2010. All members voting aye thereon. Motion carried.

The engineer presented the FY11 Iowa Department of Transportation Secondary Road Construction Program and Secondary Road Budget and reviewed the same in detail. Moved by Buch, seconded by Vermedahl, to approve the FY11 IDOT Secondary Road Construction Program and Secondary Road Budget. All members voting aye thereon. Motion carried.

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

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

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

Jill Marlow, Benton County Auditor

April 13, 2010

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

Robert McNeill came in to speak with the board about the farmland rent but the matter was not on the agenda so no action was taken.

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 Danette Dahl, the board took up the matter for consideration. Brad Havran, an adjacent landowner, was present. Marc Greenlee presented the technical review information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the land use classification from agricultural to a non-agricultural use. The applicant is requesting a change to allow for the construction of a single residential structure. Greenlee advised that a well and septic system would be needed. Upon hearing no further discussion, the chair declared the public hearing closed. Moved by Vermedahl, seconded by Buch, to approve a land use change from agricultural to non-agricultural for James and Danette Dahl on one acre generally described as being located in the N1/2 of the NE1/4 of 22-85-9, for a residential purpose. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of April 6, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 120603 through 121053, and ACH deposits numbered 8010 through 8228, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the recorder's quarterly report for the period ending March 31, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan submitted by Cedar Valley Egg Farm, LLP for the facility located at 5143 22<sup>nd</sup> Avenue, Mt. Auburn, Iowa. All members voting aye thereon. Motion carried.

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

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The Board discussed changes in the insurance values on the county's property, inland marine, and automobile schedules. Moved by Vermedahl, seconded by Buch, to make the recommended changes to the insurance schedules for fiscal year 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Administration Service Agreement and Business Associate Addendum with Employee Benefit Systems for the administration of Benton County's partial self funding health insurance and 125 cafeteria plan for plan year 2010/2011. All members voting aye thereon. Motion carried.

Kellie Arduser with AFLAC met with the Board to explain the different insurance coverages that AFLAC offers. Benton County already has employees that have policies with AFLAC with the employee paying the total premiums through a payroll deduction. Arduser also discussed the pre-tax premium option on all policies except life and disability insurance to save the county money on taxes. Moved by Vermedahl, seconded by Buch, to authorize AFLAC to place informational stuffers in the employee's paychecks in the next payroll. All members voting aye thereon. Motion carried.

Nancy Farmer met with the Board to present the Emergency Plan for Public Health. Moved by Vermedahl, seconded by Buch, to authorize the Chair to sign the Emergency Plan for Public Health. All members voting aye thereon. Motion carried.

The Board met with representatives of the Emergency Management Commission to discuss the new Emergency Operations Center (EOC) Grant and the local match requirement, which can be a soft or hard match. Scott Hansen presented his projection for the needed local match for the grant match based on the bid award to Kleiman Construction. Discussion involved soft match opportunities, which included the secure parking area for the EOC. Moved by Vermedahl, seconded by Buch, that the county commit to funding the difference between the soft match (in-kind) and \$131,000.00 (the projected local match). Supervisor Vermedahl stated that he didn't want anyone to quit looking for soft match contributions. Scott Hansen stated that he hoped when the new EOC was built that the county would not have to contribute any hard match (funding). All members voting aye thereon. Motion carried.

Tim Sage met with the Board regarding non-payment of farm rent to the county. Sage stated that in 2008 there was tile and terrace work that was suppose to be done to the ground before he started to farm the ground. The tiling got done in 2009 and the terrace work is still not done. Sage stated that garbage from the landfill blows on his hay field and Secondary Roads is taking dirt off of the field as well as driving on it. County Attorney David Thompson questioned where in the lease did it say that the tile and terrace work needed to be done before Sage started farming as Thompson was unable to locate that matter in the lease. Supervisor Buch advised that secondary roads is not taking dirt off of the field, but are taking dirt around that area for the landfill cell project. Buch stated that he had spoken with County Engineer Myron Parizek about the are of land being driven on. Parizek measured the area by stepping it off and estimated that it was about  $\frac{3}{4}$  of an acre that had been damaged. The damaged ground is located in the south part of the field consisting of established hay. Sage stated he has reseeded twice and will not reseed that area again. County Attorney David Thompson asked Sage why he had not paid his rent and Sage said he would pay his rent when damages are paid for and the projects are done. Thompson recommended that the county reduce the rent by an amount equal to one acre's rent for the damages that the county caused. Thompson said his advice to the board would be that if Sage doesn't pay his years rent in full by the 19<sup>th</sup> of April, that formal steps be taken to evict him. Supervisor Vermedahl advised Sage that if he didn't like the lease it needed to be terminated. Buch suggested to a figure be estimated at to the production loss on the damaged acre that amount be taken off of the rent. The Board and Sage agreed that \$400 would be an appropriate amount for the loss of crop on the ground accidentally damaged by secondary roads. Moved by Buch, seconded by Vermedahl, that Tim Sage pay the first half of rent due in the current year farm lease by the 19<sup>th</sup> of April, and that the amount due on April 19<sup>th</sup>, 2010, be reduced by \$400 for damage on the hay ground. All members voting aye thereon. Motion carried.

Randall Forsyth discussed budget issues with the board. This was not an agenda item. Forsyth told the board he would need a budget amendment for his FY11 budget.

The Board discussed the need for an animal control officer for Benton County. Supervisor Vermedahl questioned if the other board members still wanted to proceed to advertise for the position. Vermedahl stated he believes the position needed to be under sheriffs department. Vermedahl asked Sheriff Forsyth if he would be able to create a job description for the position and present it to the board. No decision was made and the matter was tabled for next week's agenda.

The Board discussed the services provided by Entrepreneurial Development Center, Inc. (EDCI) and their request for funding. EDCI had met with the board on a previous date to explain the services they provide, which included services to Clickstop in Urbana. The Board restated there is no money that can be given at this time.

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

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

ATTEST: \_\_\_\_\_  
Gina Edler, Clerk  
Jill Marlow, County Auditor

April 20, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Sanders called the meeting to order at 9:00 a.m. at a location 1/8 mile south of the intersection of 70<sup>th</sup> Street and 19<sup>th</sup> Avenue, Van Horne, Iowa.

The board continued the public hearing on a land use change requested by John and Irene Cherveney. The owners are requesting a land use change for the purpose of constructing five structures containing two residences each. Tim Sanderson, Dean Werner, Darris Pickering, and the owner's representative were present, as well as one member of the media. The board viewed the area of the request and discussed various issues surrounding the overall use of the area and the issues of the area itself.

The board reconvened at the courthouse at 10:15 a.m.

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

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Moved by Buch, seconded by Vermedahl, to approve two utility permits requested by the East Central Iowa REC to place utility lines in the county's right-of-way. The utility lines will be placed along County Road E66 in Taylor Township, and along 55<sup>th</sup> Street and 22<sup>nd</sup> Ave. Drive in Harrison/Taylor Townships. All members voting aye thereon. Motion carried.

The engineer requested approval to purchase a 2005 Caterpillar 140H motor grader from Mid Country Machinery, Inc. at a cost of \$170,000. The engineer also requested approval to purchase a 2003 Caterpillar 140H motor grader from Altorfer, Inc. at a cost of \$140,000. The machine has 4040 hours. Moved by Vermedahl, seconded by Buch, to approve the purchase of a 2003 Caterpillar 140H motor grader from Altorfer, Inc. at a cost not to exceed \$140,000.00 and a 2005 Caterpillar 140H motor grader from Mid Country Machinery, Inc. and equipment at a cost not to exceed \$170,000. All members voting aye thereon. Motion carried.

The engineer requested approval to advertise for seasonal truck drivers for roadside noxious weed spraying. Moved by Buch, seconded by Vermedahl, to authorize the engineer to proceed with advertising for seasonal truck drivers. All members voting aye thereon. Motion carried.

The engineer requested approval to advertise for a full-time position to fill a vacant position due to the resignation of Josh McGowan. Moved by Vermedahl, seconded by Buch, to authorize the engineer to advertise to fill the vacancy created by the resignation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the placement of an advertisement in the official newspapers of Benton County regarding roadside spraying for 2010; the adoption of Resolution #10-29 DESTRUCTION OF NOXIOUS WEEDS; and to approve the notice to organic farmers and vineyard owners regarding the 2010 spraying program and direct that it be published in the official newspapers of Benton County. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

## **RESOLUTION #10-29 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, 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, 2010** and as often thereafter as is necessary to prevent seed production:

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

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

Group 3. European Morning Glory or Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horse Nettle, Perennial Sow Thistle, Quack Grass, Butterprint, Puncture Vine, Cocklebur, Bull Thistle, Musk Thistle, Wild Sunflower, Shattercane and Teasel.

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

(a) Primary Noxious Weeds: Quack Grass, Perennial Sow Thistle, Canada Thistle, Bull Thistle, Musk Thistle, European Morning Glory or Field Bindweed, Horse Nettle, Leafy spurge, Perennial Peppergrass, Russian Knapweed, Buckthorn, Purple Loose Strife, and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.

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

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

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

Dated this 20th day of April 2010.

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

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Ronald Buch

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David Vermedahl

ATTEST:

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

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

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The Board discussed the issue of terminating farm lease agreements. Tim Sage appeared before the Board on April 13, 2010, wherein the board agreed to accept the first half

Moved by Buch, seconded by Vermedahl, to accept one-half of the current year lease payment from Robert McNeill, with one-fourth being paid on this date and one-fourth being paid by the end of April 2010. All members voting aye thereon. Motion carried.

The Board discussed the issuance of fireworks permit. This discussion stems from a petition being filed asking that permits be restricted. Tom Pingnot was present who is a member of the Iowa Pyrotechnic Association. Pingnot stated that he has seen the petition and that it was related to a March 27, 2010 event. Pingnot addressed the issue of having displays done by a certain time. Pingnot stated that during the summer, it doesn't get dark until later requiring the displays to start later. Supervisor Buch questioned how late the events lasted. Pingnot responded that it is dependant on the event, but the Pyrotechnic Association events lasts until 11:00 p.m. to 11:15 p.m. Pingnot stated that the loud displays could be done earlier in the event. Vermedahl stated that the complaints stemmed from large salutes being set off during the day resulting in windows rattling in their house. Pingnot stated that the events bring in economic business to the area as well. Sanders stated that the large boomers echo throughout the river valley. The board requested that the event participants be cognizant of the issues and attempt to address the concerns at future events.

Todd McNall, Design Dynamics, met with the board regarding testing and inspection services for the Benton County Law Enforcement Center. McNall reported that a proposal was received from Team Services, Terragon was asked to quote but declined, Chosen Valley had submitted an unsolicited proposal and McNall had asked them to resubmit based on the request for proposal, who declined as well. McNall recommended that the board contract with Team Services. Moved by Vermedahl, seconded by Buch, to award the contract for testing and inspection services to Team Services at a cost of \$8,994.80. All members voting aye thereon. Motion carried.

Todd McNall, Design Dynamics, presented a contract between Benton County and Kleiman Construction. The contract covers the base bid for the law enforcement building, the geothermal system, and the mitigation work, but does not include the Alternate #1 for the Emergency Operations Center in the amount of \$350,447.00. McNall reported that the performance bond had been received as well. The county attorney had reviewed the contract previously and changes were made in accordance with his recommendations. Moved by Buch, seconded by Vermedahl, to enter into a contract with Kleiman Construction, Inc. for the construction of a law enforcement center, geothermal system, and mitigation work for a total cost of \$5,862,487. The contract further sets forth that Kleiman Construction, Inc. will hold the bid price of \$350,447 for the emergency operations center until September 30, 2010. The Performance Bond is also approved. All members voting aye thereon. Motion carried.

McNall also spoke with the board about the need to obtain an easement from the City of Vinton for the sidewalk and ramp, as it will extend into the city's right-of-way. McNall stated that a request is being made to the City of Vinton for diagonal parking along the east side of the law enforcement center as well. McNall will meet with the City of Vinton at their next meeting to discuss the issues.

The board spoke about the parking lot to be constructed on the lot east of the law enforcement center. McNall stated that the county could just call around and get quotes; however the auditor stated that the estimated cost of the project would determine how the quotes are obtained as set forth in Iowa Code Chapter 26. The cost for the materials for the parking lot is to be paid from the State Disaster Assistance Grant, which must be spent by June 30, 2010. McNall stated he would return to the board on May 4<sup>th</sup> with additional information.

Moved by Vermedahl, seconded by Buch, to set May 11, 2010, at 10:00 a.m., as the time and date for a public hearing and adoption of an amendment to the FY11 budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of April 13, 2010. All members voting aye thereon. Motion carried.

The board discussed the position of animal control officer. Vermedahl reported that the county has always worked with the City of Vinton for an animal control officer in the past, but that the City no longer wished to cooperate in the arrangement. The sheriff had presented a proposed job description for an animal control officer. The county attorney encouraged the board to contract for the position and not have an employer-employee relationship. Supervisor Buch agreed to research the issue further to determine if a contractual arrangement would be better for the county.

The board discussed the structure of the information technology department with the retirement of the department manager. Supervisor Sanders stated that it was his intent to clarify the direction of the department, including the job description for the remaining employee. Sanders stated that Roger Witt is currently a non-exempt employee. Witt responded that he would work whatever hours are required and if his duties qualified as exempt status, he was willing to be classified as exempt under Fair Labor Standards. Witt explained that Erb's Computer currently provides services to Benton County and if Witt is unavailable if and/or when an event with the system should occur that Erb's would respond. Witt explained that a specific office could be designated as the primary contact with Erb's when he is not available. Witt explained that he did not wish to be involved in the GIS system other than install software updates, etc. The auditor told the board that a deputy in her office was taking the lead in that area and that perhaps the GIS Committee should be revived to aid in the overall direction of the GIS system. The auditor also stated that she was considering a website for her office, adding that the current website software was outdated. Witt agreed that the software was outdated and limited but that it was his opinion that a new website should be for the whole county rather than each individual office having their own. The auditor questioned who would take the lead in the upgrading of financial software, etc. adding that she is meeting again with the county's vendor on a new financial software package. The board agreed that the GIS Committee may be the appropriate body regarding the oversight of the GIS system, and the office primarily affected by software changes should take the lead in researching new software, but that communication with other offices affected by the changes would be advantageous.

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

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Jason Sanders, Chairman

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

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

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April 27, 2010

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

Moved by Buch, seconded by Sanders, to approve the minutes of April 20, 2010. Both members voting aye thereon. Motion carried.

Richard Grovert requested that the county place a speed limit on 287 going south out of Newhall. Grovert reported that the City of Newhall had requested a speed limit be placed on this section of road at an earlier date and was told that the Department of Transportation would have to do a speed study. Grovert advised that he spoke with a DOT employee, who advised that the DOT does not have to do a speed study and that it is within the authority to set a speed limit. Grovert stated that he reported his findings to the Newhall city council on April 26, 2010, and that he was at today's meeting to request that a 25 mph speed limit be established by the soccer field on the south side of Newhall. The speed should be increased to 35 mph and then finally 55 mph. The board advised that they would speak with the county engineer.

John Sandor of All State Insurance met with the board to describe services provided by his company. Sandor stated that All State Insurance provides various types of insurance to employees through payroll deduction including universal life, term life, accident, cancer, disability and critical illness. Sandor asked if he could hold group meetings with the employees and provide the benefits through payroll deduction. The auditor stated that the county's policy is that no solicitation could be done on county time, but that Sandor could provide information to be included with employee payroll checks. The auditor also advised that the board had set a minimum of ten participants before they would agree to offer any benefit through payroll deduction. Sandor stated that he would provide information to be included with the payroll checks in the near future.

Moved by Buch, seconded by Sanders, to approve checks numbered 121054 through 121291, for payment and ACH deposits numbered 8229 through 8337, for payment. Both members voting aye thereon. Motion carried.

The board spoke with Marc Greenlee regarding a complaint about the garbage around the recycling trailer located east of the courthouse. The county auditor had received a complaint from an adjacent property owner regarding the amount of waste lying around the area and garbage blowing onto his property. At the time, there were bags of leaves, cardboard, garbage, and a bag of cat feces lying around the recycling trailer. The county has since cleaned up the area. The issue of recycling was discussed and the possibility of going to two recycling trailers in Benton County. One trailer would be located at the landfill and one at the secondary roads shop. The trailers would be available Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Supervisor Sanders stated that the issue needed to be discussed with the county engineer and see why the recycling personnel could not clean up the area. Greenlee stated that the City of Vinton could issue a nuisance citation, which would not be a good situation for the county. Sanders stated that the recycling personnel could easily pick up the garbage and throw it in the back of their truck.

Supervisor Buch reported that he spoke with Garrett Wittmer about contracting with the county for animal control. Wittmer expressed an interest in providing the services on a contract basis. Wittmer will present a proposal for the county's consideration. Wittmer questioned his role with animal abuse, etc. The matter will be finalized at a future meeting of the supervisors.

Will Heber and Bob Mahood met with the Board regarding a nature center. Heber reported that the Natural Heritage Foundation is in support of the project. Heber stated that conservation is \$130,000 short and asked that the Board of Supervisors support the conservation's efforts and enter into an agreement for a loan from the Natural Heritage Foundation. The auditor advised that the county would have to hold a public hearing prior to authorizing debt and that she would need paperwork from the Natural Heritage Foundation before a hearing could be held. Moved by Buch, seconded by Sanders, that the Board of Supervisors support the conservation commission's efforts to purchase a building for use as a nature center. Said support is subject to a public hearing and the terms of the agreement with the Natural Heritage Foundation. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #10-30, SERVICE AREA BUDGET AMENDMENT. Vomiting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-30**

### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 12, 2009; and

**WHEREAS**, the Board now desires to amend said budget within a service area;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2010 county budget is hereby amended within the following service areas: Service Area 1 and Service Area 7. The auditor is directed and authorized to amend said service area as needed.

Dated this 27th day of April 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

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

Jill Marlow, Auditor

Moved by Buch, seconded by Sanders, to approve the change in status from full time employee to part time employee as requested by Josh West, effective May 2, 2010. All members voting aye thereon. Motion carried.

Gary Keller met with the Board to request the status of the Oak Grove Road Project. Keller stated that the traffic is pretty heavy, especially as the cost of gas increases. Keller stated that he moved here in 1995 and was told the road was going to be surfaced then and the road has not had anything done yet. Keller questioned if the funding was



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

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available and if there was a timeline. Supervisor Sanders reported that funding is available and that the engineer has presented a new timeline. The engineer stated that the timeline he submitted earlier needed to be revised, as a public hearing with landowners scheduled for the first of April has not been held yet. The engineer stated that he is looking at a May 7<sup>th</sup> meeting with the property owners at this time. The engineer stated that the grading and related work, including rock, is at 1.1 million dollars. The engineer stated that the money appears to be available but will bring the secondary road fund balance down to zero and without other anticipated revenue the fund balance would be below zero. The engineer stated that the route was to go straight east of the Oak Grove Church to Linn County, but when contacted Linn County was no longer interested. The plan is to go east of the church then north and east to meet with the Linn County road.

The board discussed a claim submitted by Patrick Coleman for clean up around the landfill. The engineer reported that Coleman was suppose to charge approximately \$10.00 per hour; however the recent claim submitted calculated out to a little over \$40.00 per hour. Supervisor Buch met with Coleman and a new bill has been submitted. Coleman has been told to report to the office when he arrives and leaves at the landfill so that better accountability can be done.

Supervisor Sanders reviewed the discussion regarding the recycling trailer east of the courthouse. Sanders stated that the county sanitarian reported to the board that a nuisance condition could exist if the area is not kept cleaned up. Discussion included possible ways to address the problem, including removal of the trailer all together, fencing, signage, etc. The area will be used as a staging area during the construction of the new law enforcement center and will have to be removed during that time. The engineer stated that the county might be going in a different direction with recycling by the time that project is completed.

The engineer requested approval to purchase a used 2007 Caterpillar motor grader Model 140H from Mid Country Machinery at a cost of \$120,000 after the trade in of Champion models 740A and 736A valued at \$70,000. The purchase to be finalized in July 2010. Moved by Buch, seconded by Sanders, to approve the purchase of a 2007 Caterpillar motor grader with the trade-in of two Champion motor graders at a cost of \$120,000.00. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to adopt Resolution #10-31, CHANGE CLASSIFICATION FOR WILLIAM GARBERS. JR. Voting aye were Sanders and Buch. Nays none. Motion carried.

## **RESOLUTION #10-31**

### **CHANGE CLASSIFICATION FOR WILLIAM GARBERS JR**

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

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

WHEREAS: Three bargaining unit employees have signed the posting, and

WHEREAS: This employee has many years experience on the grading crew and operating heavy equipment,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that William Garbers, Jr. be the Equipment Operator II with a Labor Grade Classification of LG IVC. The base wage will be \$17.66. The effective date will be May 8, 2010.

Signed this 27<sup>th</sup> day of April, 2010.

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Chairman, Board of Supervisors

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

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

Jill Marlow, Auditor

Attorney Brian Gruhn presented the tentative agreements with the sheriff's union and the secondary roads union. Gruhn stated that the discussion on negotiations is exempt from open meetings and that the press should not be present. The auditor stated that it was her understanding that tentative agreements were public record. Gruhn replied that the tentative agreement was public but the discussion on negotiations was not. The auditor questioned why she was not provided with copies of the tentative agreement when she requested them. Gruhn responded that he did not receive the request. The auditor stated she made the request to Supervisor Vermedahl but the request was never honored. Gruhn advised that Vermedahl had copies of the tentative agreements when they were signed. Supervisor Buch agreed that the auditor made the request, as he was present at that time. Supervisor Sanders asked the media to leave the meeting until the discussion on the past negotiations was completed. Tentative agreements were reached on March 10, 2010, with the sheriff's union and April 7, 2010, with the secondary road's union. The tentative agreements provide for an approximate 1% increase for all union employees, as well as other labor issues.

The board entered into an exempt session at approximately 10:55 a.m. pursuant to Iowa Code 20.17(3) with the county attorney, county engineer, and Attorney Brian Gruhn present.

The board returned to regular session at approximately 11:45 a.m.

Moved by Buch, seconded by Sanders, to enter into the labor contracts between Benton County and the Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO for the period beginning July 1, 2010 and June 30, 2011 (Secondary Roads), and Benton County and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America (Sheriff's Department) for the period beginning July 1, 2010 and ending June 30, 2010. Both members voting aye thereon. Motion carried.

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

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

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

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

May 4, 2010

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

Richard Grovert presented a bill to the county for repair to his tiling line. Grovert stated that damage was done to his tile line due to grading work done by the secondary roads department. The bill is for \$440.00 for backhoe service for thirty feet of five inch tile, one eight inch "T" fitting, and the labor. County Engineer Parizek stated that he believed it was the county's obligation to pay the invoice. Parizek stated that the law requires that the costs for repairing the tile lines running across the county's right-of-way are to be paid with highway funds and that his department would process the Grovert's invoice.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Robert Panosh from Benton County Transportation, effective April 26, 2010. All members voting aye thereon. Motion carried. Halstead stated that at this time she has received no applications for the vacant position nor has there been any inquiries.

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 Ed Scheetz, 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 single residential use. Greenlee reported that access is pre-existing and meets all requirements. There is rural water eliminating the need for a well and there is no problems anticipated with a septic system. The site used to be a farmstead many years ago. Moved by Vermedahl, seconded by Buch, to approve the request for a land use change from agricultural to non-agricultural on approximately one acre for a residential purpose on a parcel generally described as being a Part of the S1/2 of the NW1/4 of Section 15-82-12, due to the fact that the site was an old farmstead years ago by the statements given during the public hearing by local residents. The county's comprehensive plan encourages the redevelopment of pre-existing farmsteads. All members voting aye thereon. Motion carried.

The Board took the matter of the John and Irene Cherveny land use request that had been brought before the board on an earlier occasion. The request is to place five structures containing two condominiums each on a parcel adjacent to the Tara Hills Country Club on an abandoned strip of railroad property. Greenlee reported that he received a telephone call from the President of Tara Hills Country Club stating that the board is opposed to the requested change. Discussion included the pros and cons for the proposal. The development is on a rock road, adjacent to farm ground as well as a golf course. Compatibility of the use was discussed. The area is prone to wetness, but with the correct drainage system installed the problem could be addressed. Supervisor Buch stated that the drainage issue would have to be addressed correctly at the beginning before any development. The snow accumulation on the roadway issue could be addressed but no design has been presented. Moved by Vermedahl, seconded by Buch, to defer action until additional information is received from the applicant or their representative as to how the drainage issues will be specifically addressed. All members voting aye thereon. Motion carried.

The board discussed the early retirement incentives for county employees. County Attorney Thompson stated that the overall reason for offering an early retirement incentive was to save money to the county and should not be considered if there is not a cost savings to the county. Thompson suggested that should the county adopt a policy that it should be offered to persons fifty-eight or older, who have a minimum number of years of service, etc. Thompson stated that if the vacancy created by the early retiree cannot be filled at a lesser salary then the incentives should not be given. The auditor stated that currently law enforcement officials can retire with full IPERS benefits at age 55 and that they would not be eligible under Thompson's proposal. It was questioned how an employee could plan for retirement and then at the last minute find out that his/her position could not be filled at a lesser salary. The board listened to various comments but ultimately stated that more time was needed to research the issue. The matter was placed on the May 18, 2010, agenda.

Herb Boots met with the county regarding the county's recycling program. Boots stated that some haulers are not complying with the recycling requirements. Boots stated that he has gone to the recycling facilities and found that the specific haulers are not taking any recycled materials to their facilities. Boots stated that he has to pay to dispose of his recycled materials, while others are not. Boots stated that if the county does not enforce the recycling uniformly against all of the haulers, then he may be forced to take legal action. Haulers take recycled materials to Corkery in Waterloo or City Carton in Cedar Rapids and Boots stated that he has checked with both companies, who stated that they do not receive recycled materials from other Benton County local haulers. Supervisor Sanders stated that he believes that not all haulers are complying with the recycling requirements. Boots stated that he is seeing the violations primarily with haulers picking up rural garbage. Boots also stated that garbage is being placed in the Benton County landfill that is generated outside of Benton County. The board stated that random inspections and pictures should be taken of loads to check for compliance. The engineer is to implement an inspection program.

Todd McNall of Design Dynamics presented plans and specifications for security fencing around the new parking lot east of the new law enforcement center. McNall stated that the cameras for the parking lot are included in the specifications for the law enforcement center. The new lot will contain 20 parking spaces (2 for small cars), be fenced, gated, and lighted and have security cameras/system. The fence will be seven foot high of ornamental steel with a wrought iron appearance. Lighting will be downward only with no upward light pollution. The estimated cost of the project is \$35,000 for the materials. The estimated cost with installation is \$38,100.00. The project does not include pavement. Moved by Buch, seconded by Vermedahl, to approve the plans and specifications for the law enforcement parking lot improvements. All members voting aye thereon.

Moved by Buch, seconded by Sanders, to approve the minutes of April 2, 2010. All members voting aye thereon. Motion carried.

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

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Moved by Vermedahl, seconded by Buch, to direct the chair to sign the Certification of Cost Allocation Plan prepared by Cost Advisory Services, Inc. for the county's FY09 cost allocation plan. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan filed by Derek Vopelak for the facility located at 5641 14<sup>th</sup> Avenue, Garrison, Iowa. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve the request submitted by Lowell Fink to use the courthouse lawn on May 6, 2010, in celebration of Nation Day of Prayer. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the request submitted by the Vinton Parks and Recreation Department to use the courthouse lawn on June 24, 2010, for Party in the Park activities. All members voting aye thereon. Motion carried.

The auditor spoke with the board about the May 11, 2010 budget amendment hearing. The auditor had submitted the notices to the official newspapers; however the Cedar Valley Times failed to publish the notice on the required day, which resulted in legal notification not being met. The auditor spoke with the official newspapers and is running notices this week, but needs to change the date of the amendment due to the publication requirements. The Cedar Valley Times has agreed that they will not charge the county for the notices published by their company. Moved by Buch, seconded by Vermedahl, to reset the date for a public hearing and amendment of the FY10 county budget for May 18, 2010, at 10:00 a.m. All members voting aye thereon. Motion carried.

No action was taken on the animal control officer for Benton County pending Supervisor Buch speaking with a potential contractor.

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

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Jason Sanders, Chairman

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

May 10, 2010

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Buch and Vermedahl present. The chair called the meeting to order at 6:00 p.m. in the cafeteria of the Shellsburg elementary school.

The purpose of the meeting was to receive public comment on the Oak Grove road improvement project, the acquisition of property, and the time-line of the project. The project consists of widening the current gravel road, upgrading it, and placing a seal coated surface on it. There were approximately thirty interested persons present.

Myron Parizek, Benton County Engineer, and Jeff Sogge of Clappsaddle-Garber Associates, presented information and responded to various questions and concerns. Concerns included but were not limited to the following:

- Compensation for removal of trees, including walnuts and cedars
- Compensation for damage to area wells
- Compensation for fencing (or who would be responsible for replacement)
- Bridge improvements
- Speed limits – a request for a 35 mph or 45 mph speed was made
- Installation of stop signs
- Ingress and Egress to properties during the construction
- Widening of farm drives
- Seeding of vegetation in the right-of-way and the height of the vegetation
- Funding stream
- Purpose of road improvement project

The engineer responded that the loss of trees that were in the acquired right-of-way would be negotiated in acquisition cost. Parizek stated that he was aware that two wells may be affected, but that he was not aware of any potential damage to area wells not located in the right-of-way. Parizek stated that fencing is usually the responsibility of the landowner, who is compensated for the fence; however, it may be a possibility that the county could arrange for the erection of new fence. There are four bridges on the proposed route and three will be replaced during the project. Parizek stated that he would consider a speed limit on the new roadway, as it will not be built to handle interstate or highway speeds. Installation of stop signs was discussed with no clear direction decided. The county engineer agreed to widen farm drives within reason if they were along the project. The type of vegetation to be seeded would be grasses in front of residents and native plantings elsewhere. It was explained that the funding for the project was local money.

The time-line for the project is: acquisition of right-of-way to be started immediately and is anticipated to be completed within two months. Once acquisition is completed, the design phase will be completed, the project will be put out to bid and let – which is anticipated to be around the first of August 2010. Grading should begin within thirty days of the project being let. The road will be surfaced with rock for two winters and then seal coated after that.

The purpose of the improvement is to provide another route from eastern Benton County into Linn County. The traffic on the current hard surfaced roads has increased dramatically over the past 20 years and there is a need to develop another route.

Moved by Buch, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 7:10 p.m.

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

Attest: \_\_\_\_\_  
Jill Marlow, Auditor

May 11, 2010

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

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

180

Moved by Vermedahl, seconded by Buch, to set Tuesday June 8th, 2010, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Shawn Golden on a parcel located in a part of the N½ SW¼ of Section 15-83-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to abate penalty and cost on parcel numbers 740-12600 and 840-02450. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to abate taxes on parcels 030-49400 and 030-14800 pursuant to Iowa Code 445.63 requested by the City of Belle Plaine. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Paul and Stephanie Vogeler. Vogelers currently own approximately 40 acres located in N1/4 of SE ¼ of section 2-82-10. Approximately 34 Acres will remain in corn/soybean rotation, the remainder will be for a residential dwelling. Moved by Buch, seconded by Vermedahl, to approve a farm exemption as provided for in the Benton County Agricultural Land Use Preservation Ordinance for a single residential use on a parcel described as being a part of the N1/4 of the SE1/4 of Section 2-82-10. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator for the new Law Enforcement Center gave an update on its progress to the Board. Construction has begun and they are currently digging in preparation for the footings to be poured, weather permitting.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 121292 through 121595, including payroll, and ACH deposits numbered 8338 through 8446, for payment. It is noted that checks numbered 121515 and 121516 were voided due to paper jam in printer. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to approve Resolution #10-32, Approve John Mayhew as Grade Working Foreman. Voting aye were Vermedahl, Buch and Sanders. Nays None. Motion carried.

## **RESOLUTION #10-32**

**WHEREAS:** A posting for the position of Grade Working Foreman has been completed, and

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

**WHEREAS:** Two present employees have signed the posting, and

**WHEREAS:** Both employees have experience operating heavy equipment, one of these employees is slightly more qualified than the other,

**THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that John Mayhew be the Grade Working Foreman with a Labor Grade Classification of LG VID. The base wage will be \$18.25. The effective date will be May 24, 2010.

Signed this 11<sup>th</sup> day of May, 2010.

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

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Ronald R. Buch

\_\_\_\_\_  
David Vermedahl

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

Moved by Vermedahl, seconded by Buch to approve Resolution #10-33, Road Closing on part of 22<sup>nd</sup> Ave. Voting aye were Vermedahl, Buch and Sanders. Nays None. Motion carried.

## **RESOLUTION #10-33**

**BE IT RESOLVED** by the Benton County Board of Supervisor's that the following described Secondary Road be closed for **CONSTRUCTION** effective from May 10, 2010, through the completion of the project.

From the SW corner of Section 18-T84N-R10W thence north approximately 2 miles to the NW corner of Section 7-T84N-R10W along 22<sup>nd</sup> Avenue in Eden Township.

Signed this 11<sup>th</sup> day of May, 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

\_\_\_\_\_  
David Vermedahl

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

Motion by Buch, seconded by Vermedahl to hire Donovan Merchant at \$9.85 an hour and Bob Beyers at \$10.10 an hour for seasonal part-time truck drivers for roadside spraying. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve Resolution #10-34, Service Area Budget Amendment. Voting aye were Vermedahl, Buch and Sanders. Nays None. Motion carried.

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

181

## **RESOLUTION #10-34**

### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 12, 2009; and  
**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds between Conservation and Sanitary Disposal;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2010 county budget is hereby amended within the following service areas: Service Area 6. The auditor is directed and authorized to amend said service area as needed.

Dated this 11th day of May 2010.

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

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Ronald R. Buch

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David Vermedahl

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Deputy Auditor

Ron Boyer met with the board regarding some questions he had with the county's current land use policy. He referred to a land use change that was made in 1998 on a 2-acre parcel that was for non-agriculture use and now has recently been foreclosed on. He questioned whether the board would still look at the CSR in determining their decision if a new land use change will be requested on that same parcel. Without researching the previous land use change and its situation, the board couldn't answer.

Moved by Vermedahl, seconded by Buch, to approve the Veterans Affairs quarterly report for the period ending December 31, 2010. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the board to discuss 3 new patrol vehicles for the Sheriff's office. He currently has in this fiscal years budget to pay for the new vehicles but he didn't meet the ordering deadlines and was requesting to carry those funds over into the next fiscal year. One is to be paid out of Rural Basic and the other two out of the General Fund. Moved by Vermedahl, seconded by Buch to allow for the carry over of the funds until the next fiscal year to allow more time to receive bids for the new patrol vehicles. All members voting aye thereon. Motion carried.

Benton County Conservation Director Will Heber, Conservation Board member Bob Mahood and Kathy Tranel, Realtor met with the board to further discuss the purchase of property to be utilized as a nature center. Heber presented the architect's drawing of the proposed plan for the nature center. The estimated cost of the renovated project is \$470,000 including the septic system that will need brought up to date within 30 days of sale. The purchase price of the property itself is to be no more then \$270,000 plus tax prorated and closing costs. The conservation department plans to pay for the property and renovations through the Kerkman Estate, which funds will become available after July 1, 2010. The Conservation Board currently has a fundraising committee started and Heber states that people are willing to donate but are skeptical until the property is secure. They presented a purchase agreement between the Benton County Conservation Board and the Natural Heritage Foundation. It was at first thought to be interest free for the first year but now its estimated with a 5.25 APR with 20% of the purchase price to be the down payment due within 30 days of the real estate contract and the balance to be paid in four equal annual installments of principal and interest.

David Thompson, County Attorney questioned the last time they've increased camping fees, if that would be an option to help fund the improvements. Also suggesting how the Auditor could possibly do something similar to an ESCROW account for funding for Conservation. Try to not rely on only using the LOST funds to pay for the project and get it paid back within a 5-year plan. He agreed that LOST money is a good guarantee to fall back on but would rather they didn't rely on that. Sanders said he is in favor of them trying to collect donations for the project. Supervisor Buch asked about if the county fronted the funds in one lump amount for example using a mortgage to pay for the Nature Center and all other unfinished projects. Try to give them a fresh start after that money is re-paid instead of relying on the LOST funds to get them by. Sanders felt leery on that idea, while Thompson states you can't expect to do everything at once, just as it is with a personal budget, we have to set priorities and stick with them. Vermedahl is concerned with how they will fund their every day expenses. Once the project is done, how will they go about supporting it out of their yearly budget? He feels they need to find the best option, discuss with the Auditor, if she could do some research about getting loan quotes with less APR and see what other options we have and put this back on the agenda for next week to discuss further before making any decisions. Thompson asked that the Conservation Board present a proposal in writing to the board describing their fundraising goals. The board agreed they were in favor of the project but not in favor of the agreement with the Heritage Foundation at this time.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plan submitted by RNK Farms LLC, for the facility located at 2907 62<sup>nd</sup> Street Trail, Shellsburg, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve the minutes of May 4, 2010. All members voting aye thereon. Motion carried.

Discussion on the animal control officer was put back on the agenda for next week. Waiting for some answers regarding liability issues with the individuals insurance.

Mary Halstead, Transportation Director asked for suggestions since she hasn't received any responses for the ad to hire part time drivers.

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

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

ATTEST:

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Hayley Rippel, Deputy Auditor

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

182

May 18, 2010

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

The board discussed creating an early retirement program for county employees. The auditor provided a spreadsheet showing potential savings over five-years if an employee were to retire with a partial health benefit. Discussion included various options, including conversion of unused sick leave towards premium payments similar to the State of Iowa. The auditor suggested that if the county adopted a policy then if they wanted to encourage early retirement during certain periods they could change the amount of benefit. Supervisor Sanders stated that he was in favor of offering an early retirement benefit if it could bring savings to the county. Supervisor Vermedahl stated that he wanted to review the data provided at today's meeting and asked that the matter be placed on next week's agenda.

Moved by, seconded by, to amend the minutes of December 29, 2009, to include the following:

"Moved by Buch, seconded by Sanders, to set the fee for medical examiner reports at \$200 per report. Any portion thereof or all may be paid to the medical examiner-investigator upon direction of the medical examiner or deputy medical examiner. The fee is effective January 1, 2010. All members voting aye thereon. Motion carried."

All members voting aye thereon. Motion carried.

No action was taken on the approval of the May 10, 2010 and May 11, 2010, minutes.

Moved by Vermedahl, seconded by Buch, to re-affirm the appointment of the following persons to the Benton County Geographical Information System committee: by virtue of position – assessor, auditor, and engineer, Chuck Juhl as a "user representative", and Jason Sanders as the final county representative. There are no term lengths for the position as most are by virtue of position. Vacancies will be filled when resignations are received or the appointee does not attend a minimum of 25% of scheduled meetings within a 12-month period. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on amending the FY10 county budget, the board took up the matter for consideration. There were no objections heard. After reviewing the requests for budget amendments, it was moved by Buch, seconded by Vermedahl, to adopt Resolution #10-35, AMENDING THE FY10 COUNTY BUDGET. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-35**

**BE IT REMEMBERED** on this, the 18<sup>th</sup> day of May 2010, 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 12, 2009. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety	\$+2,500
Physical Health & Social Services	\$+55,000
Mental Health	\$ 0
County Environment & Education	\$+243,921
Roads & Transportation	\$+175,000
Government Services to Residents	\$ 0
Administration	\$-43,046
Capital Projects	\$ 0
Operating Transfers Out	\$601,854

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$+50,000
Other County Taxes	\$+223,000
Use of Money & Property	\$+34,000
Miscellaneous	\$+820,000
General Long Term Debt Proceeds	\$+250,000
Operating Transfers – In	\$601,854
Proceeds of Fixed Assets	\$6,360

Dated this 18th day of May 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

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

183

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Jerad Becker. Greenlee reported that the applicant is involved in a family farming operation with livestock and crop production. Greenlee reported that the requests is in accordance and complies with the Benton County Agricultural Land Use Preservation Ordinance. Moved by Buch, seconded by Vermedahl, to approve a farm exemption application filed by Jerad Becker on a parcel located in A Part of the SE1/4 of the SW1/4 of 26-83-9, for a single residential use. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Christensen Farms Midwest LLC., for the facility located at t 1819 56<sup>th</sup> St., Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to permit the use of the courthouse lawn on September 18, 2010, for Boomtown activities, with the understanding that Vinton Unlimited is responsible for enforcement of the No Smoking law as well as clean up and repair of damage to the lawn, if any. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to permit the use of the courthouse lawn on July 17, 2010, for the Vinton Cruise activities, with the understanding that the Vinton Cruise committee is responsible for the enforcement of the No Smoking law as well as clean up and repair of damage to the lawn, if any. All members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill bank account on April 30, 2010, was \$100,347.45.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-36, BRIDGE EMBARGO. Voting aye thereon were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-36**

WHEREAS, this structure at this location due to age and design have reached the point in time where a more restricted weight limit should be imposed,

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

CA-1950

**20 ton**

0.1 miles west of the NE corner of section 32-84-09 (Canton Township) on 67<sup>th</sup> Street.

Signed this 18<sup>th</sup> day of May 2010.

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Jason Sanders, Chairman

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

The board discussed financial matters with respect to the conservation board purchasing property for a nature center. The property is currently a residence located next to Rodger's Park. The conservation board has negotiated a purchase price of \$270,000 with the current owners being allowed to remain in the residence, free of charge, through December 2010. The conservation board will also be responsible for replacement of the current non-functioning septic system. The conservation board advised that the trustee of the Donovan Trust has agreed to let the conservation board borrow money from the money donated to the conservation board with the understanding that it will be repaid with interest. Repayment of the loan will be with local option sales tax revenue and fundraising efforts, as well as other donations. The conservation board will discuss the matter further at their next meeting.

Moved by Buch, seconded by Vermedahl, to approve a Class B liquor permit requested by Blairstown Demo Derby. All members voting aye thereon. Motion carried.

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

184

Kelly Geater, Treasurer, met with the board regarding abatement of penalty only on parcel 890-19050. Geater explained that when the owners purchased the property two parcels were included but only one parcel was changed. In the real estate file. Geater stated that when the new owner called about the taxes due on their property, the parcel that had not been changed was not included in the total provided to the owner. Geater was requesting that the penalty be abated on that specific parcel. The treasurer did not have the amount of the penalty at the meeting. Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-37, ABATEMENT OF TAX PENALTY. Voting aye thereon were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-37 ABATEMENT OF TAX PENALTY**

WHEREAS, the county treasurer has notified the board that an error occurred wherein penalty was attached to a parcel due to non-payment of tax; and  
WHEREAS, the Board of Supervisors agrees that the property owner should not be responsible for costs incurred due to an error of the county,  
NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the penalty only be abated on the parcel 890-19050 for delinquent property taxes due in FY2010.

Signed this 18th day of May 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Vermedahl, seconded by Buch, that the Benton County co-insurance fund pay \$50.00 per month per plan towards the health insurance premiums. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, that the cost of health insurance plans for FY11 be set at \$461.33 for a single plan and \$1,085.84 for a family plan. All members voting aye thereon. Motion carried.

Garrett Wittmer met with the board to discuss a possible contractual arrangement for animal control in the unincorporated areas of Benton County. Wittmer agreed to provide the services at a base cost of \$200 per month, plus \$15.00 per hour for service, and all mileage reimbursed at the current IRS rate. The board advised that they would request that the county attorney draft a contract for consideration.

Ranae Becker of Benton Development Group updated the board on a celebration of rebuilding of the new law enforcement center.

Jerry Petermeier provided a status report on the construction progress of the new law enforcement center.

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

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

ATTEST:

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Jill Marlow, Auditor

May 25, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of May 10, 2010, and May 11, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of May 18, 2010. All members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics met with the Board to discuss camera equipment for the parking lot across from the new law enforcement center. McNall stated that he had quotes for camera equipment, and radio controls for the gates. McNall stated that request for proposals for the parking lot and fencing were due to the county on May 26, 2010. McNall stated that it was the opinion of the jail engineer that the same company, Accura Controls, install the same camera and control equipment so that it is compatible. McNall questioned if the materials could be paid for and retained at the company warehouse. The auditor stated that the same issue has been raised the county's audit and state auditor and the answer was "no". McNall stated to the board that it would be beneficial to leave the equipment at the company's warehouse. Supervisor Sanders stated that it made sense to get just one quote for the equipment since it is the same company providing the equipment for the law enforcement center. Moved by Buch, seconded by Vermedahl, to purchase camera and control equipment from Accurate Controls, Inc. for the law enforcement parking lot at a cost of \$19,404.97. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the quote for labor to install the camera and the gate controls for the parking lot for the law enforcement center from Accurate Controls in the amount of \$5,875. The labor is to be paid at the time of installation. All members voting aye thereon. Motion carried.

Jerry Petermeier updated the board on the construction of the law enforcement center. Petermeier requested that the board view and choose the various colors of brick to be installed on the facility.

Moved by Buch, seconded by Vermedahl, to install the Autumn Haze and Oxford bricks for the new law enforcement center. All members voting aye thereon. Motion carried.

Glen Meisner met with the board regarding the land use change requested submitted by John Cherveney. Marc Greenlee reported that this matter had been tabled two weeks ago when the board of supervisors requested additional



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

185

information. A revised concept plan was drawn and presented to the board. The new plan places all development to the east of the wet area of the parcel. The road was shortened, a storm basin was implemented, repositioned three buildings, curb and gutter will be done, an intake was placed near the east access, the new road will be lowered to match the county road, no disturbance at the west of the project that is beyond the drainage that goes to the golf course, and storm water should be carried so that it does not deviate from where it currently goes. Greenlee reported that he received written correspondence from the Tara Hill golf course stating that the board members of the golf course oppose the development. The golf course is concerned about future drainage problems due to construction of the project. The board discussed the viability of the sales of the condominiums, the effect of the golf course on the properties, and drainage.

Moved by Vermedahl, seconded by Buch, to grant the land use change requested by John and Irene Cherveney as the concerns of the county are not grounds for denial. Supervisor Sanders stated that he believed that the use is incompatible for multiple residential units due to the narrow dimensions of the parcel. Supervisor Vermedahl then requested to withdraw his motion and Buch agreed. Moved by Vermedahl, seconded by Buch, to approve a land use change requested by John and Irene Cherveney on a parcel generally described as a portion of the N1/2, NE1/2 of 16-83-11 for a residential condominium project with the stipulation that all drainage and storm water run off issues are addressed to the satisfaction of the county. Voting aye: Vermedahl. Voting nay: Sanders and Buch. Motion failed. When asked what the best use of the land, Supervisor Sanders reported that the best use is railroad property as that it was originally intended to be. The board indicated that the applicants could submit another proposal for consideration under a new land use request.

The county attorney questioned if a decision had been made on the brick selection for the new law enforcement center and questioned why only limited options were available. The county attorney stated that it was not too much to ask the architect to provide multiple choices for consideration. The county attorney stated that when an individual builds a house, the architect generally provides many options. Supervisor Sanders stated that he was considering calling the architect at the end of the meeting to request additional samples; however the auditor reminded Sanders that the board had taken formal action already on the selection of the brick.

The board continued discussion on early retirement incentives. The matter has been on the agenda for several weeks pending the board's research. Supervisor Sanders stated that he believed that the incentive should be extended to employees, but that the amount of the incentive should be reviewed annually due to variances in insurance costs. Supervisor Buch stated that the matter has been discussed many times by the board and that he was considering a incentive that started at age 58 and continued to age 65. Sanders stated that the cost savings would be much less if the employee was allowed to take advantage of the incentive at age 64. Buch suggested that 70% of a single health insurance premium be paid by the county if the employee worked 30 years, 60% for 20 years, etc. The county attorney stated that he believed that a temporary policy be adopted with a more permanent policy to be adopted at a later date. Thompson did not agree with the number of years of service but rather an age based policy, but to leave requirements that an incentive must show that there is a financial savings to the county by requiring the elected official to agree to hire the replacement employee at a lesser rate. The auditor questioned what would happen if the elected official couldn't hire an individual for the salary offered under the county attorney's plan. The county attorney did not believe that would be an issue, but that there may have to be adjustments made. Marc Greenlee also spoke to a graduated incentive where, depending on their years of service would establish the percentage paid by the county, i.e. the employee with 20 years of service would receive a smaller percentage than an employee with 30 years of service. Greenlee's plan did not have an age requirement. Greenlee suggested that employees requesting the early retirement incentive be required to notify the county by December 30th of the year preceding the retirement so that financial and budgetary decisions could be made accordingly. Supervisor Vermedahl stated that he was not in favor of a policy that was for a short period of time but rather a more permanent incentive provided it saved the county money. The board requested that the matter be placed on the next agenda for further discussion. Supervisor Vermedahl questioned if the other members were considering a one-time offer or continuous offer. Sanders responded that he was not opposed to a continuing incentive provided that the amount of incentive could be adjusted dependent upon the economic situation of the county.

Moved by Vermedahl, seconded by Buch, to sign the final plans and title sheet for the HMA Resurfacing of E66 -Project #FM-CO06(79)—55-06. The project follows the old Highway 131 from Belle Plaine east to Luzerne. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 121596 through 121868, for payment, and ACH deposits numbered 8447 through 8555, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the manure management plan filed by Erick Kerkman for the facility located at 7027 31<sup>st</sup> Avenue, Atkins, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the Letter of Understanding for audit services for the county FY10 financial statements with EideBailey, LLC. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to suspend taxes on parcel #030-48525 in accordance with Iowa Code 427.9. All members voting aye thereon. Motion carried.

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

186

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-38, ABATEMENT OF TAX. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-38**

BE IR RESOLVED by the Benton County Board of Supervisors that the second half of the taxes on parcel #240-85500 be suspended pursuant to Iowa Code 445.62 due to property loss suffered from the June 2008 flood in the amount of \$572.00 and \$21.00 in penalty and interest.

Signed this 25th day of May 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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

Marc Baty and Ed Hermann with the Iowa Department of Human Services met with the board regarding the reorganization of the Department of Human Services. Baty explained that the reorganization was taking Tama, Poweshiek, Keokuk, Washington, Monroe, Appanoose, and Jones County to less than full-time offices in Region 4. Baty advised that currently the staff in the Benton County office is 14 and will increase to 20 staff persons on July 1, 2010. The additional staff is being transferred from Linn County and Tama County. Tama County will become less than full-time. Discussion included that additional cost to Benton County taxpayers when services are moved from adjacent counties to Benton County. It was reported that when Iowa County became less than full time and the staff located there was moved to Benton County, that Benton County had increased costs for office and related expenses. Iowa County has indicated that they will not help with the additional costs to Benton County and was questioned if Benton County will see additional costs when other staff is moved from more counties to Benton County. Baty explained that the counties could enter into agreements to share the costs. The auditor stated that Benton County has no leverage in negotiating an agreement since the State decides where the staff is placed with no thought to the county's cost. Baty explained that Jones County recently purchased and renovated a building for DHS offices, to now be told that they would no longer have a full-time office and that there were no guarantees that more reorganization may occur next year. Supervisor Vermedahl responded that Benton County would have to consider that possibility when deciding on office improvements, etc. for DHS.

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

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

ATTEST:

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Jill Marlow, Auditor

May 27, 2010

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

The time of 9:00 a.m. having arrived, and this being the time and date set and published, for awarding the bid for the assorted parking lot accessories for the new law enforcement center and emergency operations center, the Board took up the matter for consideration. Request for Proposals has been published in the official newspapers of the county.

The proposal requested bids on 3 items:

Item #1-Three-Rail Commercial Picket Steel Fencing with two motorized cantilevered gates.

Item #2-Two Architectural Site Luminaires, 150 Watt Halide and two square poles

Item #3-20-6' Concrete Parking Bumpers

The bids for the project were opened publicly on May 27, 2010 at 9:00 a.m. in the boardroom.

The bids were received as follows:

### **Item #1**

Life Time Fence Co. Inc, Cedar Rapids, IA- materials \$26,275.00, installation \$9,275.00 Total-\$35,550.00

D & N Fence Co. Inc., Cedar Rapids, IA- materials \$30,800.00, installation \$4,900.00 Total-\$35,700.00

### **Item #2**

Justice Electric Co., Cedar Rapids, IA- materials \$3,010.00 and installation of those materials \$900

### **ITEM #3**

No bids

There were no bid bonds.

Moved by Buch, seconded by Sanders, to award the bid for fencing and materials to Life Time Fence Co. Inc. Voting aye were Sanders and Buch. Nays none. Vermedahl abstained as he has a business conflict.

Moved by Vermedahl, seconded by Buch, to award the bid for the lighting and materials to Justice Electric Co. All members voting aye thereon. Motion carried.

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

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

ATTEST:

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Hayley Rippel, Deputy Auditor

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

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June 1, 2010

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 25, 2010, and May 27, 2010. Both members voting aye thereon. Motion carried.

Concerns were heard from the public regarding the right-of-way for the Oak Grove Road project. Ken Nemecek was concerned that the width of the right-of-way will affect their residence. The board advised that the engineer would have to ultimately answer the question, but they were not aware of any structures being affected by the right-of-way.

Moved by Vermedahl, seconded by Sanders, to acknowledge the filing of the annual manure management plans submitted as follows:

Rick Pickering at the facility located 1530 69<sup>th</sup> Street, Keystone, Iowa.

J & R Pigs LLC at the facility located at 1840 69<sup>th</sup> Street, Keystone, Iowa

Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to enter into an amendment to the lease agreement between Benton County and ICAS for office space for veterans' affairs. The amendment provides for rental office space from July 1, 2010 through December 31, 2010, and provides for a 6-month extension. The rental rate remains the same as the current agreement. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the resignations of Robert Urbain and Dick Gaffield, from the Benton County Conservation. The resignations are according to Will Heber, Conservation Director, however no written documentation has been received. Both members voting aye thereon. Motion carried.

Jerry Petermeier updated the board on the progress on the law enforcement center. Petermeier reported that things are moving along at a good pace. Petermeier also stated that he spoke with the contractor about the disposition of the dirt and that it can only be "given away" unless it is held until the end of the project at which time it could be sold and the appropriate steps taken with FEMA.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #10-39, ABATEMENT OF TAX. Voting aye were Sanders and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-39 ABATEMENT OF TAX**

BE IT RESOLVED by the Benton County Board of Supervisors that the tax, penalty, and interest on parcel #240-13750 at the request of the City of Vinton pursuant to Iowa Code 445.63.

Dated this 1<sup>st</sup> day of June 2010.

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Jason Sanders, Chairman

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Dave Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The board discussed an early retirement program for non-bargaining, elected officials, and deputies. The issue had been discussed the previously with the intention to save county dollars. The auditor presented a proposal that reflected the various concerns heard over the past meetings. The auditor's proposal included that employees must be a minimum of 58 years old with 25 years of full-time employment or age 60 with a minimum of 20 years full-time employment and provided a set monthly amount for insurance and ended when the employee became Medicare eligible. The plan prohibited re-employment with Benton County for participants in the plan. The county attorney presented his thoughts regarding changes to the plan. The county attorney presented a proposal, which was a one-time incentive plan and would require employees to elect to participate within 45 days. The county attorney's revisions included allowing people to participate in the incentive and return to work for the county on a part-time basis. The county attorney stated that it was essential that the elected officials agree to hire all replacement employees at a lesser wage for a specified period of time to insure savings. The county attorney however then stated that it was within the authority of the elected official to terminate their participation in the agreement at anytime. The board deferred action pending review of the attorney's recommendations.

Will Heber reported that the conservation board has agreed to loan money from the Donovan Trust fund to the county for the purchase and remodeling of a Benton County Nature Center. The loan would be in the amount of \$330,000 at 2.5% interest payable over a period of 8 years, with annual installments of \$45,555.24. The annual payments will be made from local option sales tax revenue and fundraising. Fundraising proceeds could be deposited into conservation's land acquisition account if that is the specific purpose of the donation. An annual payment would be made in June of each year. Discussion included making monthly installments as well, the closing date, possession date, and budget considerations. The auditor advised that she would need written documentation from the trustee of the Donovan Trust approving the loan. The county attorney advised that he would take care of the necessary loan agreements and related paperwork.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by South Slope Cooperative Telephone to place utility lines in the county's right-of-way in Florence Township along 77<sup>th</sup> Street and 33<sup>rd</sup> Avenue. Both members voting aye thereon. Motion carried.

The engineer also discussed placing temporary restrictions at the landfill. The engineer stated that there is approximately six weeks of space left in the landfill until the new cell is open. The engineer stated that he is aware of

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

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several demolition projects being undertaken by the City of Vinton and that he has requested that they dispose of the material in Linn County due to space constraints.

The engineer spoke about the Living Roadway Trust Fund grant applications he prepared for native seed for county road ditches and related equipment. The engineer stated that a hydro-seeder would be beneficial as well as personal fire gear for ditch burning. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign three grant applications for seed, hydro-seeder, and fire equipment. Both members voting aye thereon. Motion carried.

Gary Wandling met with the Board to discuss the Benton/Iowa road and the dust control issues. Wandling stated that he used to have dust control but Benton County has exchanged maintenance for that road with Iowa County. Wandling requested that the road be hard bladed once a year so that he can have dust control applied. He engineer stated that he would have one of his employees hard blade the road.

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

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

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

June 8, 2010

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 1, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-40, SUSPENSION OF TAX. Voting aye were Buch, Sanders and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-40 SUSPENSION OF TAX**

BE IT RESOLVED by the Benton County Board of Supervisors that the tax on parcel #370-32976 at the request of the Iowa Department of Human Services pursuant to Iowa Code 427.9.

Dated this 8th day of June 2010.

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Jason Sanders, Chairman

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Ronald Buch

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David Vermedahl

ATTEST:

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Hayley Rippel, Deputy County Auditor

Moved by Buch, seconded by Sanders, to approve checks numbered 121869 through 122131, including payroll, and ACH deposits numbered 8556 through 8665, for payment. Voting aye were Sanders and Buch. Nays none. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Shawn Golden, 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 of 2 acres to a single residential use. The parcel is located in the N1/2 of the SW1/4 of section 15-83-9 and is located along an old railroad bed. Greenlee reported that it met the driveway criteria, has a 68 CSR. It will need its own septic system installed. The future building site will sit up high but Dry Creek does run through the southern part of the property. There doesn't seem to be any concern about run off. There is a Dairy in production to the southwest of the property that the owner is aware of. Vermedahl expressed concern with run off into the creek, but Greenlee said that doesn't appear to be an issue. Sanders indicated that he would like to view the property before making a decision on the request after previously denying an applicant in right of way ground. Buch felt this is a different situation as the ground is wider and higher. Moved by Sanders, seconded by Buch, to table action on the request for a land use change from agricultural to non-agricultural on approximately 2 acres for residential purpose on a parcel generally described as being a part of the N1/2 of the SW1/4 of 15-83-9, until June 15, 2010, at 9:15 a.m. Further, that at the stated time the board will view the property individually and continue said hearing. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into provider contracts with Abbe Mental Health Center, Abbe Center for Community Care and St. Luke's Hospital. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the hiring of Beverly Daniel, a regular part-time transportation driver to be paid \$11.26 an hour effective June 15, 2010. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen met with the board to provide an update and submit claims for payment. Moved by Buch, seconded by Vermedahl, to authorize the chair to renew the contract for Benton County to act as the fiscal agent to the Department of Human Services for decategorization funds and approved the claims submitted. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the hire of Russell Glime as part-time Reserve Officer for the Sheriff's office. He will be paid \$18.28 an hour, effective June 8, 2010. All members voting aye thereon. Motion carried.

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

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Jerry Petermeier updated the board on the progress on the law enforcement center. Petermeier discussed the geothermal waste from the drilling and wanted to discuss the lagoon site. If they wanted to find a new lagoon or modify the old one. After discussing transportation costs of hauling it to a distant location like the landfill they decided to just continue with the original lagoon. Moved by Vermedahl, seconded by Buch to advertise for the dirt removal off the LEC site, restrictions and conditions will apply to haul, but the dirt will be free of charge. All members voting aye thereon. Motion carried.

Will Heber, Conservation Director reported that the closing on the property for the new Nature Center will be July 6, 2010 and will take possession on September 1, 2010. Conservation board has agreed to loan money from the Donovan Trust fund at 2.5% interest on an 8-year plan that the county attorney would be preparing. Heber was reminded he would need to set up an appointment with Marc Greenlee, Sanitarian to discuss the septic issues before the closing.

Moved by Buch, seconded by Vermedahl, to set the date for a public hearing and amendment to the FY11 county budget for July 6, 2010 at 10:00 a.m. All members voting aye thereon. Motion carried.

Myron Parizek, Engineer brought up a recent conversation he had with the Auditor about a request from a customer for a permit to sell products in county's road right-of-way. Parizek talked with other counties and most were covered under their zoning ordinances. The board decided it wouldn't be a good idea for liability purposes so no changes were made at this time. The Engineer reported the Landfill balance with Benton County State Bank is \$11,379.19.

Gary Wandling met with the Board to discuss the Benton/Iowa road and the dust control issues. Wandling stated that he was told by Iowa County that there is a 28E Agreement with Benton County. He asked to be taken out of that agreement so he could be back under Benton County's care for his portion of the road. Sanders felt reluctant to do that since there are numerous others with similar situations. Buch thought the county could look into the options and see what they could do.

The board continued discussion on an early retirement program for non-bargaining, elected officials, and deputies. The program is only with the intent to save county dollars. They've looked at both proposals, one submitted by the auditor, and the other from the county attorney. There were three employees present in the discussion along with the county attorney. Supervisor Buch stated that he'd done some research with a few other county officials to see what they do. One county pays 50% of the retiree's health coverage. Supervisor Vermedahl feels it would be a benefit to get an actuarial study done before accepting either proposal and see how this will all work. David Thompson stated this will have to be taken as case-to-case basis and will need budgetary restraints. "This is an incentive to retire, not a requirement." Sanders suggested to make a 7-year plan that has the guidelines for salary increases. This guideline could have a minimum and a maximum amount and the new employee would need to stay in that salary range within that 7-year time frame in order to save money. Mary Halstead questioned if this was only going to be offered as a one-time deal or this will be a long-term plan. Taking into consideration that IPERS can take up to 90 days to reply to requests, they will need to allow time for this in their offer time frame. Thompson suggested they could adopt this as a temporary plan, see how its working, learn from the process, and in a year from now if they need to make necessary changes they can do so. Vermedahl would like to check about any legislative paperwork requirements and get a few questions answered yet. The board deferred action and put back on the agenda for Tuesday June 15, 2010.

Moved by Buch, seconded by Vermedahl, to approve improvement on the ventilation system in the Governor Sherman Building. Rubber padding under the furnace-\$240.00 and \$1625.00 in ductwork. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to send letters to the township officials and get their opinion how they felt about being appointed for office instead of being elected. Voting aye were Buch, Vermedahl and Sanders. Nays none. Motion carried.

Discussion on labor negotiations was held. The County Attorney offered to provide this in the future if it can save the county money from future arbitrations. No Action was taken.

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

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

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

June 15, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 8 2010. All members voting aye thereon. Motion carried.

The time of 9:00 a.m. having arrived, the board proceeded with canvassing the June 8, 2010 Primary Election. The board reviewed specifically the write-in votes, finding that a significant amount of write-in votes had been cast for the Republican supervisor position. Moved by Vermedahl, seconded by Buch, that the write-ins for Jason Sanders for the Republican candidate for Benton County supervisor as follows are to be considered: J. Sanders, Sanders, J., and Jason Sander. All other variations are not to be included. Voting aye were Vermedahl and Buch. Sanders abstained. Motion carried. Having reviewed the results, including the write-in votes cast, it was moved by Vermedahl, seconded by Buch, to declare the canvass of the election to be complete and the votes cast to be official. The official results are to be recorded in the office of the county auditor. All members voting aye thereon. Motion carried.

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

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The results of the Primary Election held on June 8, 2010, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

Democrat:

State Representative – no candidate

County Supervisor – Ed Sass

County Treasurer – no candidate

County Recorder – no candidate

County Attorney – David Thompson

Republican:

State Representative – Dawn Pettengill

County Supervisor – Jason Sanders

County Treasurer – Kelly Geater

County Recorder – Lexa S. Speidel

County Attorney – no candidate

Moved by Buch, seconded by Vermedahl, to approve a cigarette permit for Kimm's Mini-Mart near Blainstown for the year beginning July 1, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a land use change requested by Shawn Golden on a parcel located in the N1/2 of the SW1/4 of 15-83-9, for a single residential use. All members voting aye thereon. Motion carried.

Jason Sanders asked that the board consider making AFLAC insurance pre-tax. Sanders stated that by making it pre-tax it would save the county tax dollars. The auditor stated that it would take an amendment to the county's Section 125 plan and setting up the county payroll software. The auditor stated that the past position of the board has been that a minimum number of employees have to express interest before implementing the change and at this time the only employee who has contacted her office expressing an interest is Supervisor Sanders. Sanders stated that the AFLAC agent indicated to him that more employees were interested. Supervisor Vermedahl stated that he would like to know exactly how many employees were interested before taking action. Supervisor Sanders attempted to contact the agent but was unable to reach her.

Judy Funk with Heartland Insurance Risk Pool reviewed the county's insurance coverage for FY2011. There is an approximate 15% increase in costs for the coverage with a premium credit of \$157,950. Moved by Buch, seconded by Vermedahl, to direct the chair to sign the insurance renewal agreement between Benton County and Heartland Insurance Risk Pool. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-41, WAGE AND CLASSIFICATION CHANGE FOR DARRIC MCLEOD. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **R E S O L U T I O N #10-41**

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 Darric McLeod will be IVD (Maintainer Operator). IVD base wage for Darric McLeod will be \$17.73 per hour. Darric McLeod rate change will be effective June 16, 2010.  
Dated this 15th day of June 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by South Slope Coop Telephone Company to place utility lines in the county's right-of-way on the south side of 75<sup>th</sup> Street in Florence Township, Section 8. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into the ECICOG – Benton County Transportation FY2011 Transit Purchase of Service Contract. All members voting aye thereon. Motion carried.

Jerry Petermeier and Todd McNall updated the board on the law enforcement center construction as well as tower concerns. Petermeier reported that correspondence had been received about the communications tower near the construction site. It was relayed that the tower was beginning to list to the south/southeast. Petermeier stated that he took some preliminary survey shots of the tower on Monday, June 14, 2010, and confirmed that it appears the tower is listing. Petermeier reported that he has contacted a structural engineer who specializes in towers and is awaiting his response. Benton County Auditor Marlow advised that she has spoken with FEMA and that they will require a written report from the structural engineer as well as documentation from the county, but will probably reimburse the county for the work to stabilize the structure.

Todd McNall reported that he will be submitting a change order to the board for approval next week to address additional work required due to the debris in the dirt, upgrading from a cement to vinyl floor covering in certain areas of the jail, and two intercoms that were omitted from the original plan.

Scott Hansen reported that he is still filing documentation with FEMA for grant funds for the new emergency operations center.

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

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-42, ABATEMENT OF TAX. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10- ABATEMENT OF TAX**

WHEREAS, the City of Van Horne acquired property in 2008, and  
WHEREAS, there were taxes due on the property at the time the city acquired the same, and  
WHEREAS, the City requests that the tax be abated,  
NOW BE IT RESOLVED by the Benton County Board of Supervisors that the tax and penalty on parcel #220-00960 be abated in full pursuant to Iowa Code 445.63.

Dated this 15th day of June 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The board again took up discussion on an early retirement program for county employees. Mary Ann Blumer, Mary Halstead, and Marc Greenlee were present. Dave Thompson, County Attorney, attended by telephone. Supervisor Vermedahl reported that he spoke with Linda Langston regarding additional regulations. Langston told Vermedahl that she was referring to GASB 45 reporting. Vermedahl stated that he would prefer an actuarial study be done to determine whether there is a cost savings or not, including factors such as the number of years of experience, which provides the greatest benefit to the county, if any. Vermedahl stated that he would recommend that both plans that have been submitted be reviewed. Moved by Vermedahl, seconded by Buch, that both plans be submitted to Nyhart for an actuarial study to determine that amount of cost savings. Marc Greenlee suggested that various factors be included to get a better picture of the options. Thompson stated that he disagreed that an actuarial study be completed stating that county employees could do the work themselves. Voting aye: Vermedahl and Buch. Sanders nay. Motion carried.

Moved by Vermedahl, seconded by Buch, to hire Nyhart to perform the actuarial study based on the two plans submitted. Greenlee suggested that a plan also be considered that provided that a 58 year old with 20 years full-time service is eligible for early retirement. Voting aye were Vermedahl and Buch. Sanders nay.

Auditor Marlow stated that after a conversation with Supervisor Sanders that the supervisors believe that the county is in such dire financial straights, she thought that perhaps the supervisors would "step up to the plate" and eliminate the mileage they get paid for coming to board meetings. Supervisor Buch stated that he is not in favor of eliminating the reimbursement of the mileage expense, as he is required to live in his district. Supervisor Sanders was not opposed to continuing to pay supervisors for driving to work. Moved by Buch, seconded by Sanders, to continue paying supervisors mileage to travel to and from the courthouse for board meetings and other county business. Comments were heard that no other employees get paid mileage to come to work and are here every day, as well as that the board is trying to decide whether to offer a benefit for early retirement to other employees and may not include elected officials but does not have a problem providing a benefit that applies just to the supervisors themselves. Supervisor Vermedahl commented that he didn't feel comfortable voting on a motion that does not effect him since he does not claim mileage to come to the courthouse. All members voting aye thereon. Motion carried.

The auditor spoke to the board about shifting spending authority to allow her to purchase replacement election equipment. The board stated that they would approve a service area amendment at the appropriate time to allow for the purchase.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign a revised insurance binder between Benton County and Wellmark due to recent rules regarding the Mental Health Parity Act. All members voting aye thereon. Motion carried. This item was not on the agenda; however action was taken for the following reasons: the binder had to be returned immediately in order for the county's health insurance to be effective July 1, 2010; the rules regarding the Mental Health Parity Act were just released and were required to be implemented prior to the new policy year and Wellmark was requesting that the binder be returned the same day; the board had previously approved the health insurance binder at a meeting where the item had been on the agenda.

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

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Jason Sanders, Chairman

ATTEST:

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Jill Marlow, Auditor

June 22, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Absent none. Chairman Sanders called the meeting to order at 9:00 a.m.

Kenneth Nemecek met with the board regarding the Oak Grove Road project. Nemecek stated that the stakes for the new road right-of-way is located ten feet from his house and will take all of his trees. Nemecek questioned who had the final say as to the location of the road. Supervisor Sanders responded that the board has given the engineer the go ahead with the plans, but the board has the ultimate decision on the project. Sanders stated that he would look into the matter.

Moved by Buch, seconded by Sanders, to set a land use hearing requested by Steve and Joyce Albert on Parcel C located in the SE 1/4 of the SE 1/4 of 21-86-9 for a automotive repair business, and to set July 20, 2010, at 9:30

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

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a.m. as the time and date for a public hearing on a land use change requested by John and Sharon Pease on a parcel located in the W1/2 of the SW1/4 of 33-82-11.

Scott Hansen and Steve Meyer with Emergency Management met with the Board regarding a grant application with I-Jobs Disaster Prevention. Meyer reported that he and Hansen attended a meeting regarding the grant. Meyer stated the initial research has found that the funds are available if requested in large enough amounts. Meyer reported that if the funding request was tied in with the City of Vinton's efforts to construct a floodwall, and Hesco barriers then the grant application may be large enough to qualify for funding. The auditor stated that the grand funding came with a requirement that the county implement Smart Planning in its zoning and land use ordinances. Marc Greenlee, Land Use Administrator, stated that it will require that the county meet thirteen objectives to meet Smart Planning. Greenlee stated that the county had a review of our comprehensive plan and land use ordinance in 2006, that had that been adopted may have touched on some of the Smart Planning principles. Greenlee stated that meeting all of the objectives may be overkill for the county, but there is also a lack of mandatory language in the legislation resulting in variables with the matter. Greenlee reported that a task force is to report back to the legislature before the next session. Marlow stated that in order to file an intent to apply the county would have to adopt a resolution stating that they we would review our comprehensive plan to see if it incorporates smart planning and then if the county is awarded funds, then the county must within three years adopt a comprehensive plan incorporating the smart planning principles. The auditor stated that a plan was proposed in 2006 that incorporated some of the smart planning principles, but the board did not adopt that plan and questioned if the board would even be willing to adopt something different than the current plan. Marlow stated that Meyer and Hansen could not give a Notice of Intent to Apply if the county wasn't willing to change the current comprehensive plan. Supervisor Vermedahl stated that he wanted time to read the material presented and that he wasn't prepared to make a decision on information just provided to him. Supervisor Buch questioned some of the smart planning principles, but neither he nor Supervisor Sanders stated if they were interested in changing from the current plan.

Moved by Vermedahl, seconded by Buch, to approve a Class B Native Wine Liquor License for Apple Cart Orchard. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to pass the shortage of funding from the State on the Homestead Credit to the property tax payer. All members voting aye thereon. Motion carried. The State is only funding 64% of the credit.

Jerry Petermeier met with the board regarding the law enforcement center project. Petermeier stated that issues surrounding the radio tower structure had been investigated. It was found that the tower has not moved for at least eight months. The structural engineer advised to straighten the legs and leave it; however, the contractor wants a guarantee from the county that the tower and footings are structurally sound before he proceeds with any work in that area. Petermeier stated that it is virtually impossible to get an engineer to certify the tower as structurally sound unless they can see the footings/foundation. Petermeier reported that the person who built the tower is no longer living and it isn't possible to find out what is under the tower without drilling down and finding the footings. Petermeier suggested that the county contract with TEAM Services to locate the foundation/footings so that the issue can be resolved. Moved by Vermedahl, seconded by Buch, to direct Petermeier to proceed with securing TEAM Services to conduct the necessary testing on the tower footings/foundation. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve law enforcement contracts with the following cities for the period beginning July 1, 2010 and ending June 30, 2011: Atkins, Blairstown, Garrison, Keystone, Luzerne, Mt. Auburn, Newhall, Norway, Van Horne, and Walford. All members voting aye thereon. Motion carried.

Atkins - \$19,656 annually – 936 hours  
Blairstown - \$16,380 annually – 780 hours  
Garrison - \$3,276 annually – 156 hours  
Keystone - \$5,460 annually – 260 hours  
Luzerne - \$546 annually – 26 hours  
Mt Auburn - \$546 annually – 26 hours  
Newhall - \$16,380 annually – 780 hours  
Norway - \$10,920 annually – 520 hours  
Van Horne - \$16,380 annually – 780 hours  
Walford - \$10,920 annually – 520 hours

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-43, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-43**

### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 10, 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: Service Area 1, Service Area 3, Service Area 4, Service Area 6, and Service Area 9. The auditor is directed and authorized to amend said service areas as needed.

Dated this 22nd day of June 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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Jason Sanders, Chairman

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Ronald Buch

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David Vermedahl

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

Jill Marlow, Auditor



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

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Moved by Buch, seconded by Vermedahl, to approve checks numbered 122132 through 122582, and ACH deposits numbered 8666 through 8776. Further, the check for Radio Communications is to be increased in the amount of \$413.45., as the board approves the charges for their services done on May 19, 2010, and June 9, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-44, AMENDING RESOLUTION #09-50, INTERFUND TRANSFERS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-44 AMENDING RESOLUTION #09-50 INTERFUND TRANSFERS**

**WHEREAS**, it is desired to amend Resolution #09-50, adopted on the 30<sup>th</sup> day of June 2009, to adjust interfund transfers for the 2009-2010 budget year,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA** that Resolution #09-50 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, 2009, 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	\$ 80,500.00 (was originally \$80,000)

The remainder of Resolution #09-50 remains in full force and affect.

Dated this 22nd day of June 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-45, TRANSFER OF FUNDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-45 TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Benton County Board of Supervisors that \$3,891.36 be transferred from the TIF fund to the Secondary Roads fund, which represents collections for the Frontier road project. Further, \$197,541.97 is to be transferred from the Local Option Sales and Services Tax fund to Rural Services fund, which represents 25% of the local option sales tax revenue received in FY10.

Dated this 22<sup>nd</sup> day of June 2010.

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

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

\_\_\_\_\_  
Dave Vermedahl

ATTEST:

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

The auditor spoke to the board about the emergency services use of the local option sales tax. Marlow reported that Virginia Gay Hospital has asked if the could request funds to purchase training mannequins. Marlow also spoke about the EMS LOSST given to NBA and if the remainder of the \$20,000 allocation could be used for flood recovery expenses at the ambulance garage.

The county auditor discussed Benton County's share of the Iowa Finance Authority's Recovery Zone Bond Allocation. The county was allocated \$390,000 in Recovery Zone Economic Development Bonds and \$586,000 in Recover Zone Facility Bonds.

Moved by Vermedahl, seconded by Buch, to acknowledge the resignation of Steven Weirather as a part-time conservation employee, effective June 26, 2010. All members voting aye thereon. Motion carried.

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

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Supervisor Vermedahl introduced a resolution hereinafter next set out related to acquiring property and remodeling a Benton County Conservation Nature Center, and moved its adoption, seconded by Supervisor Buch; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

Ayes: Sanders, Buch, and Vermedahl

Nays: None

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

## **RESOLUTION NO. 10-46**

Resolution to fix a date for a public hearing on a loan agreement in a principal amount not to exceed \$400,000

WHEREAS, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), proposes to enter into a General Fund Loan Agreement (the "Loan Agreement") in a principal amount not to exceed \$400,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of acquiring property and remodeling a Benton County Conservation Nature Center, and 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, Be It Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. This Board shall meet on the 6<sup>th</sup> day of July, 2010, at the Boardroom, Benton County Courthouse, 111 E. 4<sup>th</sup> St., Vinton, Iowa, at 10:00 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 date of said meeting, in a legal newspaper of 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 A PRINCIPAL AMOUNT NOT TO EXCEED \$400,000

(GENERAL OBLIGATION/GENERAL FUND)

The Board of Supervisors of Benton County, Iowa, will meet on the 6<sup>th</sup> day of July, 2010, at the Boardroom, Benton County Courthouse, 111 E. 4<sup>th</sup> St., Vinton, Iowa, at 10:00 o'clock a.m. for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$400,000 for the purpose of paying the cost, to that extent, of acquiring property and remodeling a Benton County Conservation Nature Center.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa and will constitute a general obligation of the County. The Loan Agreement will be payable from the County's General Fund, and no debt service property taxes will be levied.

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 County 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 this 22<sup>nd</sup> day of June 2010.

\_\_\_\_\_  
Chairman

ATTEST:

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

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

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Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the Manure Management Plan submitted by Porken Farm for a facility located at 6168 Hwy 21, Dysart, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 15, 2010. All members voting aye thereon. Motion carried.

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

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

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

Jill Marlow, Auditor

June 29, 2010

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

Mayor John Watson, Vinton City Coordinator Andy Lent, and City Streets Superintendent Rick Erickson, met with the Board to discuss the road right-of-way along 61<sup>st</sup> Street Lane adjacent to the City of Vinton. Watson explained that the City is planning to do work along the north side of the road. The city stated that the road bank is caving away along the south side of the north road ditch from recent rains. Lent stated that the City plans to clean out the ditch to allow the water to drain quicker into the creek to prevent backup of water onto property located within the city limits. The city explained that there are several blockages within the ditch area preventing water from quickly draining. Lent requested that the county close the road and allow the detour of traffic while they clean the ditch. Erickson stated that the equipment is going to be available the week after July 8<sup>th</sup>, but voiced concern about damaging the asphalt with the heavy excavation equipment. The city is requesting that the county assist in the ditch clean out with their equipment; however the engineer has stated that his equipment will not be available for several months due to other scheduled work. The board advised that they would speak with the engineer. The City stated that they would like to begin the work sometime after July 8<sup>th</sup>. The auditor stated that if the road was to be closed that the county should consider the fair since a lot of heavier traffic would be coming in on that road during that time. Watson stated that it would be their plan to have the work completed by July 15<sup>th</sup>, but added it would depend on the weather as well.

Jerry Petermeier updated the board about the law enforcement center construction. The geothermal wells should be completed around the end of July. The auditor questioned how the board intended to pay for the geothermal as it was not FEMA reimbursable. Supervisor Buch stated that the county had agreed to borrow money for the project. The auditor reminded the board that the loan could not be the funding source for a multitude of expenses as it was a limited amount and that FEMA would only reimburse 90% of the project costs until the project was closed resulting in the county carrying over \$650,000 until that time. Petermeier updated the board as well on the status of the communications tower. Petermeier stated that he probed to find the cement leg base, but was unable to find any cement base. Petermeier stated that there is no way to know how far the tower legs extend into the ground or if there are anchors attached to the legs. Petermeier stated that the contractor has requested a guarantee that the integrity of the tower is sound and that it would not be compromised due to the construction of the center.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of June 22, 2010. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the Board to request approval for provider contracts. Moved by Vermedahl, seconded by Buch, to enter into the following provider contracts for client services for FY11, effective July 1, 2010:

REM Developmental Services - \$33.13 per ½ day; Mercy Medical Center – Prehearing per diem - \$525.00, Post-hearing per diem - \$560.00; Iowa Northland Regional Transit Commission – Per trip - \$25.00; Covenant Hospital AKA Wheaton Franciscan Health Care – Related to commitment: Pre-Hearing – 596.00 per day; Post Hearing - \$222 per day; Area Substance Abuse Center (ASAC) – Related to substance abuse post hearing treatment - \$36.63 per day; Genesis Development – Supported community living - \$36.01 per hour, employment services - \$43.95 per hour, Pheasant Ridge Care Facility - \$71.83 per day; Options of Linn County – work activity (intensive 1:2-5) – 48.69 per ½ day; work activity (regular 1:6-10) - \$34.53 per ½ day; sheltered work (1:11-5) - \$25.70 per ½ day, enclave - \$16.94 per hour, ob coaching/follow along - \$68.29 per hour. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign Amendment #2 to Social Services Block Grant (SSBG) County Contract between Benton County and the State of Iowa Department of Human Services. All members voting aye thereon. Motion carried.

The board discussed the ventilation system at the Governor Sherman building. Recent issues had arisen over air quality concerns in the facility and the county's efforts to address those issues have created other "noise" issues. The ventilation system is to be run continuously all night and weekends and periodically throughout the business day for approximately 1 hour at a time. Currently the system is only being run during the day whenever the thermostat causes the unit to run due to heating and cooling.

Steve Speidel requested a variance to the Benton County Subdivision Ordinance for Hidden Meadow Subdivision to allow for individual wells as well as geothermal wells. Speidel stated that the current county ordinance does not allow him to put in more than one central well. Speidel stated that the ordinance is creating a hardship for him due to his inability to sell the lots. Speidel stated that there is adequate separation distance due to the size of the lots in the subdivision. Marc Greenlee advised that there are several issues: Greenlee stated that he has told Speidel during a telephone conversation that he could issue a permit for geothermal wells under the current ordinance. Greenlee stated that IAC Chapter 49 defines water system, which is basically a well that is drilled, pump dropped in, electrical connections, etc. The geothermal system is a well that is permitted but not a water system by definition, as water is not being removed. Greenlee stated that the subdivision ordinance requires a central water system with the idea of regulating drinking water supplies. Greenlee stated that geothermal wells were not being considered at the time the subdivision ordinance was amended and readopted. Greenlee stated that the other issue that Speidel is addressing is the individual drinking water wells, which is an ordinance restriction. Greenlee stated that more drinking water wells would require a variance. Speidel

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

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stated that that a heat pump could use the drinking water well and that he is prohibited. Buch questioned if a central well could supply a heat pump. Speidel stated that it would be cost prohibitive. Supervisor Sanders questioned if the ordinance's intention was to limit the number of holes in the ground – how could allowing geothermal wells meet that intention. Greenlee stated that he wasn't trying to second-guess intentions – he was simply replying to the legal standards. Greenlee stated that this issue has been quibbled about and quibbled about – that the ordinance was in place when Speidel started his development. Sanders stated that if geothermal wells are going to be allowed then individual wells should be allowed. Speidel stated that the board could make the ordinance requirements more stringent; however Sanders stated that the board still had to maintain the intent of the ordinance. Supervisor Vermedahl questioned if Speidel's motivation was to get around the county's ordinance or if it was truly for geothermal efficiency. Speidel stated that it was for geothermal efficiency. Vermedahl questioned if it would be closed or open systems in the subdivision. Speidel responded both systems. Supervisor Sanders questioned what the simple solution was to the issue. Greenlee responded that there is no simple solution and that the subdivision ordinance would need to be changed by convening the zoning commission. Greenlee stated that he has stated that he could permit the geothermal system but that would not address the heat pump system. Greenlee stated that a variance to allow individual wells, which would also allow heat pumps, would not be a minimal easing of the requirements. Speidel stated that he did not believe the zoning commission would have to be convened since they were not convened when the changes were made to the sewage disposal system. Greenlee stated that the intent of the ordinance was still followed. Speidel stated that he spoke with a commission member who told him that the commission was not consulted and that commissioner had concerns over the requirement for the systems being designed by an engineer. Supervisor Vermedahl stated if that was true, and that he had never heard that concern, then the board certainly should not take action without the zoning commission being convened. Greenlee stated that to just allow individual wells and septic systems would probably not be appropriate but that there may be instances when individual systems could be allowed. The board stated that the zoning commission should be reconvened. Speidel expressed his frustration by stating that the board never carries through with the issue. The chair stated that he would reconvene the zoning commission. Speidel questioned if his variance request was being denied. The board said no action was taken on the request. Vermedahl stated that the subdivision ordinance was sidetracked due to the 2008 flood, but that the county should revisit the issue.

Wandling met with the board to discuss a 28E Agreement between Benton County and Iowa County for road maintenance. Wandling stated that Iowa County has not been complying with their requirements under the Agreement and should be terminated.

Moved by Vermedahl, seconded by Buch, to enter into a Fiscal Agent Agreement between Benton County and Benton County Empowerment for FY11. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a fireworks permit requested by Chris Herr, on behalf of the Watkins Community Athletic Association, for an event to be held on July 10, 2010, at the Watkins ball diamond. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the resignation of Leslie Van Fossen as part-time conservation employee, effective June 9, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Mary Summy to a 3-year term on the Veterans Affairs Commission. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the hire of Greg Benesh as part-time seasonal conservation help at Hannen Park, effective, at a wage of \$10.00 per hour, effective July 1, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the certifications of salaries for the following positions in elected officials' offices, effective July 1, 2010. Percentages are of the principal officer's salary unless otherwise noted:

Treasurer:

Kim Staab – 80%, Michelle Sauer – 70%, and Melinda Schoettmer- 60%

Recorder:

Rachelle Berry – 80%

Auditor:

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.

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

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Moved by Buch, seconded by Vermedahl, to adopt Resolutions #10-47, APPROPRIATIONS, #10-48, BANK DEPOSITORIES, #10-49, COUNTY OFFICIAL BANK DEPOSITORY AMOUNTS, #10-50, INTERFUND OPERATING TRANSFERS. Further, the auditor is directed to reduce/increase the budgets as necessary to reflect the approved FY11 wages, payroll tax, and insurance within the limitations of the adopted FY11 budget, and said adjusted budgets are subject to this appropriation resolution. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION # 10-47 APPROPRIATIONS**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2010, 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, 2010 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, 2010.

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 2010-2011 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 2010-2011 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2011.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 29, 2010.

Benton County Board of Supervisors

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

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

\_\_\_\_\_  
David Vermedahl

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

Resolution #10-48  
Bank Depositories

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 2011.

US Bank	
Vinton	\$ 500,000
Farmers Savings Bank & Trust	
Vinton/Traer	\$15,000,000
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	

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

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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	\$ 5,000,000
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 29th day of June 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

## **RESOLUTION #10-49**

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 2011:

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
Myron Parizek	
Benton County State Bank	\$250,000

Signed this 29th day of June, 2010

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

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

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## **RESOLUTION #10-50** **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 2010-2011 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, 2011, 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	\$ 41,382.00
General Basic	General Supplemental	\$ 0.00
General Basic	Land Acquisition	\$ 0.00
Rural Services Basic	Secondary Road	\$1,799,836.00
Rural Services Basic	Sanitary Disposal	\$ 244,080.00
Sanitary Disposal	Closure/Post Closure	\$ 85,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2010-2011 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 29, 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-51, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

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

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## RESOLUTION #10-51

### SERVICE AREA BUDGET AMENDMENT

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2010 budget on March 10, 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 and Service Area 7. The auditor is directed and authorized to amend said service areas as needed.

Dated this 29th day of June 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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

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

\_\_\_\_\_  
David Vermedahl

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

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve checks numbered 122583 through 122627, for payment.

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve repayment of the loan between the general fund and the flexible spending fund in the amount of \$6,060.19 of the current \$6,621.33 loan. All members voting aye thereon. Motion carried.

The board traveled to view the Oak Grove Road project and the future right-of-way and its effect on adjacent landowners. The board met with Kenneth Nemecek regarding the proposed right-of-way and its close proximity to his residence. Nemecek asked that the county reconsider the placement of the road right-of-way and move it further away from his residential structure. The board asked that the engineer revise the plans to move the road right-of-way further from Nemecek's home.

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

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

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

Jill Marlow, Auditor

July 6, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of June 29, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the corrected annual manure management plan filed by Porken Farm for the facility located at 6168 Hwy 21, Dysart, Iowa. All members voting aye thereon. Motion carried.



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

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Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-52, AMENDING THE FY11 BUDGET. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-52**

**BE IT REMEMBERED** on this, the 6th day of July 2010, 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 9, 2010. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety	\$+60,000
Physical Health & Social Services	\$ 0
Mental Health	\$ 0
County Environment & Education	\$+73,121
Government Services to Residents	\$+10,000
Administration	\$+10,000
Debt Service	\$-290,000
Capital Projects	\$+438,662
Operating Transfers Out	\$400,000

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$0
Other County Taxes	\$0
Use of Money & Property	\$0
Miscellaneous	\$0
General Long Term Debt Proceeds	\$0
Operating Transfers – In	\$400,000
Proceeds of Fixed Assets	\$0

Dated this 6th day of July 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Vermedahl, seconded by Buch, to acknowledge the hire of Chad Galli as a part-time seasonal employee, effective July 1, 2010, at a wage of \$9.00 per hour, and the hire of Zach Parmater as a full-time park ranger at Hannen park, effective July 7, 2010, or later, at a salary of \$29,048.30. All members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen with the Emergency Management met with the board regarding applying for the I-Jobs grant to be used on the new emergency operations center. The issue being considered is whether to approve emergency management to file a Notice of Intent to Apply for the I-Jobs II grant. The grant requires the county to implement Smart Planning Principles in the county's comprehensive plan. Hansen stated that the rules have not been written yet and probably will not be available until later. The board discussed whether they would consider implementing Smart Planning Principles; however believed they did not have enough information to make that determination. The board placed a phone call to the East Central Iowa Council of Governments planning and development consultant. The consultant was not available.

The board discussed the Emergency Operations Center Agreement entered into on March 30, 2010. The Agreement had not been fully signed and was unable to be found. A duplicate copy was presented for the parties' signature on this date, containing all of the same language as that agreement signed on March 30, 2010.

The Board of Supervisors of Benton County, Iowa, met on July 6, 2010, at 10:00 o'clock a.m., at the County Courthouse, Vinton, Iowa.

The meeting was called to order by the Chairperson, and the roll was called showing the following Supervisors present and absent:

Present: Sanders, Buch, and Vermedahl

Absent: None.

The Board investigated and found that a notice of intention to institute proceedings to enter into a loan agreement had been duly published as provided by law and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. The County Auditor announced that no written objections had been placed on file. Whereupon, the Chairperson called for any written or oral objections, and there being none, the Chairperson announced that the Board may authorize the loan agreement in the amount as published.

Whereupon, the Chairperson declared the hearing closed.

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

202

After due consideration and discussion, Supervisor Vermedahl introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Buch. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: Sanders, Buch, and Vermedahl

Nays: None.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

## **RESOLUTION NO. 10-53**

Approving and authorizing a Loan Agreement and General Obligation Note in the amount of \$330,000

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 enter into a loan agreement (the "Loan Agreement") and issue a general obligation note in the principal amount of \$330,000 (the "Note") for the purpose of acquiring property and remodeling a Benton County Conservation Nature Center; and

WHEREAS, notice of the County's intent to enter into the Loan Agreement and issue the Note has been lawfully published and a public hearing has been lawfully held thereon all in accordance with Section 331.402 of the Code of Iowa;

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

Section 1. The Chairperson and County Auditor are hereby authorized and directed to sign the Loan Agreement and the Note on behalf of the County, and the Loan Agreement and Note, in the form substantially as attached to this Resolution, are hereby approved.

Section 2. The Loan Agreement and the Note will constitute general obligations of the County, but no debt service property tax will be levied; and all payments will be made from the County's general fund (the "General Fund").

Section 3. This Board hereby covenants to appropriate to the General Fund of the County, in each year so long as any interest or principal on the Note are due, sufficient funds to pay interest and principal on the Note as such payments become due. The County hereby pledges the General Fund of the County and the faith, credit, revenues and resources and all of the real and personal property of the County for the full and prompt payment of the principal of and interest on the Note. Amounts necessary to pay the principal of and interest on the Note will be transferred as needed from the General Fund to the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved July 6, 2010.

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Chairperson

Attest:

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County Auditor

Moved by Buch, seconded by Vermedahl, to approve the auditor's and sheriff's quarterly reports for the period ending June 30, 2010. All members voting aye thereon. Motion carried.

The auditor spoke with the board about initiating proceedings to enter into a loan agreement with a bank for draw down funds for the new law enforcement and emergency operations center. Marlow stated that she would like to get the loan in place so that when the funds are needed they can be drawn down immediately. The board agreed that the loan should be put in place.

The City of Vinton met with the Board and the engineer regarding the drainage along the north side of 61<sup>st</sup> Street Lane (aka the County Home Road) along the city limits of Vinton. The city had met with the board last week and requested that the county participate in the cleaning of the ditch to increase the rate of water flow to the creek and eliminate water back up in the city's storm water facilities. The county engineer questioned if there was enough "fall" between the box culvert and the creek with the proposed clean out, which would result in approximately five feet of fall and may cause a problem of water backing up under the box culvert and eroding away under the culvert. Mayor Watson suggested placing rock in the area to address the concern. The engineer stated that the depth from the bottom of the water level to the top of the road has increased during the past 60 years due to road construction and other actions. The engineer stated without elevations being done, it is difficult to determine what actions would be necessary to improve the situation. The engineer stated that the floor of the box culvert is what is controlling the flow of water and that the floor of the culvert is above the elevation of the ditch to the east. Cleaning the ditch to the east would not improve the drainage to the west of the box culvert. It was determined that getting the elevations was critical before any decisions could be made to address any issues; however it was futile to clean the ditch out as the water level is always higher than the floor of the box culvert.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Atkins Telephone Company to place utility lines in the county's right-of-way along 30<sup>th</sup> Avenue between 67<sup>th</sup> and 71<sup>st</sup> Streets in Fremont and Canton townships. All members voting aye thereon. Motion carried.

The county attorney spoke with the board about the vacancy in his office created by the resignation of Lisa Epp an assistant county attorney. It was questioned if the hiring freeze enacted in 2008 was still in effect. Supervisor Buch stated that it was never his intention that positions would not be filled when they became vacant due to a resignation. The auditor read back the 2008 action, which stated that all positions had to have prior approval. Mary Ann Blumer stated that had the hiring freeze not been in effect that the position could have been advertised already; whereas now the office will be without an attorney for a month or so. The county attorney stated that one of the biggest drawbacks he has when hiring is the county's vacation policy and that it is not competitive with other organizations. Thompson stated that the City of Vinton has a better vacation policy than Benton County. Thompson stated that the position will be competitive with wages but the benefits are an issue. Thompson stated that he did not want to start class warfare, but stated that some professional applicants will require additional benefits than those offered currently. Moved by Vermedahl, seconded by Buch, to acknowledge the resignation of Lisa Epp from the county attorney's office, effective July 1, 2010. All members voting aye thereon. Motion carried.

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

203

Moved by Vermedahl, seconded by Buch, to authorize the county attorney to fill the vacant position created by the resignation of the assistant county attorney. All members voting aye thereon. Motion carried.

The board did not discuss the possible termination of the lease agreement with the Department of Human Services Case Management. The county had requested certain reports from the State, which were not supplied until 10:40 a.m. on this date. The auditor requested additional time to review the reports provided by the State prior to the board taking action on the lease agreement.

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

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

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

July 8, 2010

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

The purpose of the meeting was to discuss the integrity of the communications tower at the law enforcement construction site. Jerry Petermeier reported that the tower had been evaluated and leveled, but had appeared to have two legs moving. Petermeier stated that just prior to the meeting he had determined that the legs were stationary and the tower's integrity seemed to be in tact. Petermeier reported that had the legs been moving the tower would need to be decommissioned immediately. Petermeier apologized for asking the board to meet, but again stated that the condition would have needed immediate action by the board had Petermeier found the legs to have moved.

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

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

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

July 12, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, and Vermedahl were present. Supervisor Buch was absent. The chair called the meeting to order at 10:02 a.m. in the boardroom room of the courthouse.

Moved by Vermedahl, seconded by Sanders to approve July 6<sup>th</sup> and 8<sup>th</sup> minutes. All members voting aye thereon. Motion carried.

Gary Wandling met with the Board to discuss Benton/Linn Road. Benton County Engineer Myron Parizek was present. The issue that Mr. Wandling has with the road is that Iowa County does not maintain the road as well as Benton County. Wandling stated that "Iowa County is not doing right." Parizek stated that he has spoken with Iowa County's Engineer's office about the road, he has not resolved everything with the Engineer from Iowa County. He said it would be easier for Benton County to just maintain the road and not have to worry about snow removal. Wandling agreed that Iowa County could do the snow removal and Benton County could maintain the road. Vermedahl instructed Parizek to make whatever is required legally to make the adjustments to the 28E agreement with Iowa County.

Ray Miller met with the Board to discuss road by his property in Mount Auburn, Commercial Street. Miller stated that the snow gets pushed onto his property and then about 2 feet of sod got thrown onto melting snow from the maintainer truck. Parizek stated the problem with this street is that there is an easement from the courts, where you only are able to push the snow 20 feet off the roadway; you don't have a ditch to work with like other roads. Miller questioned if the City of Mount Auburn would buy the property lots so they wouldn't have to worry about that. Vermedahl stated he would have to ask the City of Mount Auburn about that. Board advised Miller to contact the City of Mount Auburn and if they are unable to help him to contact the Board again.

County Engineer Myron Parizek got a letter from DNR regarding the Benton County Landfill. It stated that there was a complaint to the DNR on how things looked, there was not daily cover, and there were issues with leakage that needed to be addressed. Parizek stated that the letter said Benton County can accept the penalty of \$10,000 by September 1<sup>st</sup>, 2010 or waive any appeal rights and the penalty can go up to \$20,000. DNR is asking for a response by July 23<sup>rd</sup>, 2010. The workers at the landfill do not get it covered everyday, as weather is sometimes an issue. Vermedahl questioned if the County could get an extension, he asked if Parizek could make a phone call to find out if there was one available. Sanders asked Parizek if he could make up a draft response before he leaves on vacation next week. Moved by Vermedahl, seconded by Sanders to direct Benton County Engineer to make up a response for the DNR regarding the issues of leakage and no daily cover, by Friday July 16, 2010. All members voting aye thereon. Motion carried.

The County Engineer reported that the Landfill balance with Benton County State Bank as of June 30, 2010 was \$4,678.15.

Mary Halstead Benton County Transportation Director discussed with the Board Building Rental for Transportation Buses in Belle Plaine. She found a new building 1 block West of Pizza Hut by the Fire Station in Belle Plaine. Halstead stated the only potential issue she has found is that the building does not have a drain. In the wintertime with snow she doesn't know if that will become an issue or not. The rent of the building is \$210.00 they are paying \$150.00 currently. Moved by Vermedahl, seconded by Sanders to approve new Building Rent for Transportation Buses in Belle Plaine. All members voting aye thereon. Motion carried.

Mary Williams Benton County Relief Director discussed with the Board a correction with the Genesis Provider Agreement Rate, rate is \$45.26 not \$43.24. Moved by Vermedahl, seconded by Sanders. All members voting aye thereon. Motion carried.

Williams also discussed with the Board cleaning expenses for the Governor Sherman Building. Williams stated that currently cleaning of the facility comes out of only her budget, so she asked Conservation and Benton County Development to help pay for cleaning services a month, 1 or 2 times a year. She stated this is just a verbal agreement they all have currently. Sanders suggested the agreement be written down and have all parties involved sign it so that way if anyone moves out of an office the next person would be able to agree to it as well.

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

204

Moved by Vermedahl, seconded by Sanders to adopt Resolution #10-36A CANCELLATION OF OUTSTANDING WARRANTS. All members voting aye thereon. Motion carried.

## **RESOLUTION #10-36A**

**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, 2008, 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**

10/23/2007	#95635	\$27.50	HY-VEE Stores
4/8/2008	#99135	\$30.16	USA Communications
4/22/2008	#99493	\$54.95	USA Communications
		<u>\$112.61</u>	

**Grand Total:** \$112.61

This resolution adopted on the 12<sup>th</sup> day of July 2010.

Benton County Board of Supervisors

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

\_\_\_\_\_  
David Vermedahl

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

Gina Edler, Clerk  
Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders to approve check numbered 122628 thru 122706, 122707 thru 122926, and ACH deposits 8777 through 8887, for payment. Both members voting aye thereon. Motion approved.

It was noted that the Auditor's Office would be closed on August 11, 2010 for training purposes.

Moved by Vermedahl, seconded by Sanders to approve Treasurer's semi-annual report. All members voting aye thereon. Motion carried.

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

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

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

Gina Edler, Clerk  
Jill Marlow, Auditor

July 20, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, and Buch were present. Supervisor Vermedahl was absent. The chair called the meeting to order at 9:02 a.m. in the boardroom of the courthouse.

Moved by Buch, seconded by Sanders, to set August 17, 2010, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Okee Walker on a parcel located in the SE ¼ NW ¼ 9-86-9. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Steve & Joyce Albert, the board took up the matter for consideration. Marc Greenlee presented the technical review information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the land use classification from agricultural to commercial. The applicant is requesting a change to allow for the construction of a commercial automotive repair business. Greenlee advised that a well and septic system would be needed. Steve Albert said he wanted to keep the place clean and not have cars sitting out. Sanders said he sees this business as being compatible with the area. Buch questioned what would happen if the Albert's wanted to sell the land and someone else were to use the property as an automotive business. Greenlee stated that if it were the same type of automotive business it would be ok; otherwise the County would have to approve the new commercial use. Upon hearing no further discussion, the chair declared the public hearing closed. Moved by Buch, seconded by Sanders, to approve a land use change from agricultural to commercial for Steve & Joyce Albert on 1.65 acres generally described as being located in the 21-86-9 SE ¼ Parcel C, for a commercial purpose as an automotive repair business with the restriction of no bodywork. Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for a public hearing on a land use changed requested by John C. Pease, the board took up the matter for consideration. Marc Greenlee presented the technical review information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the land use classification from agricultural to non-agricultural use. The applicant is requesting a change to allow for the construction of a barn with living space. Greenlee advised that a well is already on site and a holding tank would be used for a septic tank since Pease will only be staying there part-time. Greenlee stated he believed this was a good fit with the county's land use policy. Upon hearing no further discussion, the chair declared the public

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

205

hearing closed. Moved by Buch, seconded by Sanders, to approve a land use change from agricultural to non-agricultural use for John C. Pease on 3 acres in W ½ SW 33-82-11. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve for submittal to the State a claim for services provided by Tammy Wetjen-Kestersen, in the amount of \$2,718.75. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve waiving the landfill fees for the Cedar River clean up. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a claim submitted by Mary Williams for services provided in February of 2009 for ARC in the amount for \$425.60. Both members voting aye thereon. Motion carried.

Supervisor Sanders reported that he went over to the Governor Sherman Building to check the noise level of the air conditioning unit with his decimeter. He said that from his meter the levels were below the threshold. Moved by Buch, seconded by Sanders, to rescind prior action and not re-route the ductwork at this time. Further, Mary Williams is directed to run the fan at all times for the air conditioning unit. Both members voting aye thereon. Motion carried.

Jerry Petermeier, project coordinator for the new law enforcement center, gave an update on its progress to the Board. Petermeier stated that the safe room is ready to have the roof on it and the communications tower looks like it's standing in place and not moving at this time. Everything is checking out fine, today maybe the last time they haul dirt out of the location. Petermeier also updated the board on the fiber-optic cable line from Kirkwood to the site. He stated that the old cables are damaged and they are looking at shortening the distance for the cables. Petermeier advised that he would get quotes to bore new fiber-optic cables to the new law enforcement center site.

Mary Halstead reported to the board that she has a part-time employee who has gotten offered a full-time position outside of Benton County. Halstead stated that if she left she would have to replace her and was wondering if she could make the position into a full-time position to keep her. Sanders stated that Halstead needs to have more information when being placed on the agenda, that way the board and the public is made aware of what she (Halstead) is asking the board to consider and/or talk to them about. The matter is to be placed as an agenda item for the August 4<sup>th</sup> meeting to discuss the possibility of making the part-time position into a full-time position. Halstead also reported that they are planning on moving into their new Belle Plaine building on August 2<sup>nd</sup>.

Supervisor Buch and Sanders read over the letter of rebuttal from County Engineer Myron Parizek to the DNR regarding the violation at the Benton County Landfill. No action was taken.

Moved by Buch, seconded by Sanders, to approve the Recorder's Quarterly report for the period ending June 30, 2010. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to authorize the Chair to sign the payroll account acknowledgement and Section 125 Plan with AFLAC. Both members voting aye thereon. Motion carried.

Benton County Sheriff Randall Forsyth reported to the Board that the City of Urbana is requesting a temporary law enforcement contract. Forsyth stated the contract is for \$21.00 per hour for 20 hours per week and added that the sheriff's department is already taking City of Urbana's phone calls anyways. County Attorney David Thompson questioned what the termination notice was on the contract. Forsyth said it was 15 days for both parties. Thompson said he wouldn't let the contract run longer than 1 year and recommended doing it for 90 days and then terminate. Thompson stated he would not recommend doing a law enforcement contract for a town that size for only \$21.00 an hour. Forsyth stated it costs the county around \$38.00 an hour to have law enforcement be there. Moved by Buch, seconded by Sanders, to enter into the Law Enforcement Contract with City of Urbana for 90 days at \$21.00 per hour for 20 hours a week. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to sign the Contract for Animal Control Officer between Benton County and Garrett Wittmer. Both members voting aye thereon. Motion carried.

## **CONTRACT FOR ANIMAL CONTROL OFFICER**

This agreement is between Benton County, Iowa and Garrett Wittmer and provides that Mr. Wittmer will serve as Animal Control Officer for Benton County, Iowa under the following terms and conditions:

1. Mr. Wittmer will start work as the Benton County Animal Control Officer on September 1<sup>st</sup>, 2010.
2. This contract shall run for one year.
3. Mr. Wittmer will be paid \$200.00 per month plus \$15.00 per hour for individual animal control incidences. In addition, Mr. Wittmer shall be reimbursed for his incurred mileage at the current I.R.S. rate.
4. Mr. Wittmer shall provide all necessary equipment in order to fulfill his duties as Benton County Animal Control Officer.
5. The parties agree that Mr. Wittmer is hired as an independent contractor and therefore, is not an employee of Benton County, Iowa.
6. Mr. Wittmer agrees to provide himself with liability insurance for his duties as Benton County Animal Control Officer in the aggregate amount of one million dollars and will provide proof of this insurance to Benton County, Iowa.

\_\_\_\_\_  
GARRETT WITTMER

\_\_\_\_\_  
JASON SANDERS, CHAIRMAN  
BENTON COUNTY SUPERVISORS

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

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

ATTEST: \_\_\_\_\_  
Gina Edler, Clerk  
Jill Marlow, Auditor

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

206

July 27, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisors Sanders was absent. Vice-Chairman Buch called the meeting to order at 9:00 a.m. Mayor Daryl Miller of Norway asked the supervisors to consider participating in the costs and/or repairs to North Florence Street in Norway. The board advised that the matter would have to be placed on a future agenda for action.

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 12, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 20, 2010, with corrections. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to amend the minutes of June 29, 2010, to include the following:

"Moved by Vermedahl, seconded by Buch, to provide pre-tax status of AFLAC premiums to county employees, and that the necessary amendments be made to the county's Section 125 Plan. All members voting aye thereon. Motion carried."

Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 122927 through 123179, and ACH deposits numbered 8888 through 8995, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-37A, ABATEMENT OF TAX. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-37A ABATEMENT OF TAX**

WHEREAS, the Benton County treasurer recommends that taxes be abated on certain parcels as the buildings are no longer in existence and the taxes are for buildings on leased land, and  
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the taxes be abated in full on parcels #270-12871 and #480-18860 pursuant to Iowa Code 445.16

Dated this 27<sup>th</sup> day of July 2010.

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-38A, TRANSFER OF FUNDS. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-38A TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$600,000 be transferred from the Capital Project Fund to the General Basic Fund.

Dated this 27<sup>th</sup> day of July 2010.

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-39A, WAGE INCREASE FOR DONALD ERGER. Both members voting aye thereon. Motion carried.

## **RESOLUTION #10-39A**

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and  
WHEREAS: This employee as a part of the original hire is eligible for a wage increase  
THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grad classification of Donald Erger will be VD (mechanic). VD base wage for Donald Erger will be \$18.07 per hour. Donald Erger's rate change will be effective July 27, 2010.

Dated this 27<sup>th</sup> day of July 2010.

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Moved by Vermedahl, seconded by Buch, to rescind the following action from the July 20, 2010, meeting:

"Moved by Buch, seconded by Sanders to authorize Chair to sign payroll account acknowledgement and Section 125 Plan with AFLAC. Both members voting aye thereon. Motion carried."

Both members voting aye thereon. Motion carried.

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

207

Moved by Vermedahl, seconded by Buch, to authorize the auditor to file the certifications with Wellmark regarding the coverage of 26 year old children as well as matters relating to the county's health plan and the Patient Protection and Affordable Health Care Act and the Health Care and Education Reconciliation Act. Further, that Benton County not limit coverage for dependents under 26 who have employer-sponsored coverage of their own. Both members voting aye thereon. Motion carried.

The auditor advised that Employee Benefit Systems, the county's third party administrator, and flexible spending plan (Section 125 Plan) are amending the plan to include pre-tax benefits for AFLAC participants as well as language for the new health care reform legislation. The amendment should be completed by the first part of August.

The Board of Supervisors of Benton County met on July 27, 2010, at 9:30 o'clock a.m. at the Benton County Courthouse, Vinton, Iowa. The meeting was called to order by the Vice Chairperson, and the roll being called, the following named Supervisors were present and absent:

Present: Buch and Vermedahl

Absent: Sanders

Supervisor Vermedahl introduced and moved the adoption of the resolution next hereinafter set out; seconded by Supervisor Buch. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Buch and Vermedahl

Nays: none

Whereupon, the Chairperson declared the resolution duly adopted, as hereinafter set out.

## **RESOLUTION NO. 10-40A**

Resolution authorizing the issuance of a General Obligation Law Enforcement Center Loan Agreement Anticipation Project Note in a principal amount not to exceed \$750,000

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") 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 \$750,000 to provide funds to pay the cost, to that extent, of constructing and equipping a new County Law Enforcement Center (the "Project"), and has published notice of the proposed action and has held a hearing thereon on March 30, 2010; and

WHEREAS, the County has negotiated the sale of a \$750,000 General Obligation Law Enforcement Center Loan Agreement Anticipation Project Note (the "Project Note") with Farmers Savings Bank & Trust, Vinton, Iowa (the "Purchaser"); and

WHEREAS, it is necessary at this time to authorize the issuance of the Project Note pursuant to the provisions of Section 76.13 of the Code of Iowa in anticipation of the receipt of and payable from the proceeds (the "Loan Proceeds") of the Loan Agreement;

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

Section 1. The County hereby covenants for the benefit of the Purchaser, and all who may at any time be an owner of the Project Note to enter into the Loan Agreement prior to July 1, 2012.

Section 2. The Project Note is hereby authorized to be issued to the Purchaser, in anticipation of the receipt of and being payable from the Loan Proceeds or from other sources to be received and expended in connection with the Project during the period thereof. The Project Note shall be signed by the Chairperson and attested by the County Auditor with the seal of the County affixed and delivered to the Purchaser and shall be dated July 27, 2010, shall mature on July 1, 2012, and shall bear interest at the rate of 1.30% per annum, payable semi-annually on June 1 and December 1 of each year, beginning December 1, 2010, and also at maturity, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto.

Section 3. Advances on the Project Note may be requested by the County Auditor in such amounts and at such times as are needed to pay costs of the Project, and the date and amount of each advance shall be entered by the Purchaser on the Schedule of Advances on the Project Note, and each advance shall bear interest from the date of such entry.

The County Auditor is hereby designated as the Registrar and Paying Agent for the Project Note and may be hereinafter referred to as the "Registrar" or the "Paying Agent."

The County reserves the right to prepay principal of the Project Note in whole or in part on any date prior to maturity upon terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the redemption date.

The Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the County kept for such purpose, after which no transfer shall be valid unless made on said records by the County Auditor, and then only upon a written instrument of transfer satisfactory to the County, duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County shall maintain as confidential the record of identity of owners of the Project Note, as provided by Section 22.7 of the Code of Iowa.

Section 4. The Project Note shall be in substantially the following form:

## **UNITED STATES OF AMERICA STATE OF IOWA BENTON COUNTY**

### **GENERAL OBLIGATION LAW ENFORCEMENT CENTER LOAN AGREEMENT ANTICIPATION PROJECT NOTE**

**DATED DATE: July 27, 2010**

**MAXIMUM PRINCIPAL AMOUNT: \$750,000**

**INTEREST RATE: 1.30%**

**MATURITY DATE: July 1, 2012**

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

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The Board of Supervisors of Benton County, Iowa (the "County"), for value received, promises to pay on the Maturity Date to Farmers Savings Bank & Trust, Vinton, Iowa (the "Purchaser"), its successors or assigns, the maximum principal sum of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000), or so much as has been advanced by the Purchaser hereunder and noted on the Schedule of Advances hereon, in lawful money of the United States of America upon presentation and surrender of this Project Note to the Benton County Auditor, Vinton, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest thereon from the date of each advance until paid at the rate of 1.30% per annum, payable semi-annually on June 1 and December 1 of each year, beginning December 1, 2010, and also at maturity, or upon prepayment of this instrument as hereinafter provided.

The Purchaser has made a commitment to make advances (the "Advances") to the County in an aggregate principal amount not to exceed \$750,000 under this Project Note. Each such Advance made by the Purchaser shall be entered by the Purchaser on the Schedule of Advances hereon and shall bear interest from the date of such entry.

This Project Note is issued by the County for the purpose of paying the costs, to that extent, of constructing and equipping a new County Law Enforcement Center (the "Project") and is issued under authority of Section 76.13 of the Code of Iowa in anticipation of the receipt of and is payable from the proceeds of an authorized loan agreement (the "Loan Agreement") and a corresponding issuance of General Obligation Law Enforcement Center Bonds or Notes in a principal amount not to exceed \$750,000.

A sufficient portion of the Loan Proceeds has been appropriated to the payment of this Project Note and may also be appropriated to the payment of other obligations issued to pay costs of the acquisition and construction of the Project.

The County reserves the right to prepay principal of this Project Note, in whole or in part, at any time prior to its maturity, upon terms of par and accrued interest to the date of such prepayment. All principal of this Project Note so prepaid shall cease to bear interest on the prepayment date.

This Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the County kept for such purpose, after which no transfer shall be valid unless made on said records by the County Auditor, and then only upon a written instrument of transfer satisfactory to the County, duly executed by the registered owner or the duly authorized attorney for such registered owner.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Project Note were and have been properly existent, had, done and performed in regular and due form and time; that the faith, credit, revenues and resources and all the real and personal property of the County are irrevocably pledged for the prompt payment hereof, both principal and interest; and that the total indebtedness of the County, including this Project Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Benton County, Iowa, by its Board of Supervisors, has caused this Project Note to be sealed with its official seal, to be executed by its Chairperson and attested by its County Auditor, on July 27, 2010.

BENTON COUNTY, IOWA

By [DO NOT SIGN]

Chairperson, Board of Supervisors

Attest:

[DO NOT SIGN]

County Auditor

(Seal)

## SCHEDULE OF ADVANCES

Date of Advance	Amount Advanced	Remaining Principal Balance	Signature of Authorized Officer of Purchaser
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

Section 5. The Loan Proceeds anticipated to be received under the Loan Agreement are hereby appropriated to the payment of the Project Note and may also be appropriated to the payment of other obligations issued to pay costs of the Project. The County hereby pledges the faith, credit, revenues and resources and all of the real and personal property of the County for the full and prompt payment of the principal of and interest on the Project Note.



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

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Section 6. It is the intention of the County that interest on the Project Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Project Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Project Note as a "Qualified Tax Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

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

Passed and approved July 27, 2010.

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Chairperson

Attest:

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County Auditor

Jerry Petermeier provided an update on the law enforcement center construction. Petermeier reported that the well field for the geothermal system should be completed within two weeks; footings should be completed in the center of the building by the end of this week, and the remaining footings should progress fairly quickly. Petermeier stated the installation of the concrete blocks is running behind. Petermeier stated that more information would be available at the contractor's meeting to be held tomorrow, Wednesday July 28, 2010. Petermeier stated that the brick has not arrived yet but should be coming anytime.

Todd McNall, architect for the law enforcement center, presented two change orders to the current construction contract with Kleiman Construction. Change Order #1 was for additional costs due to additional debris and soils remediation costs and a credit for brick selection, resulting in an overall contract increase of \$2,672.07. Change Order #2 was for additional intercoms in the facility at a cost of \$2,216.40. McNall advised that he has submitted the change orders to FEMA for their approval as well; however he has not received formal approval from them as of this date. The board advised that they would take action once approval is received from FEMA.

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

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Ronald R. Buch, Vice-Chairman

ATTEST:

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Jill Marlow, Benton County Auditor

August 4, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of July 20, 2010. All members voting aye thereon. Motion carried. (The minutes had been tentatively approved earlier with some corrections to be made)

Moved by Vermedahl, seconded by Buch, to enter into a lease agreement between Benton County and Garling Construction, for a garage to house transportation buses. The agreement is a one-year lease at \$210.00 per month. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, spoke to the board regarding Medicaid eligible services and the amount of documentation that will be required to be filed.

Halstead advised that with school starting that scheduling of transportation services is becoming more problematic. Halstead indicated that an additional part-time driver might help to resolve some of the scheduling issues.

Halstead requested a change in employment status of Rhonda Westergard from part-time to full-time. Sanders questioned what impact it would have on transportation's budget. Halstead replied that she did not have figures prepared but that it may reduce the hours needed for part-time drivers. Halstead advised that there would be no change in the hourly rate and that Westergard is currently working approximately 3 days a week. Halstead also stated that it is difficult to budget bus repair expenses as there are always unknowns. Vermedahl stated that he has no doubt that Westergard would be very good at office work, but would rather see the financial impact on the transportation budget prior to taking any action. The auditor stated that Halstead should check with the county attorney to determine if the position would have to be advertised in order to comply with legal requirements for veteran's preference, etc. No action was taken.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan filed by J & R Pigs, LLC for the facility located 1840 69<sup>th</sup> Street, Keystone, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Jeff and Darla Kromminga for the facility located at 1652 72<sup>nd</sup> Street, Keystone, Iowa. All members voting aye thereon. Motion carried.

Representatives of the City of Norway met with the board and the county engineer regarding the repairs and maintenance of Florence Street. Florence Street is currently owned in various parts by both the county and the city. The engineer agreed that the county was responsible for participating in the costs and maintenance of the road. Norway requested that the county participate on a 50/50 basis for the repairs and to increase the county's maintenance efforts in cooperation with the city. The county and the city were in agreement that the county should participate as requested.

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

210

Moved by Buch, seconded by Vermedahl, to approve the utility permit requested by Van Horne Coop Telephone Co. to place cable in the county's right-of-way in Union and Eldorado Townships. All members voting aye thereon. Motion carried.

Trent and Kurt Packingham of Cloud Peak LLC met with the board regarding the assessment classification of their property. The property is located in the BECCA Park in the City of Urbana and was classified as agricultural property but is now classified as commercial property resulting in an increase in property taxes. Trent Packingham explained that Cloud Peak LLC was a family-owned business and that his family currently owned and operated Acro Manufacturing in Cedar Rapids. Packingham stated that the company was looking to expand and had purchased the property in Urbana in 2008 with those intentions. The company had planned to build a plant and hire approximately 55 employees; however with the downturn in the economy those plans had been placed on hold. Packingham stated that his company ships worldwide and had been in business for 50 years. Packingham went on to explain that the property was purchased with the understanding from the seller's representative that the classification would not change until actual development was started. County Assessor Larry Andreesen stated that no one from the County had told Packingham that the property would not change classification and that he, the assessor, was required to look at the intended use of the property when determining the assessment class. The assessor stated that the sale of the property triggered review of the value and classification and that he considers the zoning in the area, other sales as well as the amount of sales when making his determinations. The assessor went on to explain that he has tried to use discretion as to the timing of the classification but that he is required to follow the current regulations. The board of supervisors expressed concern regarding the matter; however they had no statutory authority to change the classification or abate any of the tax bill. Packingham stated that he is getting rent for the property for agricultural use and that it was unreasonable to be charged the commercial tax on land that is being farmed. The assessor reminded Packingham that a change in assessment notice had been sent to him regarding the change in classification and value change earlier and that proper procedure would have been to appeal the change to the Board of Adjustment. The assessor stated that Packingham could meet with the Board of Adjustment in the spring of 2011, when they convene again, to try and get the assessment changed. The assessor questioned the ability of industrial tax abatement or tax increment financing to assist Packingham. The auditor explained that Benton County has no programs available as the property lies within the city limits and that she had invited Chris Justice, Urbana City Administrator, to the meeting. Packingham stated that the seller had told him that there were no economic incentives available from the City of Urbana relative to their development. Justice stated that the information provided to Packingham was erroneous as Urbana does offer quite aggressive incentives; however those incentives provide the best value if implemented at the time development starts. The assessor stated that after speaking with Packingham, it was his opinion that the property could be changed to an industrial classification instead of the commercial, which would result in a lower tax bill in the future. However, the assessor could not change the classification or taxes currently being assessed or for the following year as though files had been certified to the auditor. County Auditor Jill Marlow stated that if it was the opinion of the assessor that the property would be more accurately classified as industrial that she would accept and process a request from him to adjust the taxes and the classification for the 2009 and 2010 tax years.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign an easement between Benton County and the Iowa Department of Transportation to place cable under Highway 150, and an easement between Benton County and Joseph and Peggy Schott to place cables under a part of their property described as a strip of land 16 and one-half feet wide located in the South part of Lot 1 and Lot 2 of Block 5 in Fremont, Now Vinton. Both easements will allow cables to be installed from the Kirkwood building to the new law enforcement center. All members voting aye thereon. Motion carried.

Jerry Petermeier provided a brief update on the construction progress of the new law enforcement center and the geothermal well fields.

The board continued discussions on the possibility of offering an early retirement incentive to county employees. Nyhart provided an actuarial study on three different proposals: Proposal #1 provided that non-elected, non-bargaining employee with 10 years of service between the ages of 58 and 63 could retire and receive \$425 per month towards their health insurance premium; Proposal #2 provided that non-bargaining county employees with 25 years of service between the ages of 58 and 63 could retire and receive \$425 per month towards their health insurance premium; and Proposal #3 provided that non-bargaining county employees with 20 years of service between the ages of 58 and 63 could retire and receive \$425 per month towards their health insurance premium. The purpose of the incentive, if offered, is to provide savings to the county. The actuarial study was performed over a period of 10 years for each plan and was based on current employees and their salaries with certain assumptions. The study did not include savings, if any, relative to vacation, sick leave, and other benefits that an employee with more years of service may have earned. The proposals as submitted reflected the greatest savings to the county would be under Proposal #2, with Proposal #1 saving money but not as much as Proposal #2, and Proposal #3 costing the county money. County Attorney David Thompson requested that Proposal #1 be recalculated using a limited time for employees to enroll, i.e. 45 days, and that the program then be terminated. Supervisor Sanders requested that Proposal #2 be recalculated and limit the positions eligible to participate. Supervisor Vermedahl asked that Proposal #1 also be calculated using the same eligible employees as Proposal #2 and #3. The actuary did state that he is seeing more companies reducing retirement benefits; however those are companies that offered retirement benefits whereas Benton County currently does not. The actuary also stated that he would recommend that a limit be put on the plan, if adopted, i.e. 5 years or 10 years, to simply allow the county an opportunity to review how the plan is performing and decide whether to terminate or continue it. The actuary stated that he would provide the additional information within the next week or so. No action was taken.

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

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Jason Sanders, Chairman

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

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

211

August 12, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 27, 2010, and August 4, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 123180 through 123470, and ACH deposits numbered 8996 through 9105, for payment. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption to the county's land preservation ordinance requested by Christopher Lacey. The applicant currently owns 80 acres with corn/soybean crop rotation and alfalfa. The applicant would like to build a personal residence in the northeast corner of the property. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance requested by Christopher Lacey to construct a personal residence on a parcel located in the E1/2 of the SE1/2 of 2-84-10, as Lacey is involved in a farming activity. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-41A, ABATEMENT OF TAX. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-41A ABATEMENT OF TAX**

WHEREAS, Benton County purchased property located at 201 3<sup>rd</sup> St. E, Vinton, Iowa; and

WHEREAS, the Benton County treasurer has presented a tax statement and requested payment of \$104.00 for the 2009 assessment year; and

WHEREAS, Benton County has failed to pay the tax due,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the taxes on parcel #240-33250 in the amount of \$104.00 are abated in full for the 2009 assessment pursuant to Iowa Code 445.63.

Dated this 12<sup>th</sup> day of August 2010.

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Ronald R. Buch, Vice-Chairman

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David H. Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-42A, A RESOLUTION TO RECOGNIZE THE EAST CENTRAL IOWA HOUSING TRUST FUND. Voting aye were Vermedahl and Buch. Motion carried.

## **RESOLUTION #10-42A**

### **A Resolution to Recognize the East Central Iowa Housing Trust Fund**

WHEREAS, the East Central Iowa Council of Governments (ECICOG) is in the process of assisting in the creation of the East Central Iowa Housing Trust Fund, whose general mission and purpose is to address the affordable housing needs within the region through coordination and long-term planning; and

WHEREAS, it is important for the area's communities and counties to collaborate to address this issue; and

WHEREAS, the East Central Iowa Housing Trust Fund would consist of all areas within Benton, Iowa, Jones, and Washington Counties; and

WHEREAS, the County of Benton understands that opportunities exist to secure resources to address the various housing needs in our community through the establishment of a regional housing trust fund; and

WHEREAS, the East Central Iowa Housing Trust Fund must comply with the Iowa Open Meetings Law and Iowa Open Records Law; and

WHEREAS, the East Central Iowa Housing Trust Fund Board of Directors will be comprised of a broad-based group of publicly elected and non-elected individuals from throughout the region of benefit; and

WHEREAS, the East Central Iowa Housing Trust Fund Board of Directors will be responsible for identifying, securing, and allocating resources for the trust fund and will solicit comments from the public annually;

NOW THEREFORE BE IT RESOLVED that the County of Benton does hereby recognize and support the East Central Iowa Housing Trust Fund.

Approved and adopted this 12<sup>th</sup> day of August 2010.

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Ronald R. Buch, Vice-Chairman

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David H. Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

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

212

Marc Greenlee, Land Use Administrator, and Surveyor Stephen Scott, met with the board regarding a waiver to the county's subdivision ordinance. The waiver is being requested on Parcels "F", "G", and "H" in the SW ¼ of the SW ¼ of 36-86-9. The parcels total .25 acres and will allow for property boundary lines to be corrected to the place where property owners thought the property line was located. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-43A, WAIVER OF THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch and Vermedahl. Motion carried.

## **RESOLUTION #10-43A Waiver of the Benton County Subdivision Ordinance**

WHEREAS, Benton County adopted and subsequently amended the Benton County Subdivision Ordinance #26; and WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and WHEREAS, said ordinance sets forth minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and WHEREAS, a request has been presented to the Board of Supervisors to waive the requirement that parcels "F", "G", and "H" located in the SW1/4 of the SW1/4 of 36-86-9 due to the size and needs for said parcels, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements that Parcels "F", "G" and "H", located in the SW1/4 of the SW1/4 of 36-86-9, are hereby waived as the parcels establish the property boundaries with what has been the perceived boundaries established by the existing fence and the minimal size of said parcels.

Dated this 12<sup>th</sup> day of August 2010.

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Ronald R. Buch, Vice-Chairman

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David H. Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The engineer reported that the landfill balance on July 31, 2010, in the Blairstown bank was \$12,968.71.

The engineer spoke about the notice of violations received by the Iowa Department of Natural Resources for violations at the landfill. The IDNR is imposing a \$10,000 fine for the following violations: survey controls and monuments; cover material; and leachate seeps. The engineer stated that he contacted the DNR about the supposed violations; however they are unwilling to reconsider. Unless the county pays the fine, then the matter will be taken to court. The board advised that the matter will be discussed with the county attorney.

Jerry Petermeier updated the board on the status of the law enforcement construction project. Petermeier also presented two quotes for directional boring and materials to place a cable underground from the new law enforcement center to the Kirkwood building. Two quotes were received as follows: Terrell, Inc. - \$5,460 and West Union Trenching - \$4,987.50. Moved by Buch, seconded by Vermedahl, to award the quote for direction boring to West Union Trenching at a cost not to exceed \$4,987.50. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5 (1)c. Both members voting aye thereon. Motion carried at 10:40 a.m.

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

Moved by Vermedahl, seconded by Buch, to direct the county attorney to draft a letter regarding the matters discussed for signature by the board of supervisors. Both members voting aye thereon. Motion carried.

The county attorney met with the Board to discuss the current vacation schedule and the potential hire of an assistant county attorney. The county attorney received a written request from the potential hire requesting that the matter be discussed in closed session. Moved by Vermedahl, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5(1)i at the request of the applicant. Both members voting aye thereon. Motion carried at 11:35 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session at 12:10 p.m.

No action was taken on the closed session.

There was no action taken on early retirement incentives, as Supervisor Sanders was absent from today's meeting. The matter was placed on the August 24, 2010, agenda – the next meeting when the full board will be present.

Jill Marlow, auditor, spoke to the board about the draw down process on the \$750,000 loan for the law enforcement center. The auditor asked what type of procedures the board wanted to establish or if she was to make the determination as the invoices were presented for payment and the available revenue sources. Marlow stated that currently she has been able to request advance funds from FEMA to cover the majority of the law enforcement building expenses; however the geothermal portion of the project is the county's expense and is currently at approximately \$175,000.00. The board advised that the auditor should request the funds as needed.

Moved by Buch, seconded by Vermedahl, to terminate the farm lease between Benton County and Robert McNeill. The lease is for three years and is in the last year. The termination is effective at the end of the three-year period – March 1, 2011. Both members voting aye thereon. The auditor is directed to send notice of the termination to McNeill.

Jill Marlow, auditor, reported that she had surveyed the township officials regarding the placement of a question on the November 2010 ballot changing them from being elected to being appointed. Marlow reported that 54 responses had been received with 46 in favor of being elected and 8 in favor of appointment. The board stated that the question would not be placed on the ballot based upon the survey results.

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

213

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

\_\_\_\_\_  
Ron Buch, Vice-Chairman

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

August 17, 2010

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

Moved by Vermedahl, seconded by Sanders, to approve an application for a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Benton Township along W26 in section 22. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 12, 2010. Both members voting aye thereon. Motion carried.

Gary Benson and Tina Slager, representatives of the City of Urbana met with the Board regarding the law enforcement contract between Urbana and Benton County. Mayor Gary Benson addressed the board and explained that the City of Urbana is currently without a chief of police. The city has received an application for an interim police chief and his concern is that the reserves have other jobs and while they are gone the city would be without law enforcement coverage. Benson stated that Sheriff Forsyth has indicated that they are not willing to do a contract as is currently in place, but rather on an hourly basis whenever needed. Sheriff Forsyth that type of an arrangement could be an issue as far as scheduling in his department, but it is something his department has never done. The City of Dysart has a similar situation and Black Hawk County covers the town when no one is available. Forsyth stated that he doesn't know how the proposal would work. Mayor Benson reported that the City would like to re-establish its own police force; however funding is currently an issue. Benson added that the city is applying for grants and researching other revenue sources to try to re-establish the department. Benson stated that other towns in Benton County that are similar in size to Urbana have the sheriff's department provide coverage; however the city council wants their own department. The proposal before the council is to hire an interim chief who will perform administrative services only and with reserves providing the actual patrol. Supervisor Vermedahl stated that a schedule would have to be prepared indicating which hours would need to be covered by the sheriff's department. Forsyth stated that there is a larger call volume in Urbana in comparison to other towns, which is primarily due to the interstate. David Thompson stated that a report from a year ago showed that Urbana was about third in the number of calls and that the sheriff's department believed it too large to cover a year ago. Thompson stated that the issue isn't just with Urbana but with the contract situation for all of the cities. The county is subsidizing law enforcement for all of the cities that contract service is provided, as the cost to the county is greater than what is being collected. Thompson asked at what point does the county state that they cannot afford to subsidize the cities. Thompson stated that he doesn't have issues with a short-term contract, but with budgets getting tighter the cities may decide that having the county subsidize law enforcement for them is a permanent solution. Thompson stated that Urbana is too large to have situations where they have to wait 15 minutes for law enforcement to respond. Vermedahl stated that more information is needed as to reserve scheduling and the time the demand on the sheriff's department would be the largest. Vermedahl stated that before a decision could be reached the impact on the sheriff's department would need to be known to see if it is possible for the county to provide "on-call" coverage. Vermedahl added that a timeline from the city as to when the city plans to re-establish their department was also needed. Benson stated that the current contract is only for three months and there is concern as to what happens at the conclusion of the three-month period. Sanders stated that the county would not just drop the city but that with a three-month renewal on the contract will provide accountability and assure the county that the city is trying to establish a department. The city is to return to the board when they have additional information for them.

Mary Halstead, Transportation Director, updated the board on her department's activities, including new rates being established for services. Halstead stated that the repair to one bus was approximately \$1200.00 due to the design and type of suspension under the bus. Halstead stated that her department is more aware of this issue and will be more aware of this in the future.

Halstead requested permission to increase her full-time staff to three, including herself. Halstead requested to move Rhonda Westergaard to full-time status effective October 1<sup>st</sup>, but added she would have to advertise the position to meet veteran's preference laws. Vermedahl questioned if Halstead's budget could absorb a full-time position. Halstead stated she thought that it could. Supervisor Sanders stated that he was hesitant due to budget concerns and questioned why a part-time person couldn't be hired for 39 hours a week. The auditor questioned why someone would work 39 hours without benefits when they could work 40 hours somewhere else and get benefits. Moved by Vermedahl, seconded by Sanders, to allow Halstead to add an additional full-time staff to her department and advertise for the same. Voting aye was Vermedahl. Voting nay was Sanders. Motion failed.

Jerry Petermeier updated the board on the law enforcement building. The geothermal wells are to be completed and the equipment moved out by the end of the week. The stone is beginning to be installed and brick will be placed above that. The stone was not cleaned prior to installation, but will be cleaned later. Petermeier reported that the floor to the sally port would be poured in the near future. Petermeier reported that more poor soil was encountered and that another change order addressing that will be coming. Steel for the roof will be coming around the first of September.

Moved by Vermedahl, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.5(1). Both members voting aye thereon. Motion carried at 10:45 a.m.

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

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign the letter discussed in closed session. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Veterans Affairs' quarterly report for the period ending June 30, 2010. Both members voting aye thereon. Motion carried.

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

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

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

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

August 24, 2010

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

Moved by Buch, seconded by Vermedahl, to approve checks numbered 123471 through 123725, and ACH deposits numbered 9106 through 9214, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 24, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to allow payment of a \$30.00 claim to provider Dejardene for client services although the claim is over one year old. All members voting aye thereon. Motion carried.

Myron Parizek, county engineer, presented two bids for the asphalt resurfacing on E66 from Luzerne to Blairstown. The quotes were LL Pelling at \$789,909.45 and OMG at \$885,656.90. The engineer estimated the project to cost \$813,654.55. Moved by Buch, seconded by Vermedahl, to accept and award the bid to LL Pelling for the asphalt resurfacing of E66 from Blairstown to Luzerne at a cost of \$789,909.45. All members voting aye thereon. Motion carried.

Dennis Kunze met with the Board to request a variance to the county's subdivision ordinance on behalf of H & H Farms. The owner currently has a Parcel A located in the SE1/4 of the SE1/4 of 28-83-9. The parcel was created subsequent to the county adopting a subdivision ordinance regulating the number of divisions in an aliquot part. The parcel has not been transferred. The owner is requesting that an additional split be allowed as he no longer desires to transfer the Parcel A, but to change it to provide that additional buildings be included in the parcel and less farm ground. Kunze and the auditor explained that initially the owner wanted to vacate the plat; however it is unclear if Iowa law allows for vacation of a plat of survey. Moved by Vermedahl, seconded by Buch, to grant a variance to Benton County's subdivision ordinance to allow for Parcel B in the SE1/4 of the SE1/4 of 28-83-9, which will encompass a part of the existing Parcel A as well as additional buildings outside of the current Parcel A, with the stipulation that the remaining agricultural land remain in a non-residential agricultural use. Further, it is found that a hardship exists in that it is unclear if Iowa law allows for vacation of a plat of survey and therefore the owner is prohibited from vacating the plat as desired. The stipulation on the use of the remaining portion of Parcel A being a non-residential agricultural use be recorded with the new plat of survey. All members voting aye thereon. Motion carried.

The auditor reported that improvements to the assessor's service window in the courthouse included covering and/or replacing the existing counter and replacing the metal door. Quotes were received for the counter top with Granite Transformations (cover) - \$1,580, Counterfitters (cover) - \$1,975, and Big Creek Granite (replacement) - \$2,475. The replacement of the window door with wooden bi-fold doors was quoted as follows: McDowell's - \$1,345 and Roger Witt - \$800. Moved by Vermedahl, seconded by Buch, to award the bid for the counter top to Granite Transformations at \$1,580 and the bi-fold door to Roger Witt at \$800. All members voting aye thereon. Motion carried.

Representatives of Priority One met with the board to request that the county renew their five-year membership at \$3,000 per year. The auditor questioned the renewal as it was discussed at budget time that the membership might be terminated with the funding being allocated to Benton Development Group. Renae Becker as well as the board of supervisors stated that they did not recall the conversation about the membership being terminated. However, Supervisor Buch stated that the communication between Benton Development Group and Priority One needed improvement. Supervisor Vermedahl stated that he was frustrated with the perceived philosophy that everything is centered on Linn County and that economic development is not truly a regional project. Vermedahl stated it seemed that Linn County and Cedar Rapids wanted Benton County residents to spend money in Linn County and Cedar Rapids, but that is where the relationship stops. It was asked how communications could improve between Benton Development Group and Priority One. Becker stated that Priority One has spoken to companies without Becker's knowledge and she is made aware of it when the State contacts her. The board advised that the issue of renewing the membership would be discussed later in the year during budget time.

Moved by Buch, seconded by Vermedahl, to approve Change Order #1 to the contract for the construction of the law enforcement center with Kleiman Construction in the amount of \$2,672.07 for debris and poor soils remediation as well as credit for brick selection. Additionally, to approve Change Order #2 to the contract with Kleiman Construction in the amount of \$2,216.40 to provide for intercoms at the corridor side doors #335 & #226 and to move intercom door #229 from the wall to the frame. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-44A, Benton County Capital Asset Capitalization Policy and Resolution #10-45A, Benton County Intangible Asset Policy. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried. The Capital Asset Capitalization Policy restates and clarifies the county's current capitalization policy currently in effect.

Resolution #10-44A

<b>Benton County Capital Asset Capitalization Policy</b>
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## **Capital Asset Capitalization**

Capital assets are major assets that are used in governmental operation and that benefit more than a single fiscal period. Benton County will report the following major categories of capital assets that have an estimated life of three years or more.

- Machinery and Equipment (including vehicles)
- Buildings and Improvements
- Land
- Land Improvements
- Infrastructure
- Construction In Progress

Infrastructure assets are long-lived capital assets that are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure include roads, bridges, drainage systems, water and sewer systems, and lighting systems.

Capital assets are to be reported at historical cost. This should include capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition. The historical cost should include the cost of any subsequent additions or improvements, which would extend the expected useful life of the asset but exclude the cost of repairs or routine maintenance. Items acquired to extend the life of a previously acquired asset are not required to be inventoried but are added to the historical cost of the asset and capitalized. Maintenance costs are to be expensed rather than capitalized. The independent judgment of capital improvement versus repair or maintenance will be distinguished through a quantifiable measurement by the Benton County Board of Supervisors and the County Auditor on a case-by-case basis. Trade in value, if any, should not be included in an asset's cost. A trade in can be defined as exchanging an existing asset as part of an agreement to acquire a new asset. Any additional cash paid, as part of such an agreement must be reported as expenditure in the appropriate governmental fund.

Capital assets that are being depreciated will be reported net of accumulated depreciation in the statement of net assets. Depreciation expense will be reported in the statement of activities.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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The capital asset thresholds for financial reporting purposes are as follows:

- Fixed Assets and Equipment: \$5,000
- Buildings: \$25,000
- Land: \$5,000
- Infrastructure: \$50,000

Individual assets with an initial cost of \$500 or more but less than \$5,000 will be maintained on an inventory list for public accountability and insurance purposes. This \$500 - \$5,000 internal management control will not be reflected in the financial statements.

Any donated capital assets will be reported at their estimated fair value at the time of acquisition plus ancillary charges, if any.

A physical count sampling of Benton County's inventory will be done on an annual basis at the discretion of the Auditor.

Each Department Head or Elected Official shall report to the Auditor information regarding new purchases by completing a Benton County Inventory & Capital Assets Form for each item, in a timely manner. The Auditor may require additional information regarding the estimated useful life and estimated salvage value of an item.

## **Depreciation Method for Capital Assets**

Depreciation expense will be measured by the straight line depreciation method which is historical cost less estimated salvage value divided over the estimated useful life of the asset. (*Formula = (Historical Value – Salvage Value) / Estimated Useful Life*)

A full year's depreciation will be taken in the year of the acquisition for the capital assets of machinery, equipment, vehicles, buildings, and building improvements.

Land and construction in progress are not depreciated.

## **Estimated Useful Lives of Capital Assets**

The standard or parameters for estimating the useful lives of capital assets are based on professional judgments and industry averages, therefore determined to be objectively reasonable. Benton County will have a subsequent review of estimated useful lives of capital assets once established to reflect changes in the condition of the asset or its use.

A range approach is used as a matter of policy, with specific estimated useful lives attached to specific assets when recorded in order to facilitate depreciation and tracking.

The following ranges are proposed as guidelines in setting estimated useful lives for asset reporting:

- Machinery and Equipment: 03-20 Years
- Vehicles: 05-15 Years
- Building and Improvements: 25-50 Years
- Land Improvements: 10-50 Years



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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- Infrastructure: 10-65 Years

## **Salvage Value of Capital Assets**

Salvage value as used in the depreciation formula is the historical cost of the asset multiplied by 5% or 10% depending on professional judgment. Benton County will have a subsequent review of an asset's salvage value to reflect necessary changes.

## **Infrastructure**

Benton County has followed the guideline developed by the Iowa County Engineers Association (ICEA) Cost Accounting Committee and approved by the Iowa County Finance Board for GASB34 infrastructure reporting system.

The following terms have specialized meaning within the infrastructure depreciation framework:

- **Construction-in-progress (CIP):** Prior to completion of a project, all payments made therefore will be classified as “CIP” amounts. This means no depreciation until the work is complete.
- **Original Cost:** The total amount paid to complete the improvement. Equals the total of all partial payments and the final payment. When a project is finished, the accumulated CIP is reduced to zero and that amount is then added into the original cost category.
- **Salvage Value:** This is an estimate of the asset's expected remaining cash value when it is someday retired. Infrastructure assets usually aren't sold or liquidated when retired, so salvage value should be a reasonable estimate of the asset's terminal utility.
- **Depreciation Amount:** Subtracting Salvage Value from Original Cost computes this. It is the figure that gets allocated into annual depreciation installments.
- **Estimated Life:** This is an estimate of how many years the infrastructure asset will be in service. Many will end up remaining in service beyond the estimated lifetimes set. The estimated life is only a basis for calculating annual depreciation installments – not a binding predication.
- **Net Book Value (NBV):** If a project is incomplete, NBV equals the current CIP amount. If placed into service, NBV equals the asset's original cost minus the current accumulated depreciation.
- **Network:** A group of assets providing particular types of services.
- **Sub-system:** Groups of assets that make up a portion of a network

## **Infrastructure Class and Sub-System**

Infrastructure will consist of three classes: Roadways, Bridges and Culverts, and Right of Way.

Infrastructure will consist of four sub-systems: Paved, Hard-surfaced, Gravel, and Earth.

## **Criteria**

County road infrastructure improvements should be reported if they meet all of the following criteria:

- Is expected to have a service life of at least ten years.
  - Includes bridges, grading, pavements, etc.
  - Excludes seal coats, rock replacement, pavement markings, etc.

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

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- Is classified as construction. Maintenance items will be excluded.
- Equals or exceeds the day labor cost limit listed in the Code of Iowa.

## **Recommended Lifetimes of Infrastructure**

Based on the recommended values from the ICEA:

- Right of Way: Not depreciated
- Bridges: 40-65 Years
- Culverts: 40-65 Years
- Grading: 50 Years
- Paving and Surfacing: 10-30 Years
- Roadside Construction: In Grading and Paving
- Traffic Control and Safety: 25 Years

## **Retroactive Reporting of Infrastructure Assets**

Benton County will report infrastructure assets acquired beginning July 1, 1980.

Dated this 24<sup>th</sup> day of August 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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Resolution #10-45A

<b>Benton County Intangible Assets Policy</b>
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## **Identifiable**

An intangible asset should be recognized in the statement of net assets only if it is identifiable which means the asset is either:

- A) separable (i.e. it can be separated/divided from the government and sold, transferred, licensed, rented or exchanged) or
- B) arose from the contractual or other legal rights, regardless of whether those rights are transferable or separable.

## **Criteria**

Intangible assets are assets that are identifiable and possess all of the following characteristics:

- lack of physical substance,
- nonfinancial nature (not in monetary form like cash or investment securities) and
- Initial useful life extending beyond a single reporting period

Examples of intangible assets include easements, land use rights (i.e. water rights, timber rights and mineral rights), patents, trademarks and copyrights. In addition, intangible assets include computer software that is purchased, licensed or internally generated (including websites) as well as outlays associated with an internally generated modification of computer software.

Intangible assets can be purchased or licensed, acquired through nonexchange transactions or internally generated.

All intangible assets subject to the provisions of GASB Statement 51 should be classified as capital assets. Accordingly, existing authoritative guidance related to the accounting and financial reporting for capital assets (i.e. recognition, measurement, presentation, disclosure, etc.) should be applied to intangible assets as applicable.

## **Exclusions**

This policy applies to all intangible assets except: (a) assets acquired or created primarily for purposes of directly obtaining income or profit (these intangible assets should be considered investments), (b) assets from capital lease transactions reported by lessees, except licensing agreement to lease commercially available computer software, and (c) goodwill created through the combination of a government and another entity.

## **Threshold for Capitalization**

The capitalization threshold for financial reporting purposes is as follows:

- Intangible Assets: \$50,000

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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## **Measurement/Recognition**

Effective July 1, 2009, intangible assets exceeding the County's threshold should be recorded at actual historical cost. For business-type activities and enterprise funds capitalized interest and ancillary charges, if any, should be included in the historical cost.

Only direct costs will be capitalized (indirect costs will not be included).

Intangible assets received in a nonexchange transaction (i.e. donated) are to be recorded at their estimated fair value at the time of acquisition.

The fair value of an asset is the amount which the asset could be exchanged in a current transaction between willing parties, other than in forced or liquidation sale. Therefore, it would be inappropriate to arbitrarily assign a nominal value to a donated intangible asset without applying a rational technique to estimate its fair value.

The threshold for intangible assets applies to individual assets and it is not acceptable to account for items in aggregate to meet the threshold limitations.

For internally generated intangible assets (see next page), outlays incurred by the government's personnel, or by a third-part contractor on behalf of the government, for development of internally generated intangible asset should be capitalized.

For internally generated computer software, outlays incurred during the application development stage (see next page) will be capitalized if they exceed the threshold. These outlays include the initial purchase of the computer software/license and modifications made to the software before it is placed into operation. The initial purchase of the software/license and modifications made should be analyzed separately for capitalization purposes (do not aggregate).

Costs incurred prior to July 1, 2009, for internally generated computer software projects in the application development stage will not be capitalized. However, costs incurred July 1, 2009 and beyond, for these projects will be capitalized if exceeding the County's threshold.

Computer software licenses purchased/renewed will not be aggregated. Each individual license purchased/renewed will be measured against the County's threshold and the useful life must extend beyond a single reporting period in order for the license to be capitalized.

## **Internally Generated Intangible Assets**

Internally generated intangible assets are created or produced by the government or an entity contracted by the government, or they are acquired from a third party but require more than minimal incremental effort on the part of the government to begin to achieve their expected level of service capacity.

Outlays related to the development of an internally generated intangible asset that is identifiable should be capitalized only upon the occurrence of all three of the following:

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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## **Specified-Conditions Criteria**

- a) Determination of the specific objective of the project and the nature of the service capacity that is expected to be provided by the intangible asset upon completion of the project.
- b) Demonstration of the technical or technological feasibility for completing the project so that the intangible asset will provide its expected service capacity.
- c) Demonstration of the current intention, ability, and presence of effort to complete or, in the case of a multiyear project, continue development of the intangible asset.

Only outlays incurred subsequent to meeting the above criteria should be capitalized; outlays incurred prior to this point should be expensed.

## **Internally Generated Computer Software**

Computer software is considered internally generated if it is developed in-house by the government's personnel or by a third-party contractor on behalf of the government.

Commercially available software that is purchased or licensed by the government and modified using *more than minimal incremental effort* before being put into operation should be considered internally generated.

The development and installation of internally generated computer software can be grouped into three stages:

- 1) **Preliminary Project Stage:** Involves conceptual formation and evaluation of alternatives, determination of the existence of needed technology and final selection of alternatives for development of the software. *Expense* all outlays in this stage.
- 2) **Application Development Stage:** includes the design of the chosen path (i.e. software configuration, software interfaces), coding, installation to hardware, and testing. Data conversion activities could be included in this phase if those activities are deemed necessary to make the software operational. *Capitalize* all outlays incurred during this stage once the *Specified-Conditions Criteria* are met. (Note: the *Specified-Conditions Criteria* are considered met with the Preliminary Project State is complete and management authorizes/commits to funding the project.) Capitalization should cease when the computer software is substantially complete and operational.
- 3) **Post-Implementation/Operation Stage:** includes application training and software maintenance. Data conversion activities would be included in this stage if not deemed necessary to make the software operational. *Expense* all outlays in this stage.

Outlays associated with an internally generated modification of computer software that is already in operation should be capitalized if the modification results in any of the following:

- a) increase in functionality of the software (able to perform tasks that it was previously incapable of performing)
- b) increase in efficiency of the software (increase in level of service provided without the ability to perform additional tasks) or
- c) extension of the estimated useful life.

If the modification does not result in any of the three outcomes, the modification should be considered maintenance and expensed accordingly.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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## **Amortization**

Depreciation expense will be measured by the straight line depreciation method which is historical cost divided over the estimated useful life of the asset. (*Formula = Historical Value / Estimated Useful Life*)

The useful life of an intangible asset that arises from contractual or other legal rights should not exceed the period to which the service capacity of the asset is limited by those contractual or legal provisions. Contract renewal periods may be considered in determining the useful life of the intangible asset if there is evidence the government will seek and be able to achieve renewal and the anticipated outlay for renewal is nominal in relation to the level of service capacity obtained.

If there are no legal, contractual, regulatory, technological or other factors that limit the useful life of an intangible asset, then the intangible asset should be considered to have an indefinite useful life and no amortization should be recorded.

A useful life that must be estimated does not mean indefinite useful life.

## **Impairment**

If changes in factors and conditions result in the useful life of an intangible asset no longer being indefinite, the asset should be tested for impairment because a change in the expected duration of use of the asset has occurred. The carrying value of the intangible asset, if any, following the recognition of any impairment loss should be amortized in subsequent reporting periods over the remaining estimated useful life of the asset.

A common indicator of impairment for internally generated intangible assets is development stoppage, such as stoppage of development of computer software due to changes in priorities of management.

## **Retroactive Reporting**

Benton County will not retroactively report the following intangible assets:

- 1) Those considered to have indefinite useful lives as of June 30, 2009 or
- 2) Those that would be considered internally generated as of June 30, 2009.
- 3) Costs incurred prior to July 1, 2009, for internally generated computer software projects in the application development stage will not be capitalized. However, costs incurred July 1, 2009, and beyond, for these projects will be capitalized if exceeding the County's threshold.

Intangible assets (and related amortization) requiring retroactive reporting (for the period July 1, 1980 through June 30, 2009) will be reported at actual historical cost. This includes purchased software that is still in use, even if fully amortized as of June 30, 2009.

*Note:* If actual historical cost cannot be determined for these intangible assets due to lack of sufficient records, estimated historical cost will be used.

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

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## **Miscellaneous**

This policy must be applied to all intangible assets. If an intangible asset that meets the threshold criteria is fully amortized, the asset must be reported at the historical cost and the applicable accumulated amortization must also be reported. It is not appropriate to "net" the intangible asset and amortization to avoid reporting.

When intangible assets are sold or disposed of, it is necessary to calculate and report a gain or loss in the statement of activities. The gain/loss is calculated by subtracting the net book value (historical cost less any accumulated amortization) from the net amount realized on the sale or disposal.

Dated this 24<sup>th</sup> day of August 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The board continued their discussions on an early retirement incentive for county employees. Supervisor Buch stated that he is not interested in offering an incentive at this time. Supervisor Vermedahl stated that he would support an incentive provided the incentive is for a longer period of time and that it included the elected officials. Vermedahl added that retirement should also be defined. The board discussed the definition of bona fide retirement with the consensus being that bona fide retirement means that the employee has to begin drawing a retirement pension of some type. The auditor stated that the plan she developed prohibited employees from returning to Benton County IPERS covered employment. The county attorney countered that his plan would allow for employees to return to part-time employment. Kim Staab stated that the State of Iowa ran into issues with persons participating in the early retirement and then returning to work and the State's last early retirement prohibited employees returning to any State employment. Sanders stated that he is only opposed to persons returning to a permanent part-time position if they participate in the incentive. The board discussed the various aspects of the proposal including restrictions on persons hired as replacements for the retiring employee. The county attorney stated that the official in charge should be restricted from paying persons hired to replace the employee as much as the outgoing employee for a minimum period of five years. The auditor questioned what happened if a replacement could not be hired for less, citing several management positions that it may be difficult to fill at a lesser pay. The county attorney stated that the employee would be prohibited from retiring in those cases. The auditor responded that was an unrealistic requirement and that the retiring person should not be penalized. Moved by Vermedahl, seconded by Buch, that an early retirement incentive be offered with the following parameters:

Bonafide retirement is defined as the employee drawing a retirement benefit fund;

Employees are prohibited from working in county employment more than 400 hours per year;

Employees must have a minimum of 15 years of IPERS covered service with Benton County

Includes elected officials meeting the requirements set forth

County will pay \$425 per month towards county insurance only and the employee is responsible for the remainder of the premium

Is for a period of two years with the board having the option to continue or discontinue the incentive program

Year 1: Employee must notify the county of their intent between September 1, 2010 and October 31, 2010, to take bona fide retirement and to tender an actual resignation that is accepted by the board June 30, 2011; must be ages 58 through 64;

- Year 2: Employee must notify the county of their intent between July 1, 2011 and August 30, 2011, to take bona fide retirement and to tender an actual resignation that is accepted by the board June 30, 2012; must be ages 58 through 63.

Further discussion on the motion: Supervisor Buch stated that he did not want to put employees in a position of having to retire in order to participate in the incentive program and that he was torn on how to vote. Buch stated that he had spoken with several employees who stated that would take if offered but would still work for the county if it isn't offered. Buch also stated that he was concerned that the county just had an employee who retired and they didn't give any incentive to that employee, but added that the county saved a lot of money, as the employee wasn't replaced.

Vote: Vermedahl and Buch voting aye. Sanders voting nay stating that he was opposed to elected officials participating and that replacement employees should be required to be hired for less.

Jerry Petermeier met with the Board to provide an update on the construction of the law enforcement center.

Petermeier told the board that there was no word on funding for the emergency operation center part of the project yet, that the sally port should be poured by the end of this week; an evergreen at Kirkwood was destroyed when putting in the underground bore from law enforcement center to the Kirkwood facility. Petermeier expressed concern over the location of the "muffin grinder" stating that the maintenance performed on the unit would be done inside the building and the smell would be tremendous as well as the specifications for the muffin grinder in the plans was larger than the area designed to hold it and a change order would be coming for the additional cost. The auditor questioned if the additional cost would be the county's or the architect's if the error was in the plans and specifications. The board did not respond.

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

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

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Jason Sanders, Chairman

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

August 31, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the project note for \$750,000.00 and authorize the chair and auditor to sign the same. The project note is to cover expenses related to the construction of the law enforcement center. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan submitted by SMT Pork, LLC for the facility located at 2850 65<sup>th</sup> St, Shellsburg, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of August 24, 2010. All members voting aye thereon. Motion carried.

Mary Halstead and Dana Burmeister representing the transportation department met with the board regarding the addition of a full-time position in her office. Halstead stated that she would like to add another full-time employee. Supervisor Sanders stated that he understood there is a need for another full-time employee. Supervisor Buch stated that he had asked if a full-time employee would reduce the amount of part-time employees' hours and was told that decisions would need to be made. Buch stated he understood the staffing need IF the county continues to operate the transportation system at the level it is currently being operated. Halstead stated that decisions would have to be made as to the service level if funding is not available. Halstead stated that Burmeister is taking on more and more office duties, but more help is needed in both the office and driving. Buch stated that part-time employees are not always available to work when needed. Vermedahl stated that it was his understanding that part-time employee hours would be reduced in order to accommodate the additional cost for a full-time employee. Vermedahl stated that the budget for this fiscal year is set. Vermedahl also stated that the position would have to be advertised and that the person Halstead would like to hire may not be hired due to veterans' preference laws.

Moved by Buch, seconded by Vermedahl, to increase the number of full-time employees in transportation to three. Supervisor Sanders stated that he was opposed as no determination had been made as to the board's intention on the level of service for the department as well as whether budget dollars should be directed to transportation or elsewhere. Vermedahl stated he wanted it clear that no budget amendment would be granted. Voting aye were Vermedahl and Buch. Sanders nay. Motion carried.

Mike Hart of Hart Engineering and John Ferring of Timber Ridge Mobile Home Court met with the board to request that Benton County sponsor a Community Development Betterment Grant for a public water system at Timber Ridge Mobile Home Court. Hart explained that the Department of Natural Resources believes that a public water system should be installed for the area. There is currently a public sewer system that connects to the City of Shellsburg. Hart stated that there would be no cost to the county. Jill Marlow, county auditor, stated that there would be a cost for administration. Hart stated that Ferring would enter into any administration agreement for the grant with either ECIGOG or Hart Engineering and pay for the same. Marlow questioned how the agreements would protect the county should an error be made in the administration and the grant had to be refunded, adding it would be the county who would be responsible for the repayment. Supervisor Vermedahl stated that hold harmless agreements would have to be entered into with the county to assure that the county is protected. The board indicated that they would sponsor a grant application with the understanding that administration agreements would have to be determined if the grant is awarded.

Ranae Becker of Benton Development Group met with the Board requesting that the county enter into a Memorandum of Understanding (Non-Binding Term Sheet Proposed Operating Agreement between Fiberight of Blairstown – Operating LLC and Benton County, Iowa. Becker stated that she was before the board on behalf of Fiberight. Becker asked if there were questions or concerns regarding the proposed agreement. Becker stated that Fiberight owns the ground and is doing due diligence with the Iowa Power Fund as well as getting the necessary agreements in place. Supervisor Vermedahl expressed concern over language in the proposed agreement requiring the solid waste be diverted to the facility instead of the landfill. Vermedahl stated that the county does not control the haulers. Vermedahl also stated the had concern over the agreement allowing solid waste to be brought in from Cedar Rapids. Vermedahl stated that a bond would have to be provided that would cover clean up should the facility cease as well as odor control also would have to be addressed. Vermedahl stated that he is interesting in finding an alternative to burying waste but is also interested in protecting the area, i.e. pollution and environmental, as well as the county's liability. Vermedahl stated that the county doesn't have enough information about the operations. The auditor questioned the language regarding a tipping fee and asked if Fiberight expected the county to pay a tonnage fee to them as well as maintain our own landfill and asked how the county could afford to do that. Becker advised she did not know what the expectation was. The auditor also questioned the confidentiality clause stating that Benton County is subject to open meetings and public records law – Fiberight requested that the entire agreement be kept confidential. Marc Greenlee questioned if the facility expected to move onto Parcel B located south of the existing facility that a land use change would be required. Engineer Myron Parizek stated that Benton County should not have any interest in Fiberight operating the county's landfill; and that discussion need to be held on the pricing fee and daily tonnage amounts.

Jerry Petermeier, Project Coordinator for the law enforcement center construction project, met with the board to update them on the project. Petermeier stated that the grant for the emergency operations center has been awarded and the county will need to take action awarding that part of the project to Kleiman. Petermeier stated that the architect doesn't seem to be too concerned about issues surrounding the muffin grinder.



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

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-54, ABATEMENT OF TAX. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-54 ABATEMENT OF TAX**

WHEREAS, the City of Vinton has received tax statements for various properties that they acquired through the flood buy-out program; and

WHEREAS, the City states that the taxes were for the calendar year 2009 and therefore were owing prior to the city obtaining said properties; and

WHEREAS, the structures on said properties were destroyed by the 2008 flood and have been or will be demolished by the City through the state buy-out program.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the 2009 taxes collectable in 2010-2011 are hereby abated in full on the following parcels pursuant to Iowa Code 445.62 and 445.63:

240-25050, 240-13750, 240-76675, 240-12300; 240-19800; 240-24350; 240-25900; 240-33300; 240-36550; 240-43300; 240-44050; 240-44100; 240-44150; 240-50200; 240-51000; 240-51850; 240-52400; 240-53550; 240-63300; 240-72625; 240-75225; 240-80650; 240-85775; 240-89650; 240-90100; 240-93000; 240-93475; 240-93800

Totaling \$2,977.04

Signed this 31<sup>st</sup> day of August 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

The board spoke about the final draft of the early retirement incentive. The county attorney presented the draft for consideration. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-55, BENTON COUNTY EARLY RETIREMENT INCENTIVE. Voting aye were Buch & Vermedahl. Voting nay was Sanders.

## **RESOLUTION #10-55 BENTON COUNTY EARLY RETIREMENT INCENTIVE**

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that an early retirement incentive program is offered to retiring employees of the non-bargaining unit, including elected officials and their deputies, subject to the following conditions:

1. *The employee shall be a full-time employee of Benton County at the time of retirement.*
2. *The employee shall be covered under the county's health insurance plan at the time of retirement.*
3. *This benefit will be offered for the next two fiscal years as follows:*

*In fiscal year 2010-2011, an eligible employee aged 58 through 64 may elect to participate in this benefit by notifying the Benton County Auditor in writing that they are retiring; this notice shall be given between September 1<sup>st</sup> 2010 and October 31, 2010 and shall specify a retirement date sometime within fiscal year 2010-2011. In fiscal year 2011-2012, an eligible employee aged 58 through 63 may elect to participate in this benefit by notifying the Benton County Auditor in writing that they are retiring; this notice in fiscal year 2011-2012 shall be given between July 1<sup>st</sup> 2011 and August 30<sup>th</sup>, 2011 and shall specify a retirement date sometime within fiscal year 2011-2012.*

4. *An employee seeking this benefit shall have a minimum of fifteen years of full-time employment with Benton County.*
5. *Those who wish to participate in this plan must enter into a bona fide retirement, which means the employee is drawing from a retirement benefit fund. Further, the employee must provide written proof to the Benton County Auditor that they are drawing from a retirement benefit fund.*

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

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6. *Employees who have met the years of service requirement set forth in paragraphs 1 through 5 above and are at least age 55, may remain on the county's health plan at their own expense until they reach the age requirements set forth in paragraph 3. Once the employee reaches the age requirement they may participate in the incentive program. Employees must remain on the county's insurance plan continuously from the time they retire until the time they meet the requirements in order to participate in the incentive program under this paragraph. Premium payments made under this paragraph are due in the auditor's office no later than the 25<sup>th</sup> day of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premiums by the date required will result in immediate termination of coverage. Employees whose coverage is terminated under this paragraph shall not be eligible to participate in this incentive program.*
7. The County shall pay \$425.00 per month towards the cost of a single premium. Future changes shall have no effect on the amount of the incentive being provided to those persons already participating in the program. Employees must provide payment of the difference in premium of a single plan to the auditor's office no later than the 25<sup>th</sup> of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premium by the date required will result in immediate termination of coverage. Coverage terminated under this paragraph shall not be reinstated.
8. The County reserves the right to change health plans at any time, but the plan provided to retirees will be the same as that provided to current county employees.
9. Retiring employees who desire a family plan may purchase it from the County. The retiring employee is responsible for 100 percent of the additional premiums for a family plan that is above the amount set forth in paragraph 5. Employees electing family plan coverage must provide payment of the additional premium to the auditor's office no later than the 25<sup>th</sup> of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premium by the date required will result in immediate termination of coverage. Coverage terminated under this paragraph shall not be reinstated.
10. This benefit is only available to retiring employees remaining on the county's health plan and will not apply towards policies obtained elsewhere by the employee. This is the sole incentive being offered and it cannot be converted to a cash payment to the employee or to any other type of incentive payment.
11. Employees who terminate their participation in this incentive program at any time for any reason are no longer eligible to participate in the program.
12. In the event any employee participating in this retirement benefit ever works for Benton County in the future in a part-time employment capacity, they shall be paid for no more than 400 hours of work in any given fiscal year. If an employee covered under this benefit is paid for working more than 400 hours in a given fiscal year they shall no longer be eligible to participate in this benefit.
13. This early retirement incentive program is only being offered in fiscal years 2010-2011 and 2011-2012 as set forth above. At the conclusion of this trial period, the Board of Supervisors will reevaluate the program and decide whether or not it will be offered in subsequent years.

IT IS THEREFORE RESOLVED that this early retirement resolution is adopted as set out above.

Dated this 31st day of August 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

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

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Moved by Buch, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)c. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried at 11:55 a.m.

Moved by Buch, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 12:35 p.m.

Moved by Vermedahl, seconded by Buch, to direct the engineer to obtain the necessary information and report it to the board of supervisors at the next scheduled meeting and to authorize the county attorney to negotiate further to resolve the matter. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to go into closed session pursuant to Iowa code 21.5(1)c. All members voting aye thereon. Motion carried at 12:35 p.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 1:00 p.m.

Moved by Buch, seconded by Vermedahl, to authorize payment of all accrued and unused vacation to Tony Janney. All members voting aye thereon. Motion carried.

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

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

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

Jill Marlow, Benton County Auditor

September 2, 2010

The Benton County Board of Supervisors met in a special adjourned session with Supervisors Buch, and Vermedahl present, Supervisor Sanders via telephone. Chairman Sanders called the meeting to order at 11:00 a.m.

Moved by Vermedahl, seconded by Buch, to approve Class B Liquor License for Blairstown Sauerkraut Days Beer Tent. All members voting aye thereon. Motion carried.

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

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

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

Gina Edler, Clerk

Jill Marlow, Benton County Auditor

September 7, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of August 31, 2010, and September 2, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 123726 through 123993, and ACH deposits numbered 9215 through 9324, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the following annual manure management plans: Ritscher Farms, Inc. at 1826 73<sup>rd</sup> Street, Van Horne, IA; Rick Selk at 7235 16<sup>th</sup> Avenue, Keystone, IA; Rebuh Feeders, Inc. at 1230 51<sup>st</sup> Street, La Porte City, IA. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Annual Equitable Sharing Agreement and Certification for federal forfeiture funds for FY10 and direct the chair to sign the same. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to direct the chair to sign a letter authorizing the low to moderate-income survey for the Community Development and Betterment Grant for the water system at Timber Ridge Mobile Home Park. All members voting aye

Moved by Buch, seconded by Vermedahl, to authorize the destruction of election related material pursuant to Iowa law and financial records ten years old or more or in accordance with county policy and procedure. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-56, TRANSFER OF FUNDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

RESOLUTION #10-56  
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$253,766 be transferred from the General Basic fund to the Capital Projects fund.

Signed this 7<sup>th</sup> day of September 2010.

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

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Ronald R. Buch

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David Vermedahl

ATTEST:

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

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

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-57, RESCINDING RESOLUTION #10-55, BENTON COUNTY EARLY RETIREMENT INCENTIVE and ADOPTING IN LIEU THEREOF RESOLUTION #10-58, BENTON COUNTY EARLY RETIREMENT INCENTIVE. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-57**

**RESCINDING RESOLUTION #10-55, BENTON COUNTY EARLY RETIREMENT INCENTIVE and ADOPTING IN LIEU THEREOF RESOLUTION #10-58, BENTON COUNTY EARLY RETIREMENT INCENTIVE**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #10-55 on August 31, 2010 establishing a Benton County Early Retirement Incentive; and

WHEREAS, the board desires to add additional language to said resolution to establish additional parameters, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors RESCIND Resolution #10-55, Benton County Early Retirement Incentive adopted on August 31, 2010, in its entirety.

BE IT FURTHER RESOLVED that the following resolution be adopted in lieu thereof:

## **RESOLUTION #10-58**

### **BENTON COUNTY EARLY RETIREMENT INCENTIVE**

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that an early retirement incentive program is offered to retiring employees of the non-bargaining unit, including elected officials and their deputies, subject to the following conditions:

1. The employee shall be a full-time employee of Benton County at the time of retirement.
2. The employee shall be covered under the county's health insurance plan at the time of retirement.
3. This benefit will be offered for the next two fiscal years as follows:  
In fiscal year 2010-2011, an eligible employee aged 58 through 64 may elect to participate in this benefit by notifying the Benton County Auditor in writing that they are retiring; this notice shall be given between September 1<sup>st</sup> 2010 and October 31, 2010 and shall specify a retirement date sometime within fiscal year 2010-2011. In fiscal year 2011-2012, an eligible employee aged 58 through 63 may elect to participate in this benefit by notifying the Benton County Auditor in writing that they are retiring; this notice in fiscal year 2011-2012 shall be given between July 1<sup>st</sup> 2011 and August 30<sup>th</sup>, 2011 and shall specify a retirement date sometime within fiscal year 2011-2012.
4. An employee seeking this benefit shall have a minimum of fifteen years of full-time employment with Benton County.
5. Those who wish to participate in this plan must enter into a bona fide retirement, which means the employee is drawing from a retirement benefit fund. Further, the employee must provide written proof to the Benton County Auditor that they are drawing from a retirement benefit fund.
6. Employees who have met the years of service requirement set forth in paragraphs 1 through 5 above and are at least age 55, may remain on the county's health plan at their own expense until they reach the age requirements set forth in paragraph 3. Once the employee reaches the age requirement they may participate in the incentive program. Employees must remain on the county's insurance plan continuously from the time they retire until the time they meet the requirements in order to participate in the incentive program under this paragraph. Premium payments made under this paragraph are due in the auditor's office no later than the 25<sup>th</sup> day of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premiums by the date required will result in immediate termination of coverage. Employees whose coverage is terminated under this paragraph shall not be eligible to participate in this incentive program.
7. The County shall pay \$425.00 per month towards the cost of a single premium. Future changes shall have no effect on the amount of the incentive being provided to those persons already participating in the program. Employees must provide payment of the difference in premium of a single plan to the auditor's office no later than the 25<sup>th</sup> of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premium by the date required will result in immediate termination of coverage. Coverage terminated under this paragraph shall not be reinstated.
8. The County reserves the right to change health plans at any time, but the plan provided to retirees will be the same as that provided to current county employees.
9. Retiring employees who desire a family plan may purchase it from the County. The retiring employee is responsible for 100 percent of the additional premiums for a family plan that is above the amount set forth in paragraph 5. Employees electing family plan coverage must provide payment of the additional premium to

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

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the auditor's office no later than the 25<sup>th</sup> of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premium by the date required will result in immediate termination of coverage. Coverage terminated under this paragraph shall not be reinstated.

10. This benefit is only available to retiring employees remaining on the county's health plan and will not apply towards policies obtained elsewhere by the employee. This is the sole incentive being offered and it cannot be converted to a cash payment to the employee or to any other type of incentive payment.

11. Employees who terminate their participation in this incentive program at any time for any reason are no longer eligible to participate in the program.

12. In the event any employee participating in this retirement benefit ever works for Benton County in the future in a part-time employment capacity, they shall be paid for no more than 400 hours of work in any given fiscal year. If an employee covered under this benefit is paid for working more than 400 hours in a given fiscal year they shall no longer be eligible to participate in this benefit.

13. This early retirement incentive program is only being offered in fiscal years 2010-2011 and 2011-2012 as set forth above. At the conclusion of this trial period, the Board of Supervisors will reevaluate the program and decide whether or not it will be offered in subsequent years.

14. This incentive automatically ends when the employee becomes Medicare eligible.

IT IS THEREFORE RESOLVED that this early retirement resolution is adopted as set out above.

Dated this 7<sup>th</sup> day of September 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The auditor advised that she had received an amended and restated Section 125 Plan from Employee Benefit Systems; however upon review there were several areas that needed further review before adopting the amended plan. No action was taken.

Jerry Petermeier, Project Coordinator, updated the board on the week's activities on the construction of the new law enforcement center. Petermeier spoke about the pitch of the roof being 1:22 instead of 1:12 as he had originally thought. Supervisor Sanders stated that the 1:22 pitch was correct, as the roof was to be almost flat. Petermeier stated that he still has concerns on the "muffin grinder" placement and has been trying to discuss the issue with the architect but had nothing to report to the board.

The engineer met with the board and updated on the use of a tarp cover at the landfill. The engineer has spoken with several other counties that utilize the tarp type cover and learned that utilizing tarps has proven beneficial. The engineer reported that the initial cost of utilizing a tarp system was approximately \$60,000. The engineer also reported that the balance in the landfill account on August 31, 2010, was \$30,386.33.

Moved by Buch, seconded by Vermedahl, to recess until 11:20 a.m. All members voting aye thereon. Motion carried at 10:50 a.m.

The chair reconvened the meeting at 11:20 a.m. with Supervisors Sanders and Vermedahl present. Supervisor Buch was absent.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Jo Petersen as an assistant county attorney, effective this date, at an annual salary of \$57,913.00. Both members voting aye thereon. Motion carried.

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

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

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

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

September 14, 2010

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

Marc Greenlee presented an application for a farm exemption submitted by Dan and Elana Johnson. Johnson's are purchasing approximately 70 acres located in section 29-82-12 and would like to build a house and erect a building. The ground is currently being used in a corn and soybean rotation. Moved by Buch, seconded by Vermedahl, to approve a farm exemption as provided for in the Benton County Agricultural Land Use Preservation Ordinance for a single residential use on a parcel described as being a part of the E1/2 of the NE1/4 of Section 29-82-12, as the owner is involved in a farming operation. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve the minutes of September 7, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Elaine Bolton as office manager in the engineer's office, effective December 31, 2010, due to retirement. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to accept the resignation of Mary Ann Blumer from the county attorney's office, effective December 31, 2010, due to retirement. All members voting aye thereon. Motion carried.

Steve Meyer and Scott Hansen with the Emergency Management Department met with the board to request final approval of a \$500,000 Emergency Operations Center grant from the federal government. Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the grant and to name Jill Marlow, Auditor, as the financial officer and Scott Hansen as the authorized representative. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan for Team Dairy LLC. All members voting aye thereon. Motion carried.

Bob Dahl met with the board to discuss the condition of 22nd Avenue. Dahl complained of the potholes and dust from all the rock hauling. The board made sure that Dahl was aware of the county's dust control program that is available to rural residents at the resident's expense.

Jennifer Draper with Area Substance Abuse Council requested permission to use an area inside of the courthouse to display items for Red Ribbon Week, which is the first full week of November. Moved by Vermedahl, seconded by Buch, to allow Above the Influence of Benton County to use the courthouse for displaying pledges during Red Ribbon Week; however the location of the display must be approved by the auditor due to the general election being held during that time. All members voting aye thereon. Motion carried.

Lorene Spencer, representing the Cedar Valley Ranch, presented a copy of the final audit report for the fiscal year ending June 30, 2010. Spencer reported that due to higher census at the ranch, they were able to keep the daily rate/costs competitive. Spencer advised that the Cedar Valley Ranch, in accordance with the lease agreement, was making payment in the amount of \$65,566.00 to Benton County, which represents the excess reserve of the Cedar Valley Ranch.

Moved by Vermedahl, seconded by Buch, to amend and restate the Benton County Section 125 Plan, effective immediately. The new Plan provides for additional pre-tax payroll deductions and makes necessary changes to comply with the Health Care Reform Act. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the payroll account acknowledgement with AFLAC, which implements the county's Section 125 Plan. All members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics met with the board and requested that the county approve a change order to the current contract with Kleiman Construction, for law enforcement center construction project. The change order incorporates Alternate #1 into the contract. Moved by Buch, seconded by Vermedahl, to approve the change order that adds Alternate #1 to the contract between Benton County and Kleiman Construction, which adds the amount of \$350,477.00, to the contract and is for the construction of the emergency operations center. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator, updated the board on the week's activities on the construction of the new law enforcement center. Petermeier reported that the brick on the west side is done and is being placed on the north side. Petermeier also spoke about a cement additive called Ipanex. Petermeier stated that Ipanex can be added to cement to add longevity to the cement in area where salt is used to control ice and snow. Petermeier recommended that the additive be utilized in certain areas of the project. McNall stated that he would speak with the contractor regarding the recommendation.

Petermeier also spoke about the "muffin grinder" that is currently in the construction plans as Petermeier still believes that the grinder is unnecessary. Discussion included placement of pins near various plumbing entries into the sewer system. Moved by Buch, seconded by Vermedahl, to direct Design Dynamics to change the construction documents and remove the muffin grinder and to add pins into the sewer line. All members voting aye thereon. Motion carried.

Petermeier also presented two quotes for installation of a conduit line between the law enforcement center and the Kirkwood Community College. The bids were received as follows:

Elwick Electric-\$1,095.00

Swick Cable Contractors-\$1,700.00

Moved by Vermedahl, seconded by Buch, to award the bid to Elwick Electric to place conduit lines between Kirkwood Community College and the new law enforcement center in an amount not to exceed \$1,095.00. All members voting aye thereon. Motion carried.

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

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Myron Parizek, Benton County Engineer, provided an update to the board on the new cell at the landfill. The engineer stated that the DNR will not approve the construction certificate due to concerns about bead wire being present in the tire shreds. Parizek said he is currently doing some more research. The engineer is trying provide proof to the DNR that the issue is not a big concern and that a solution to resolve the matter can be reached.

Moved by Buch, seconded by Vermedahl, to authorize the chair to sign and approve the contract and contractor's bond with LL Pelling Co Inc., for the HMA resurfacing of E66 near Luzerne. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sing the IDOT Agreement for Project # 90-06-LRTF101, funding for a hydroseeder. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sing the IDOT Agreement for Project # 90-06-LRTF102, funding for fire and personnel protective equipment. All members voting aye thereon. Motion carried.

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

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Jason Sanders, Chairman

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

September 21, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Chairman Sanders called the meeting to order at 9:04 a.m.

Moved by Buch, seconded by Sanders, to approve the minutes of September 14, 2010. Both members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve checks numbered 123994 through 124282, and ACH deposits numbered 9325 through 9433, for payment. Both members voting aye thereon. Motion carried.

Mary Halstead, Benton County Transportation Director spoke with the Board about entering into a contract with TMS Transportation Services starting October 1<sup>st</sup>. Halstead stated that there is a lot of unknowns yet, but it should make it easier for people to get to their Medicare visits. It gives the Transportation Department a 72-hour window to line up their routes. Moved by Buch, seconded by Sanders, to enter into contract with TMS-Transportation services and Benton County Transportation. Both members voting aye thereon. Motion carried.

Myron Parizek, Benton County Engineer spoke with the Board about signing the Iowa Byways Signage Project Agreements. Parizek told the Board that the Department of Transportation (DOT) is responsible for the signs and posts. The County will report damaged signs and the DOT will provide the County with a new sign. The only cost to the County is the labor of replacing the signs. Moved by Buch, seconded by Sanders, to sign the Iowa Byways Signage Project Agreements. Both members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator, toured the New Law Enforcement Center with the Board. The board was impressed on the progress of the facility.

Board discussed the labor contract negotiator for the county. Supervisor Sanders stated that he was in contact with Brian Gruhn from Gruhn Law Firm. Gruhn said he planned to be the labor contract negotiator for the county again this year.

Dave Thompson, Benton County Attorney, met with the Board about transferring the title of a 1- room schoolhouse to Benton County Historical Society. The Board and Thompson agreed that there needed to be a public hearing in order to transfer the title. No action was taken at this time.

Moved by Buch, seconded by Sanders, to enter into closed session pursuant to Iowa Code 21.5(1)c. Voting aye were Sanders, and Buch. Nays none. Motion carried at 11:48 a.m.

Moved by Buch, seconded by Sanders, to return to open session. Both members voting aye thereon. Motion carried at 12:16 p.m.

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

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Jason Sanders, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Benton County Clerk

September 28, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 21, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Team Dairy LLC. Both members voting thereon. Motion carried.

Mayor Gary Benson of Urbana requested that the county extend the law enforcement contract with the city until November 1, 2010. Benson reported that Urbana is in the process of hiring reserve officers and have not had time to complete that process. Moved by Vermedahl, seconded by Buch, to extend the current law enforcement contract between Benton County and the City of Urbana until November 1, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the vice-chair to sign the Benton County Section 125 renewal with Employee Benefits Systems for the administration of the county's Section 125 plan and to re-sign the amended and restated Section 125 plan to reflect a clarification in the HIPAA language. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to assign Benton County's voting equipment contracts to Dominion Voting Systems, Inc. Both members voting aye thereon. Motion carried. This action is taken due to the acquisition of Premier Voting Equipment and the Department of Justice's ruling on the matter.

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

232

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-59, FINDING OF PUBLIC PURPOSE AND NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN REAL PROPERTY BY GIFT  
Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-59**

### **FINDING OF PUBLIC PURPOSE AND**

#### **NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN REAL PROPERTY BY GIFT**

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

One-room schoolhouse located in the NW1/4 of the NW1/4 of Section 22, Monroe Township, Benton County, Iowa (22-85-12). The interest being disposed of is for the building only.

**WHEREAS**, The Benton County Historical Society has requested that the one-room schoolhouse, formerly known as the Monroe Township Hall, be gifted to them as the building as historic value; and

**WHEREAS**, The Benton County Historical Society will maintain the building as a historic one-room schoolhouse and make it available to the public as a historic building; and

**WHEREAS**, the Board of Supervisors considers it in the best interest of Benton County to dispose of said property by gift and following a public hearing convey said real property by Quit Claim Deed,

**NOW, THEREFORE BE IT RESOLVED**, that in accordance with Section 331.361, Iowa Code, that Benton County FINDS that gifting the property to the Benton County Historical Society would serve a public purpose in accordance with Section 331.361(4) of the Iowa Code.

**FURTHER IT IS RESOLVED** that a public hearing on disposing of the county's interest in said real property by gift is hereby fixed for the 5th day of October 2010, at 11:00 o'clock A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa.

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

Dated this 28th day of September 2010.

Benton County Board of Supervisors

\_\_\_\_\_  
Ron Buch, Vice-Chairman

\_\_\_\_\_  
David Vermedahl

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

Jill Marlow, Auditor

Gary Hughes of East Central Iowa Council of Governments, Mike Hart and John Ferring met with the board regarding the application for a Community Development Betterment Grant (CDBG) for a new public water system at Timber Ridge Mobile Home Park south of Shellsburg. Hughes explained the a low-to-moderate income survey had been completed and that a public hearing would need to be held the funding application and housing and community development assessment. Hughes also stated that ECICOG would complete the application on behalf of the county free of charge unless the county refused the grant, if awarded. Moved by Vermedahl, seconded by Buch, to enter into an Agreement between Benton County and the East Central Iowa Council of Governments for services relative to the application for a CDBG for the public water system at Timber Ridge Mobile Home Park. Further, that October 26, 2010, at 9:30 a.m. be set as the time and date for a public hearing on the funding application and the housing and community development assessment. Further, that Requests For Qualifications also be sought for engineering services for said project with responses due by 4:30 p.m. on October 22, 2010, and action engaging an engineer for October 26, 2010 at 9:45 a.m. This action is contingent upon entering into an agreement between Benton County and John Ferring, wherein Ferring agrees to pay all costs incurred by Benton County related to the CDBG application, grant, and project. Both members voting aye thereon. Motion carried.

Jerry Petermeier provided a weekly update on the construction progress of the law enforcement center.

Moved by Vermedahl, seconded by Buch, to approve permits to place utility lines in the county's right-of-ways requested by Poweshiek Water Association as follows:

Permit #1: Bruce Township, Sections 11 and 15, along 52<sup>nd</sup> Street and 15<sup>th</sup> Avenue

Permit #2: Iowa Township, Section 28, along 78<sup>th</sup> St. Trail

Both members voting aye thereon. Motion carried.



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

233

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-60, REMOVING BRIDGE WEIGHT RESTRICTION. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION**

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

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

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

ED-0015 0.5 mile south of the NW corner of section 7-84-10 (Eden Township) on 22<sup>nd</sup> Avenue

Dated this 28th day of September 2010.

Benton County Board of Supervisors

\_\_\_\_\_  
Ron Buch, Vice-Chairman

\_\_\_\_\_  
David Vermedahl

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

Jill Marlow, Auditor

The county received the fiscal year 2012 labor proposal from the Public, Professional & Maintenance Employees, Local Union 2003, International Brotherhood of Painters and Allied Trades, AFL-CIO, representing the secondary roads union.

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

\_\_\_\_\_  
Ron Buch, Vice-Chairman

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

Jill Marlow, Benton County Auditor

October 1, 2010

The Benton County Board of Supervisors met in special session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. The vice-chair called the meeting to order at 8:00 a.m. in the boardroom room of the courthouse.

County Engineer Myron Parizek informed that Board that it was necessary to close a part of the county's landfill until permit approval had been received by the Iowa Department of Natural Resources. The county constructed a new cell for waste; however the DNR is concerned about the beadwire from the tire chips that was used to line the cell and will not permit its use until laboratory tests can be completed and reviewed. Parizek stated that there is no definitive time table for obtaining the approval and that there is a possibility that the DNR may not grant approval.

The engineer stated that he has checked with adjacent counties about allowing Benton County waste to be placed in their facilities. Tama County is not receptive and Iowa County is in the process of constructing a new cell and does not have room for additional waste. Linn County agreed to handle the county's waste at a cost of \$45 per ton.

Herb Boots with Herb's Garbage Hauling questioned how the tipping fee would be collected at Linn County as well as if the county would pay the haulers for their additional mileage expense. The board advised that additional mileage expense would not be reimbursed as Linn County may be closer in some cases than the county's landfill. Discussion also included acceptance of recyclable waste at the county's site during this period. It was determined that the Benton County landfill would remain open to accept white goods, wood products, metal, etc. and that a roll-off dumpster would be used for dumping all other waste that arrived at the landfill by private individuals. No waste would be accepted from haulers or businesses unless it was a recyclable product.

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

234

Moved by Vermedahl, seconded by Buch, that Benton County create an account at the Linn County Solid Waste site for use by commercial haulers only. The county will pay the tonnage fee for said waste. Further that the Benton County landfill is to remain open to dispose of fee based material; roll offs for collection of waste by private individuals are to be provided at the landfill; shingles if separated from wood product may be stock piled at the landfill; Benton County will not reimburse haulers for added mileage expense; Benton County will continue to accept trees, limbs, etc.; and all other construction and demolition waste as well as solid waste collected by commercial haulers is to be taken to Linn County Solid Waste Disposal pursuant to the resolution adopted by the Linn County Solid Waste Commission set forth below. This action is in effect until further notice. Both members voting aye thereon. Motion carried.

## **Linn County Solid Waste Commission**

### **RESOLUTION REGARDING BENTON COUNTY LANDFILL**

WHEREAS on September 29, 2010, the Benton County Landfill informed the Agency the Benton County Landfill will be unable to accept MSW beginning October 1st until they reach resolution concerning their new cell permit and issues with the Iowa Department of Natural Resource(IDNR) regarding tire chips.

WHEREAS lab results are expected to be returned within 15 business days from October 1, 2010.

WHEREAS this is the same situation the Agency recently went through with the IDNR.

WHEREAS Benton County Landfill receives approximately 50 tons per day.

WHEREAS Benton County Landfill has asked for permission to re-route their trucks to the Agency at 1954 County Home Road, Marion, IA and Benton County is part of the ECICOG solid waste planning area.

WHEREAS staff recommends cooperation, the tonnage will have minimal impact on our operations and the Agency needs MSW to complete the first lift of our new cell to comply with freeze thaw protection regulations.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Cedar Rapids/Linn County Solid Waste Agency, that:

The Agency accept Benton County MSW at an out-of-county rate of \$45 dollars a ton for a maximum of thirty days beginning October 1, 2010.

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

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

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

October 5, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of September 28, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt and filing of the annual manure management plans submitted by Dennis Zieser, for the facility located at 5299 33<sup>rd</sup> Ave. Center Point, Iowa and for McKinley Swine LLC, for the facility located at 3354 King Avenue, Walker, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Auditor's and Sheriff's Quarterly reports for the period ending September 30, 2010. All members voting aye thereon. Motion carried.

Craig Stuart-Paul, CEO of Fiberight, and Ranae Becker of the Benton Development Group met with the board to give an update on the progress of the facility in Blainstown. Stuart-Paul has been working with numerous federal officials as well as private investors to secure funding for the project, which is estimated at around \$30 million. The project is to convert waste into usable fuel products. There is at least a year timeline, but most of the equipment is in place. Supervisor Buch stated he likes the idea of diverting trash from the landfill to the ethanol plant, but is concerned with other landfill issues. Supervisor Vermedahl agreed and also questioned the odor. Stuart-Paul assured them that the waste is all contained within the building and there will be wind fences in place along the premises to hold the odor in. Another concern of Vermedahl was if the plant fails, what will the county do with its remains. Fiberight will start processing approximately 50 tons of waste per day and prove that they can handle that amount before gradually increasing tonnage. Stuart-Paul stated that the facility's floor would be clear of all waste every Saturday night. The plant will be able to produce 85 gallons of ethanol per ton of pulp produced from waste. They will use methane gas to power everything in the facility and the renewable ethanol can sell for \$3.25 per gallon. Myron Parizek, County Engineer, was concerned about utilizing the county's facility. There will be 15% of waste sent to the landfill from the waste that can't be converted into ethanol. Stuart-Paul told the board that a recent study of Iowa garbage indicates that 55 % of trash is food waste or paper packaging, all of which can be converted to ethanol. They will optimize the kinds of waste going to the landfill and will meet all compliances.

The Supervisors expressed their hope that Fiberight can succeed. The next step will be for Fiberight to obtain a Memorandum of Understanding from the county, showing support of local leaders for the project, which will help secure funding. There are still certain amounts of unknowns stated Stuart-Paul, as we gain more experience we can talk more details in the future.

Jerry Petermeier and the Board toured the new law enforcement center. The facility is progressing due in part to the cooperative weather.

Todd McNall couldn't make the meeting to discuss the change orders for the law enforcement center.

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

235

The time of 11:00 a.m. having arrived and this being the time and date for a public hearing on disposing of the county's interest in real property by gift, the board took up the matter for consideration. It was moved by Buch, seconded by Vermedahl, to open the public hearing on said matter. All members voting aye thereon. Motion carried. The chair declared the public hearing open. Rose Rouse, representing the Benton County Historical Society, was present. Rouse explained that the plan was to put the building on the east side of the Depot in Vinton. Vermedahl advised that there has been some vandalism in that area and wanted her to be aware of that. Hearing no other comment, it was moved by Buch, seconded by Vermedahl, to close the public hearing. Voting aye were Vermedahl, Sanders and Buch. Nays none. Motion carried.

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-61 DISPOSING OF AN INTEREST IN COUNTY OWNED REAL PROPERTY BY GIFT. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-61**

### **DISPOSING OF AN INTEREST IN COUNTY OWNED REAL PROPERTY BY GIFT**

**WHEREAS**, the Board of Supervisors adopted Resolution #10-59 Notice of Public Hearing on Proposal to Dispose of An Interest in Real Property by Gift on September 28, 2010, and published a Notice of Public Hearing on September 28, 2010, September 29, 2010, and October 1, 2010; and

**WHEREAS**, a public hearing was conducted on October 5, 2010, on whether to dispose of the real property by gift to the Benton County Historical Society; and

**WHEREAS**, comments were heard relative to the conveyance of the property by Quit Claim Deed and the need for a public purpose; and

**WHEREAS**, the Benton County Board of Supervisors found on September 28, 2010, that said gift will provide a public purpose; and

**WHEREAS**, Benton County holds deed to said real property,

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that it is in the best interest of the County to dispose of Benton County's interest in county owned real property by gift, and to convey the following described real property to the Benton County Historical Society, to-wit:

One-room schoolhouse located in the NW1/4 of the NW1/4 of Section 22, Monroe Township, Benton County, Iowa (22-85-12). The interest being disposed of is for the building only.

**BE IT FURTHER RESOLVED** that the Chair is authorized and directed to execute a Quit Claim Deed to the Benton County Historical Society for the real property set forth above. Benton County will not provide an abstract to said property.

Dated this 5<sup>th</sup> day of October 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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Jason Sanders, Chairman

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Ron Buch

\_\_\_\_\_  
David Vermedahl

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

Moved by Buch, seconded by Vermedahl to transfer ownership of a one-room schoolhouse to the Benton County Historical Society to be used for public purpose. 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 September 30, 2010 was \$40,865.75.

The engineer also presented the speed study results for south of Atkins and south of Newhall. After some discussion, the board stated it supported the requests but would like to have Newhall keep the speed consistent in both directions of traffic. Parizek will notify those necessary and present this at a later date.

Engineer Parizek also discussed the leased property south of the landfill. The useable area needs to be reduced by approximately 1 acre. Parizek will determine the estimated footage and approach the renter, who is currently in the 3<sup>rd</sup> year of the 5-year contract.

Dave Thompson, County Attorney, introduced his new assistant Emily Nydle. She started October 4, 2010.

Moved by Vermedahl, seconded by Buch, to approve the hire of Emily Nydle, as Assistant County Attorney to be paid as an 85% Deputy with an employment contract to be signed at a later date. All members voting aye thereon. Motion carried.

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

236

Moved by Vermedahl, seconded by Buch, to enter into closed session pursuant to Iowa Code 21.5 (1)c. All members voting aye thereon. Motion carried at 12:10 p.m.

Moved by Buch, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 12:35 p.m.

Moved by Vermedahl, seconded by Buch, to carryout the recommendations that were discussed in closed session. All members voting aye thereon. Motion carried.

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

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

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

Hayley Rippel, Deputy Auditor

October 12, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 1, 2010, and October 5, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 124283 through 124359, checks numbered 124470 through 124812, and ACH deposits numbered 9544 through 9653, for payment. Checks numbered 124360 through 124469 are voided. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to accept the resignations of Roger Witt (Information Technology) and Dennis Thompson (Maintenance) effective December 31, 2010, due to retirement, effective December 30, 2010. All members voting aye thereon. Motion carried. The board expressed their gratitude for the years of service provided by the two employees.

Rick Bramow, Maintenance Manager, stated that he believed that the vacancy in maintenance needed to be filled with another full-time position due to snow removal, boilers, day-to-day maintenance, as well as many other issues that must be done during his absence. Bramow stated that snow removal was critical during winter months and had to be monitored throughout the day. Bramow also checked with snow removal companies who advised that they were not interested due to liability issues and the need to remove snow throughout the day. Supervisor Sanders stated that he had thought that lawn care could be contracted out; however if the position is to be filled then there was no need to pursue that option. The county attorney stated that he believed the position should be maintained but that the wage should be reduced to create a cost savings. The board discussed a possible wage of \$10 to \$13 per hour dependent upon qualifications. Moved by Vermedahl, seconded by Buch, to authorize the Bramow to advertise to fill the position and to advertise for such. Bramow is to interview and return to the board with a recommendation. All members voting aye thereon. Motion carried.

The board continued staffing discussion relative to the Information Technology Department (IT). Supervisor Sanders stated that there was a choice of outsourcing with pros and cons for both. The cost of outsourcing would also have to be researched. Witt stated that outsourcing is available but get what you pay for. The county attorney stated that the county should strongly consider outsourcing and not fill the position, adding that they do most IT for his department. The auditor stated that she had heard from some other department managers who would like to see the position maintained. It was suggested that the duties be combined with other offices as an option as well. The board asked that the matter be placed on the next agenda to allow the board an opportunity to speak with the other departments.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of the annual manure management plan filed by Wilco Farm, LTD for the facility located at 7944 28<sup>th</sup> Avenue, Norway, Iowa. 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, 2010. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Tim and Nicole Guenther for a parcel located in Harrison Township, Section 38. Guenther currently owns a 20-acre parcel and a 24-acre parcel and are currently purchasing another 20-acre parcel. All ground is in an agricultural use. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as authorized by the Benton County Agricultural Land Use Preservation Ordinance requested by Tim and Nicole Guenther on a parcel located in the NE1/4 of the NE1/4 of 33-86-10 for the purposes of constructing a single residential structure. All members voting aye thereon. Motion carried. The applicant is responsible for meeting any regulations in place due to the airport.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by David E. Yerkes for a parcel located in Polk Township, Section 4. Yerkes is currently engaged in a farming activity as required by the county's ordinance. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as authorized by the Benton County Agricultural Land Use Preservation Ordinance requested by David E. Yerkes on a parcel located in the SW1/4 of the SW1/4 of 4-86-9 for the purposes of constructing a single residential structure. All members voting aye thereon. Motion carried.

Jerry Petermeier and Todd McNall met with the board regarding the law enforcement center. McNall estimated that the facility should be enclosed by Thanksgiving, dependant on weather.

Todd McNall presented various change orders for the law enforcement center. Change Order #4 in the amount of \$2,315.47 for additional work associated with debris and poor soils and revise shower handles; Change Order #5 in the amount \$8,476.29 for electric and control changes; Change Order #6 in the amount of \$8,105.75 for additional costs for work and materials due to unsuitable soils. The change orders have been submitted to FEMA for approval prior to the board's action. The board stated that when items are requested by the sheriff that were not included in the original plans then the board should be contacted prior.

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

237

Will Heber, Conservation Director, met with the board to request that the county waive the construction and demolition fees for the new nature center. Moved by Vermedahl, seconded by Buch, to waive the landfill fees provided the waste is disposed of at the Benton County landfill. All members voting aye thereon. Motion carried.

The county presented the fiscal year 2012 labor proposal to the Public, Professional & Maintenance Employees, Local Union 2003, International Brotherhood of Painters and Allied Trades, AFL-CIO, representing the secondary roads union.

Engineer Myron Parizek and Attorney Dave Thompson met with the board to discuss landfill issues. Parizek reported that the laboratory tests on the new cell have been completed but the final report will not be received until tomorrow with the initial observations appearing to be very promising. Parizek hopes to have a response back from the DNR by sometime next week at the latest.

Moved by Buch, seconded by Vermedahl, to enter into closed session pursuant to Iowa code 21.5(1)c. All members voting aye thereon. Motion carried at 11:55 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. All members voting aye thereon. Motion carried at 12:55 p.m.

Moved by Vermedahl, seconded by Buch, to request that the county attorney write the DNR about the landfill issues and the steps being taken by the county to address them. All members voting aye thereon. Motion carried.

The board reviewed the treasurer's quarterly investment report for the period ending September 30, 2010.

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

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

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

Hayley Rippel, Deputy Benton County Auditor

October 19, 2010

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

Moved by Buch, seconded by Vermedahl, to approve the minutes of October 12, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the update annual manure management plan filed by Dennis Zieser for the facility located at 5299 33<sup>rd</sup> Avenue Drive, Center Point, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the temporary hire of Delane Kalina in the auditor's office, effective October 18, 2010, at a wage of \$20.00 per hour. The hire is approved due to a shortage in staffing due to an unexpected emergency. Kalina previously worked in the auditor's office and is knowledgeable of the software programs and job duties having performed them while employed full-time in said office. All members voting aye thereon. Motion carried.

Kyle Helland of Helland Engineering met with the Board to request a variance to the Benton County Subdivision Ordinance to allow a division in a parcel described as a part of the NW1/4 of the SE1/4 of 2-85-10. The proposal is to divide the 40-acre aliquot part resulting in the enlargement of the current Parcel B, which will create three splits in the 40-acres and make it subject to the county's subdivision ordinance. The division is not intended to be used for building purposes. The request is to waive the requirements of the subdivision ordinance relative to central water, sewer, and hard surfaced roads. Marc Greenlee stated that any development on the parcel would require a land use change. The owner is requesting that his current Parcel B be enlarged to the north to include another 2 acres. Helland advised that the existing Parcel B plant could not be amended due to the time that has elapsed since it was originally platted. The board discussed that the ordinance provides for agricultural use be exempt from the ordinance and therefore this request would be in accordance with the intent of the ordinance, as the parcel would not be used for development purposes. Discussion also included that strict adherence to the ordinance would create an undue hardship due to the requirements of central water, central sewer, hard surfaced roads, etc. for a parcel that has no residential development planned. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-61A, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE.

## **RESOLUTION #10-61A GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE**

WHEREAS, Benton County adopted an Ordinance #26 on July 28, 1997 regulating the subdivision of land in Benton County; and

WHEREAS, said ordinance provides that the Board may grant a variance to the ordinance if strict adherence would result in an extraordinary hardship to the subdivider,

WHEREAS, a request for a variance has been presented by Kyle Helland of Helland Engineering on behalf of the owner of a parcel located in the NW1/4 of the SE1/4 of 2-85-10; and

WHEREAS, the owner desires create a split, which will allow for the enlargement of another existing parcel; and

WHEREAS, there are no plans to develop the new parcel with residential development and strict adherence to the ordinance would create an undue hardship due to the intended use;

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted on a parcel located in the NW1/4 of SW1/4 of 2-85-10. Said variance is granted due to the extraordinary hardship the subdivider, would incur if strict adherence was required as by definition the split is subject to the subdivision ordinance but its intended use would not.

Dated this 19<sup>th</sup> day of October 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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

238

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

The county engineer updated the board on the current landfill situation. The Department of Natural Resources has approved the use of the new cell and tire chips used for lining material. However, the first four feet of waste must be restricted to material that will not penetrate the liner, which include construction and demolition waste. The engineer stated that the continued use of the Linn County Solid Waste facility through the end of October for construction and demolition waste should be done. Waste from commercial haulers has begun at the new cell. Large objects, such as furniture, cannot be placed in the cell until the four feet of material has been placed. The engineer believes that by the end of the month the four feet will have been reached in the southern part of the cell. Discussion about the need to prohibit C & D waste until the end of the year would be needed or if the C & D could be ground and diverted from being landfilled.

The board discussed a request by Jim Bahr to participate in his expense to dispose of demolition waste. Bahr had contacted the supervisors about helping with \$1700 in transportation costs to dispose of demolition waste at Linn County. The board stated that they had discussed the disposal of construction and demolition waste when the landfill was closed and purposely did not include reimbursement of disposal expenses, including transportation, for that type of waste when determining to pay for the commercial haulers disposal fees at Linn County.

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

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-63 ESTABLISHING A SPEED LIMIT ON 33<sup>RD</sup> AVENUE. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-63**

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.255 and 321.285 subsection 5 of the Code of Iowa to determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS: Such investigation has been completed by the Iowa Department of Transportation, and

WHEREAS: the city corporate line parallels the highway with a narrow right-of-way and housing near the highway.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that a speed limit be established and appropriate signs erected at the location described as follows:

Secondary road W28 (33<sup>rd</sup> Avenue) from the SCL of Atkins (W ¼ corner of section 24, T83N, R9W), north ¼ mile, 45 MPH.

Resolution adopted this 19<sup>th</sup> day of October, 2010.

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Chairman, Board of Supervisors

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

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-64, ADOPTION AND/OR READoption OF POLICIES FOR CODE OF CONDUCT, EQUAL OPPORTUNITY POLICY STATEMENT, PROHIBITION OF THE USE OF EXCESSIVE FORCE, AND RESIDENTIAL ANTI -DISPLACEMENT AND RELOCATION ASSISTANCE PLAN. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-64**

### **ADOPTION AND/OR READoption OF POLICIES FOR CODE OF CONDUCT, EQUAL OPPORTUNITY POLICY STATEMENT, PROHIBITION OF THE USE OF EXCESSIVE FORCE, AND RESIDENTIAL ANTI -DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

WHEREAS, the Benton County Board of Supervisors desires to adopt a policy on Prohibition of the Use of Excessive Force; and

WHEREAS, the Benton County Board of Supervisors also desires to readopt policies that are already in place,

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

1. Code of Conduct: The Code of Conduct Policy adopted on June 16, 1989 under Resolution 39-89 is hereby repealed and replaced with the following Code of Conduct:

## **CODE OF CONDUCT**

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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## **PURPOSE**

The purpose of this Code of Conduct for Benton County (hereinafter referred to as “County”) is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b).(3)) and other applicable federal and state standards, regulations, and laws.

## **APPLICATION**

This Code of Conduct applies to all officers, employees, or agents of the County engaged in the award or administration of contracts supported by federal grant funds.

## **REQUIREMENTS**

No officer, employee, or agent of the County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization that employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award.

The County’s officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

## **REMEDIES**

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the County’s officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Adopted this 19th day of October, 2010.

Resolution adopted this 19<sup>th</sup> day of October, 2010.

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

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

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

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#2. Equal Opportunity: The Equal Opportunity Policy adopted on June 16, 1989 under Resolution #38-89 is hereby repealed and replaced with the following Equal Opportunity Policy Statement:

## **EQUAL OPPORTUNITY POLICY STATEMENT**

It is the policy of Benton County (hereinafter referred to as "County") to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, handicap, age, political affiliation or citizenship.

The Chairperson has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the *Chairperson's* responsibility. The *Chairperson* will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administer by the County because of race, creed, color, religion, sex, national origin, age, handicap, political affiliation or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the County, which may be contacted at 319-472-2365.

This Equal Opportunity Policy of the County shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

Adopted by the County this 19th day of October, 2010.

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

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

#3. Prohibition of the Use of Excessive Force: The following policy on the Prohibition of the Use of Excessive Force is hereby adopted:

## **POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

WHEREAS, the County of Benton (hereinafter referred to as "County") has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, that Benton County hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Benton County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Benton County, which may be contacted at 319-472-4869.

Adopted by the City this 19th day of October, 2010.

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

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



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

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#4. The following Residential Anti-Displacement and Relocation Assistance Plan is hereby adopted and any previously adopted resolutions on the same are hereby repealed:

## **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104(D) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED**

Benton County (hereinafter referred to as "County") will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the County to provide funds for an activity that will directly result in demolition or conversion, the County will make public by publication in a newspaper of general circulation and submit to IDED the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of low/moderate-income housing that will be demolished or converted to a use other than as low/moderate-income housing as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the state's Consolidated Plan for Housing and Community Development.

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission, the County will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

The County's Board of Supervisors, which may be contacted at 319-472-4869, is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The Board of Supervisors is also responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in CFR 570.496(a)(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, the County will take steps to minimize the direct and indirect displacement of persons from their homes that may include the following:

1. Coordinate code enforcement with rehabilitation and housing Assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. *State rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.*
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhood.
6. Adopt policies, which provide reasonable protection for tenants faced with conversion to a condominium or cooperative.
7. *Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.*

Adopted by the County this 19th day of October, 2010.

Resolution adopted this 19<sup>th</sup> day of October, 2010.

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

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

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

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This entire resolution adopting the above stated policies is hereby adopted.  
Dated this 19<sup>th</sup> day of October 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

Charles James, Veterans Affairs Director, met with the board to discuss future office space. James is currently renting an office at the ICAS building and notice must be served by November 1<sup>st</sup> if the county intends to extend the lease for another six months. The board spoke with James about office space becoming available in existing county buildings within the next six months and that veterans affairs would need to move into one of those spaces, but that at this time it would be necessary to extend the lease. Moved by Vermedahl, seconded by Buch, to direct the auditor to provide the necessary notice to extend the lease agreement between Benton County and ICAS for another six months. All members voting aye thereon. Motion carried.

The board continued their discussions on the staffing needs for the information technology department. Discussion included filling the position on a full-time basis, part-time basis, combining the duties with another office, or contracting for the services. The board asked if the duties could be combined with the financial position that the auditor has approved in her budget. The auditor advised that she was not objectionable to the idea, but wanted the board to be open-minded that the duties may need to be full-time. Supervisor Sanders stated that he believed that out-sourcing the duties should be investigated prior to hiring personnel. Supervisor Vermedahl commented that if it was possible to have a person on-site as an employee, that it would address a lot of the departments' concerns about their future technology needs. Moved by Vermedahl, seconded by Buch, to authorize the auditor to proceed with the creation and filling of a position within her office that would address both the needs of her office and the needs of the information technology department. All members voting aye thereon. Motion carried. Supervisor Sanders advised that he was going to continue to investigate the outsourcing of the department.

Jerry Petermeier and Todd McNall updated that board on the construction progress of the new law enforcement center and provided a tour of the facility. McNall also presented a color palette for the interior finishes of the new facility for their approval. Moved by Vermedahl, seconded by Buch, to approve the color palette presented, which consists of earthy tones: browns, taupe, grays, and blues. All members voting aye thereon. Motion carried.

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

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

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

October 26, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of October 19, 2010. All members voting aye thereon. Motion carried.

Nathan Hesson of Vinton Unlimited, and on behalf of Vinton Parks and Recreation, met with the board to request the use of the courthouse lawn on October 30, 2010, and November 18, 2010, as well as use of the 1<sup>st</sup> floor of the courthouse on November 18, 2010, for holiday festivities. Moved by Vermedahl, seconded by Buch, to grant permission to Vinton Unlimited to use the courthouse lawn and first floor of the courthouse on November 18, 2010, for holiday activities. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 124820 through 125079, and ACH deposits numbered 9654 through 9764, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to appoint Anthony Thomsen as a Medical Examiner – Investigator at the request of Medical Examiner Dr. Brian Meeker. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to approve a fireworks permit requested by Charles Yedlik as presented for an event to be held on November 13, 2010 at 5899-1/2 28<sup>th</sup> Avenue Drive, Vinton, IA. All members voting aye thereon. Motion carried.

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

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The time of 9:30 a.m. having arrived, and this being the time and date set for a public hearing on an application for a Community Development Betterment Grant, the board opened the hearing for public comment. Notice of this public hearing had been published in the official newspapers in accordance with Iowa law. Persons present were Mike Hart of Hart-Frederick Engineering, Gary Hughes of East Central Iowa Council of Governments, and John Ferring of Timber Ridge Mobile Home Park. There were no members of the public present and no comments had been filed prior to the hearing. The following items were read and entered into the record:

**A. How the need of the proposed activities was identified:**

*The need for proposed activities is based on nitrite testing that exceeded Maximum Containment Levels, with administrative order from the Iowa Department of Natural Resources to address cited violations.*

**B. How the proposed activities will be funded and source of funds:**

With proposed project cost estimated to total \$520,000, financial assistance in the form of grant is being requested from the CDBG Program and loan from the State Revolving Loan Fund.

**C. The date the application will be submitted:**

The CDBG Program funding application will be submitted to the Iowa Department of Economic Development (IDED) for receipt by November 3, 2010.

**D. The requested amount of federal funds:**

\$224,000 from the CDBG Program and \$296,000 from the State of Iowa Revolving Loan Fund.

**E. The estimated portion of federal funds that will benefit persons of low to moderate income:**

88.5%.

**F. Where the proposed activities will be conducted:**

The project service area is the Timber Ridge Mobile Home Park. Located along County Road W-26, approximately 2.5 miles south of the City of Shellsburg, the address is 6676 32nd Ave., Shellsburg, Iowa.

**G. Plans to minimize the displacement of persons or businesses as a result of funded activities:**

*Because no property acquisition is proposed, there will be no displacement of persons or businesses as a result of funded activities.*

**H. Plans to assist persons actually displaced:**

*Because no property acquisition is proposed, there will be no displacement of persons or businesses as a result of funded activities.*

**I. The nature of the proposed activities:**

To develop water system improvements for the Timber Ridge Mobile Home Park to primarily treat ammonia known to exist in raw water as the predicted source of nitrites within the distribution system, as well as new standby water source, additional pressurized storage, auxiliary power, and individual meters.

Moved by Vermedahl, seconded by Buch, to approve the Application for a Community Development Betterment Grant for the installation of a public water supply at Timber Ridge Mobile Home Park. Further, the chair is directed to sign the application and associated certifications. All members voting aye thereon. Motion carried.

The board had advertised requesting qualifications for engineering services for the Community Development Betterment Grant for the public water system. Two qualifications were submitted in accordance with the request: iiW and Hart-Frederick. Gary Hughes of East Central Iowa Council of Governments discussed the two companies and their qualifications. Hughes and County Auditor Jill Marlow had reviewed the qualifications of the two firms and determined that both were equally qualified. The final evaluation criteria are geographic location and based on the proposals Hart-Frederick is the closest geographically, which would enable them to respond on-site. Hughes recommended that Hart-Frederick Engineering be selected based on the qualifications presented. Moved by Vermedahl, seconded by Buch, to select Hart-Frederick Consultants P.C. as the engineering firm for the Community Development Betterment Grant for a public water system for Timber Ridge Mobile Home Park. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director, met with the board to discuss the rates being paid for funeral and cremation services. Williams reported that a casket burial is currently paid at \$1,555.00 and has been requested to review those costs. Williams presented a list of amounts being paid by other counties. Benton County has not increased the amount they pay since 2001. Williams recommended that the county increase the amount paid for burial assistance to \$2000 and that the county only pay for cremation services. Supervisor Vermedahl indicated that he was reluctant to limit it to cremation services only. Supervisor Sanders questioned if the family could contribute additional money to enhance the services, including a casket service. Williams stated that the county currently does not allow for families to contribute. Williams is going to speak with the funeral directors and return to the board.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Jodene Ludden from Social Services, effective October 25<sup>th</sup>, 2010, and to authorize Williams to advertise to fill the position at a salary not to exceed \$10.00 per hour. All members voting aye thereon. Motion carried. Supervisor Sanders questioned what the determining factors were when the part-time employee worked. Williams advised that the employee worked when Williams was out of the office and during peak work times in the office.

Williams also spoke about the income-offset program. Williams stated that if Benton County provides relief assistance they can ask the client to repay and if they do not, then the county can collect from the client's income tax return. Williams stated that the county has previously decided to participate in the program and now a Memorandum of Understanding needed to be entered into. Moved by Vermedahl, seconded by Buch, to enter into a Memorandum of

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

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Understanding between Benton County and the Iowa Department of Administrative Services for the income-offset program. All members voting aye thereon. Motion carried.

Kyle Helland of Helland Engineering met with the Board to request approval of the Final Plat of Seltrecht First Addition to Benton County. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-62, RESOLUTION ACCEPTING AND APPROVING THE "SELTRECHT FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA  
**RESOLUTION NO. 10-62**

RESOLUTION ACCEPTING AND APPROVING THE "SELTRECHT FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

**WHEREAS**, A Final Plat of Seltrecht 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:

Seltrecht First Addition is a subdivision of the Northwest ¼ Southeast ¼ Section No. Two (2), Township No. Eighty-Five (85) North, Range No. Ten (10) West of the Fifth P. M. except commencing at the South Quarter Corner of said Section two (2); thence North on the West line of the Southeast Quarter (SE ¼) of said Section two (2) a distance of 1981.35 feet to the point of beginning; thence East a distance of 284.35 feet; thence North to the North line of the Southeast Quarter (SE ¼); thence West a distance of 284.35 feet to the center of Section two (2); thence South to the point of beginning and except Parcel "B", per plat of Survey dated 3/13/1996 and recorded in Book 9 page 28 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 Seltrecht 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 Seltrecht 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:

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

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Benton County Board of Supervisors that said board, on October 19, 2010, at the request of Marshall D. Seltrecht, Thanyatom Seltrecht, Sue Hunt, Developers, did grant a variance waiving the following items regarding the submission of the "Seltrecht First Addition" Final Plat:

Article IV: 4.03 Minimum improvements, A-F  
Article VI: 6.02 Requirements of the Preliminary Plat, A-Q,  
Article VI: 6.05 Attachments to the Final Plat, A-F,  
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 26<sup>th</sup> day of October 2010.

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

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

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

ATTEST:

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

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

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-65, Bridge Weight Embargo. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-65**

WHEREAS, the structure at this location due to age and design has reached the point in time where a more restricted weight limit needs to be imposed,

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

LE-1560

**10 ton**

0.5 mile east of the SW corner of section 32-82-12 (Leroy Township) on Benton-Iowa Rd.

Signed this 26<sup>th</sup> day of October 2010.

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Chair, Board of Supervisors

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

Auditor

Moved by Vermedahl, seconded by Buch, to grant an extension to Tim Sage to pay the second half of rent due for farm ground until November 15, 2010, to allow time for the Board to research the total acres being used by Sage under the lease agreement. Changes have taken place since the time the lease was entered into due to landfill activities as well as tiling activities. Supervisor Buch will look further into the matter. All members voting aye thereon. Motion carried.

The engineer spoke to the Board about the renewal permit for the landfill, which expires in January and requires a permit application three months in advance. Moved by Vermedahl, seconded by Buch, to authorize the chair to sign the renewal permit application for the Benton County Solid Waste Facility. All members voting aye thereon. Motion carried.

The engineer spoke to the board about the tarp roller that is for sale by Fayette County for use at the landfill. The Board suggested that an offer of \$2500.00 be presented to Fayette County for the purchase of the roller.

The engineer also spoke to the board about the first Saturday in January 2011 and the operation of the landfill. The first Saturday is a holiday and the landfill will be closed and he suggested that the landfill not be open on a different Saturday that month as the amount of use drops significantly during the winter months. The board did not object to the engineer's suggestion, as it will result in a cost savings.

Jerry Petermeier updated the board on the construction of the law enforcement center.

Jill Marlow, auditor, spoke to the board about the information technology department. The board had approved that a position be created that was part-time IT and part-time finance in the auditor's office. Marlow explained that due to the election work load and other issues, she does not believe she has time to create a job description, advertise, and hire prior to the IT department staff retiring. Marlow recommended that a management company be retained on a month-by-month basis until she either had time to advertise and hire or until the county could enter into something more permanent. Marlow stated that ERBs is currently providing some IT management services and would continue on a month-by-month basis as needed and would also assist with the transition. The board supported Marlow's recommendation as to the management service; however Supervisor Sanders advised that he had contacted other management companies and was meeting with them later that day/week.

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

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Jason Sanders, Chairman

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

Jill Marlow, Benton County Auditor

November 2, 2010

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

Representatives of ERBs met with the supervisors regarding management services for information technology services. Brad Svoboda explained the services available from ERB's as well as the current business relationship with Benton County. Moved by Buch, seconded by Vermedahl, to enter into a contract with ERB's for Information Technology Management Services for the period beginning December 1, 2010 through June 30, 2011, at the professional services level. The cost is \$2,093.75 per month with an additional \$257.50 initial set-up fee. ERB's will also provide a credit of \$918 off of the first month billing. The county can terminate at the contract anytime. The auditor's office is established as the primary contact for ERB's at this time. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve Change Order #10 to the contract between Benton County and Kleiman Construction in the amount of \$6,522.65 to add a gas pressure regulator and fittings to gas service (+1,611.35) and revise the roof drain piping (+4,911.30). All members voting aye thereon. Motion carried. Change orders number 7 through 9 were also reviewed but not approved pending FEMA approval.

Moved by Buch, seconded by Vermedahl, to approve the hire Rhonda Westergaard as a full-time driver/office assistant, effective November 2, 2010, at a wage of \$12.00 per hour. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account in the Blairstown bank on October 30, 2010, was \$44,729.21.

Moved by Buch, seconded by Vermedahl, to correct the usable acres on the lease agreement between Benton County and Tim Sage to 48 acres more or less, effective for the 2010 crop year. The rental rate per acre remains the

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

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same. This action is being taken due to the discovery that the total tillable acres have been reduced due to landfill activities over the past years. Further, a credit rent calculated on 1.5 acres for the 2009 crop year is also granted. All members voting aye thereon. Motion carried.

The engineer updated the board on the usage of the new cell at the landfill. Linn County will continue to take construction and demolition waste until the Benton County cell is able to take that type of solid waste.

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

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

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

November 9, 2010

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

Moved by Buch, seconded by Vermedahl, to set the date for a land use hearing requested by Russell and Kim Schrader for December 7, 2010, at 9:15 a.m., on a parcel located in the NW ¼ NE ¼ Sec 10-86-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 2, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to approve claims and checks numbered 125080 through 125528, and ACH deposits 9765 through 9873, for payment. All members voting aye thereon. Motion carried.

The time of 9:05 a.m. having arrived, the board proceeded with canvassing the November 2, 2010 General Election.

Moved by Vermedahl, seconded by Buch, that the write-ins for Soil and Water as follows: Virginia Moser, Virginia Mosser and Virginia Mosher are to be considered the same person and write-ins written as Hank Wehrman, Hank Wehrman and Henry Wehrman are to be considered the same person. All members voting aye thereon.

Moved by Vermedahl, seconded by Buch, that the write-ins for Leroy Township Clerk written as B. Werning and Barry Werning are to be considered the same candidate. All members voting aye thereon.

Moved by Vermedahl, seconded by Buch, that the write-ins for Iowa Township Trustee written Hank Werrman and Henry Wehrman are to be considered the same person. All members voting aye thereon.

Moved by Vermedahl, seconded by Buch, to declare the canvass of the election to be complete and the votes cast to be official. The official results are to be recorded in the office of the county auditor. Voting aye were, Vermedahl, Buch and Sanders. Nays none. Motion carried.

The results of the General Election held on November 2, 2010, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

State Representative – Dawn Pettengill

County Supervisor – Jason Sanders

County Treasurer – Kelly Geater

County Recorder – Lexa S. Speidel

County Attorney – David Thompson

The following **township trustees and clerk respectively** were elected:

Benton – Don Neve Sr. and Doug Sutton

Big Grove – Wayne Paulsen and Marlyn Jorgensen

Bruce – Benny B. Hach and Marilyn Purdy

Cedar – Michael Lutz and Larry Moody

Canton – Jon E. Sheldon and Charles H. Ries

Eden – John Holst and Garth Gardemann

Eldorado – Tim Mehlert and Joan Anders

Florence – Stewart Towe and Dale Havran

Fremont – Eldon Stueck and to fill vacancy Andy Becker and Gary Sevde

Harrison – Garth Beatty and to fill vacancy Walter Bauer and Sharon A. Bauer

Homer – Don Callahan and to fill vacancy Ben Dickerson and Randy Schirm

Iowa – Jim Sayers and Melody Lohf

Jackson – Paul M. Herger and to fill vacancy James A. Fleming and John H. Lindahl

Kane – Harold Ritscher and Angie Hagen

Leroy – John Roth and Larry Koster

Monroe – Gary Reed and Larry Karpisek

Polk – Steven Smith and Lyle D. Koutny

St. Clair – James Oberreuter and Daniel J. Schulte

Taylor – Derold Happel and Edwon G. Yedlik

Union – Kevin Nolan and to fill vacancy Donald A. Tiedemann and Dean Werner

The following persons were elected to the **Benton County Agricultural Extension**: Matt Marovec, Allison G. Hicks, Kathy Janss, Marilyn V. Gerhold, and Shannon T. Feuerbach.

The following persons were elected to the **Soil and Water Conservation**: Virginia Moser and Henry Wehrman.

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

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Marc Greenlee, Land Use Administrator, presented an application for a farm exemption to the county's land preservation ordinance requested by David Straka. The applicant wants to purchase 23.9 acres, 21 of those acres will be used for a cow calf operation and 2 acres to be used as hay ground. The applicant would like to build a personal residence and lease the pasture out. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as provided in the Benton County Agricultural Land Use Preservation Ordinance requested by David Straka to construct a personal residence on a parcel located in part of the N1/2 of the NW1/4 of 31-82-11 and the S1/2 of 30-82-11. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Veterans Affairs Quarterly Report for the period ending 9-30-10. All members voting aye thereon. Motion carried.

Jerry Petermeier, Project Coordinator, updated the board on the week's activities on the construction of the new law enforcement center. Petermeier said they were currently pouring the walls for the EOC center. Most of the services on the inside were available and the gas was to be finished this week. They hope to install the windows in the LEC the first part of December.

Moved by Vermedahl, seconded by Buch to approve the property tax credits for the 2010 Valuation year. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl to disallow an application for Disabled Veteran's Homestead Credit on parcel # 010-06100 due in part that the applicant missed the July 1, 2010 deadline. All members voting aye thereon. Motion carried.

Discussed land lease for 38.4 tillable acres of county farm ground in section 22 of Taylor Township. Also discussed action for non-payment of rent that was due November 1, 2010. Sanders agreed to send a letter to the renter. Moved by Vermedahl, seconded by Buch to set date and advertise for receiving bids in the office of the county auditor until 4:30 p.m. on December 23, 2010. Persons submitting a bid shall have the opportunity to increase said bid at a meeting of the Board of Supervisors on December 28, 2010, at 9:15 a.m. Payment of 50% to be paid by March 15, 2011 and remaining balance by November 1, 2011. All members voting aye thereon. Motion carried.

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

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

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

Hayley Rippel, Deputy Auditor

November 16, 2010

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

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption filed by Craig Walker for a parcel located in the SW ¼ of 14-86-10 located in Harrison Township. Walker is currently helping with the family farm operation consisting of row cropping, dairy, and beef. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as provided under Benton County's Agricultural Land Use Preservation Ordinance requested by Craig Walker on a parcel located in the SW1/4 of 14-86-10 to allow for a single residential purpose as the applicant is involved in a farming operation as defined in the county's ordinance, contingent upon approval by secondary roads as to an entrance. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 9, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by C and S Pork for the facility located at 5056 18<sup>th</sup> Avenue, La Porte City, Iowa. All members voting aye thereon. Motion carried.

Funeral Directors Dave Hrabak and Mike Phillips met with the Board and Mary Williams, Social Services Director, regarding final services for indigent county residents. The county has an ordinance in place that provides for funeral/burial services for qualifying Benton County residents with costs paid by Benton County. The costs that the county currently provides was established in 2005 and due to rising costs, the issue is being revisited. Williams had initially recommended that the county limit county paid services to cremation only with no burial costs. Supervisor Sanders stated that he was concerned about a contingent of people who wanted government to provide for them through the entire life and that costs needed to be controlled. Supervisor Buch stated he was concerned about the bad economy and continuing to dump on the taxpayers. Moved by Vermedahl to continue with the current payment schedule and level of services with an increase in the director's fees from \$700 to \$950 for casket burials and from \$700 to \$750 for cremation services. There was no immediate second and the chair declared the motion died. Moved by Buch to limit the services to cremation only with the funeral director fee set at \$750.00. Sanders immediately seconded said motion and called for a vote. Sanders and Buch voting aye. Vermedahl voting nay. Motion carried.

The county attorney met with the board to request an increase in his clerical staff from one to two. Supervisor Buch questioned if the part-time position would be eliminated if the staff was increased. Thompson advised no that a part-time position would still be maintained to cover vacations and sick leave only. Thompson stated he did not want to advertise to hire a part-time position at this time but that it would be drastically reduced from it was in the past. Supervisors Sanders stated that with Blumer taking part in the early retirement incentive and questioned if that was being factored into the county's budget. Thompson responded that he has figured in the extra costs for two family plans, IPERS increases, and that he will be under the current budget. Thompson stated that if the current employees applied for the position that it would be difficult to tell them they would be making less per hour even though they would be eligible for benefits. Sanders questioned if the department could hire one full-time now and see how things worked out over the next few months. Thompson stated that there was enough work for two full-time clerical persons. Thompson stated that he would not ask for a pay increase in July for the new full-time positions since the employees would technically begin January 1<sup>st</sup>. Vermedahl stated it sounded as though the part-time position was being eliminated and that he didn't have

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

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problems with that. Moved by Buch, seconded by Vermedahl, to approve the increase from one to two full-time clerical positions in the county's attorney's office. Buch and Vermedahl voting aye. Sanders voting nay. Motion carried.

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

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Windstream Communications, Inc. to place utility lines in the county's right-of-way in Harrison Township. All members voting aye thereon. Motion carried.

The engineer and the county attorney spoke about the Department of Natural Resources and the county's landfill. The county attorney suggested that the board go into closed session. Moved by Vermedahl, seconded by Buch, to go into closed session at the direction of the county attorney. All members voting aye thereon. Motion carried at 11:25 a.m.

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

The board discussed the purchase of mechanical equipment for a landfill cover that is being negotiated with Fayette County. Moved by Vermedahl, seconded by Buch, to authorize the engineer to negotiate the purchase of the roller apparatus. All members voting aye thereon. Motion carried. The goal is to have the cover operational within two months.

The board discussed the possible creation of a landfill manager position, the duties, the hierarchy structure, and the budget impact. The board agreed that there was a clear need for a management position, but made no final decisions as to the position other than it should be in place no later than July 1, 2011. The board asked the engineer to return with a plan to restructure the landfill operations, including recycling.

The engineer spoke to the board regarding labor negotiations. This discussion is exempt from open meeting laws.

The engineer spoke to the board about the need for a budget for sanitary disposal in the next several months. The auditor stated she has not been contacted about the need for budget amendments from any other departments at this time.

The board exchanged initial opening labor proposals for 2011-2012 with TEAMSTERS representing the sheriff's department employees.

The auditor requested direction on the FY12 budget relative to the information technology budget expenses. The board stated that the budget was still be maintained as in the past. The auditor questioned the status of the wellness coordinator for the county as Recorder Lexa Speidel had resigned the position. The auditor advised that she had spoken with ISAC regarding the program and that they were not willing to change their directives relative to the administration of the wellness program. The auditor stated that she would attend the meeting being conducted by ISAC regarding the program and return with any additional information. The auditor also spoke about the next employee meeting, which is set for December 17<sup>th</sup>.

The board toured the law enforcement center to observe construction progress.

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

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

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

November 23, 2010

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

Moved by Buch, seconded by Vermedahl, to approve checks numbered 125529 through 125780, and ACH deposits numbered 9874 through 9980, for payment. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve a Class B Liquor License for Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve vacation carry-over as follows: Roger Witt – 10 days; Hayley Rippel – 48 hours. Said carry-over is to be used no later than February 1, 2011. All members voting aye thereon. Motion carried.

The board received a brief update on Genesis Development. The organization has moved its office to a location near downtown.

Todd McNall of Design Dynamics presented a change order for the law enforcement center, which would elevate that transformer. Kleiman, the contractor, presented an estimated cost of \$11,116.06 to perform the work. The electrical engineer for the project, as well as the Vinton Municipal Electric had stated that the elevation was not necessary. Moved by Vermedahl, seconded by Buch, to reject a change order for the law enforcement facility, which would elevate the transformer. All members voting aye thereon. Motion carried.

McNall requested approval of prior change orders for the law enforcement center that had been presented to the board, but were awaiting approval from FEMA. Moved by Vermedahl, seconded by Buch, to formally approve the following change orders to the law enforcement construction project:

Change Order #4 – additional work associated with debris and poor soils; revise shower handles - \$2,315.47

Change Order #5 – electric and control changes - \$8,476.29

Change Order #6 – additional costs for work and materials due to unsuitable soils - \$8,105.75

All members voting aye thereon. Motion carried.

Dean Studer met with the board to discuss the design of the law enforcement facility's north ramp. Studer stated that the wall that has been constructed inhibits large vehicles from parking in two of his nine parking spaces and requested that the ramp be redesigned and the current wall removed. The board discussed various possibilities to address Studer's concern, including lowering the wall so that vehicles backing out of Studer's parking lot would go up over



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

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the wall, redesigning the ramp, as well as leaving it as designed. Studer questioned why the ramp was designed the way it is as it is not the same as the original facility. McNall responded that it was designed that way so as to eliminate the driveway going onto state property. Vermedahl suggested that the footings, which had not been poured, be halted until the matter could be researched. Supervisor Buch stated that too much money had been invested at this time to straighten the drive as Studer requested. Buch agreed to consider the costs of straightening the driveway and eliminate the wall, but he believes the costs would be too significant and that the county should concentrate on just lowering the wall. McNall was to prepare an estimate of the costs to remove the constructed wall and straighten the driveway/ramp.

Jerry Petermeier updated the board on other progress on the law enforcement center. Petermeier reported that roof work had been completed and that the windows would arrive on December 1<sup>st</sup>.

Moved by Vermedahl, seconded by Buch, to approve the following utility permits to place utility lines in the county's right-of-way:

Alliant Energy – Iowa Township along 78<sup>th</sup> Street Trail  
ITC Midwest – Kane, Union, Eldorado, and Fremont Townships  
All members voting aye thereon. Motion carried.

Gary Wandling spoke to the board about maintenance of the secondary road in front of his residence. Wandling lives on a road that is subject to a maintenance agreement between Benton County and Iowa County. Wandling stated that Iowa County had not responded to his concern that they had graded his dust control strip when it wasn't needed. County Engineer Parizek advised that he had spoken with the Iowa County engineer and that the matter had been addressed and that it was a misunderstanding between the Iowa County engineer and his maintainer operator.

Steve Bateman of ERBs updated the board on meetings held with the various departments that are on the courthouse computer system. The county has contracted with ERBs to provide IT services as the staff in that department has or will be retiring by the end of the calendar year. Bateman told the board that his company had collected information on client devices and confirmed that information with Roger Witt. That ERBs personnel had met with all department heads and asked about issues and concerns about the upcoming change and that all departments were willing to work with the new IT arrangement. Bateman explained what the plans were for the month of December as ERBs prepared to take over the IT management on January 1<sup>st</sup>. Bateman stated that ERBs would meet initially with departments on a monthly or quarterly basis and continue to determine the future needs of the county. That they would be working on third party application support and where they reside on the system.

It was determined that the matter of approving a fireworks permit for Chris Herr was not subject to the county's authority as the display was to be held within the city limits of Norway.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-66, TRANSFER OF FUNDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-66 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$108.02 be transferred from General Basic to the CDBG fund.

Dated this 23<sup>rd</sup> day of November 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

ATTEST:

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Jill Marlow, Benton County Auditor

The auditor updated the board on ISAC's wellness program and upcoming changes. Marlow stated that it would be necessary for the county be active in its wellness program if it wanted to receive the incentives being offered.

Sheriff Forsyth met with the board about replacing two squad cars that had sustained significant damage from deer collisions. Forsyth stated that both cars were scheduled for replacement during the current fiscal year – one in the fall and one in the spring. Forsyth requested authorization to collect the insurance money instead of repairing the cars and to proceed with the replacement of the two vehicles. The board stated that the immediate replacement of the vehicles would be the appropriate action. Forsyth questioned if he would have to go out for bid or if he could just use the State bid, but added that the state bid for 2010 and 2011 Impalas was identical and that there was only one 2010 Impala still in stock. The board advised that Forsyth could purchase the 2010 now and bid out for the other car, in addition to the other scheduled replacements. Forsyth stated that the state bid for the Impalas was \$19,166 base, but would prefer to purchase SUVs for his department. The state base bid for a Tahoe is \$24,200 for a 2 wheel-drive unit and \$27,500 for a 4-wheel drive unit. Sanders stated that a Tahoe would have to be modified for the canine units and that new equipment would have to be purchased whereas the current equipment could just be transferred from one vehicle to the other. The board was hesitant in supporting the idea of switching from cars to SUVs. Forsyth advised that he would get quotes for SUVs as well. The date for accepting bids is December 21, 2010, at 9:15 a.m.

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

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Jason Sanders, Chairman

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

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

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November 30, 2010

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

Mike Beumer presented the annual weed commissioner's report for 2010. Moved by Buch, seconded by Vermedahl, to approve the 2010 weed commissioner's Report. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve the minutes of November 16, 2010. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Rick Selk for the facility located at 1252 65<sup>th</sup> Street, Dysart, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve six days of vacation carry-over requested by Marc Greenlee. Said carry-over is to be used by March 1, 2011. All members voting aye thereon. Motion carried.

Moved by, seconded by, to adopt Resolution #10-67, Amending FY10 Budget Within Service Area. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-67**

### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2011 budget on March 9, 2010; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2011 county budget is hereby amended within the following service areas: Service Area 0 (01000 and 01100 activities). The auditor is directed and authorized to amend said service area as needed.

Dated this 30th day of November 2010.

BENTON COUNTY BOARD OF SUPERVISORS

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

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

Jill Marlow, Auditor

Moved by Buch, seconded by Vermedahl, to adopt Resolution #10-68, TRANSFER FUNDS. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-68 TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Benton County Board of Supervisors that \$125,000.00 be transferred from General Basic to the Capital Projects fund.

Dated this 30th day of November 2010.

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Jason Sanders, Chairman

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Ronald R. Buch

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David Vermedahl

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

Jill Marlow, Benton County Auditor

The Board met with representatives of the libraries within Benton County. A contract for library services was presented to the board regarding library services to the residents located in the unincorporated areas of the county. The contract was reviewed in depth with various concerns relative to future funding, formulations, and use requirements being stated. Those in attendance agreed to rework the proposed contract to address some of the concerns presented and return to the board.

Mary Williams, Social Services Director, requested approval to hire Patricia Lynch as a part-time clerk in her office. The board had previously authorized Williams to fill the position. Moved by Vermedahl, seconded by Buch, to approve the hire of Patricia Lynch, as a part-time clerk in the Social Services department, effective December 13, 2010, at a wage of \$10.55 per hour. All members voting aye thereon. Motion carried.

Williams spoke to the board about the snow removal in front of the Governor Sherman building and Department of Human Services building. McDowell's provided the service last year and Williams wanted clarification that the county can continue with McDowell's for the service. The board clarified that it was their understanding the McDowell's would continue until notified otherwise.

Myron Parizek, County Engineer, updated the board on the landfill. Parizek stated that the county had obtained the tarp roller from Fayette County.

Myron Parizek, Benton County Engineer, met with the board to discuss and set the price for sand and salt mixtures for the 2010/2011-winter season. Moved by Buch, seconded by Vermedahl, to set the cost of salt/sand mixtures at \$28/ton to local government entities and \$32/ton for non-government entities for the 2010/2011-winter season, which is the same rate set for the prior year. All members voting aye thereon. Motion carried.

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

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Jerry Petermeier updated the board on the law enforcement center construction. The county engineer questioned if the stone at the secondary road shop was no longer needed. Petermeier stated he would have the contractor clean the area up. Petermeier advised that he spoke with Design Dynamics regarding the possible change to the west sallyport drive. Petermeier suggested that the curb and gutter be removed and that the water be channeled to the street; that additional concrete be added to the proposed 5" concrete going into the sallyport; paving between the buildings; and various other issues. Sanders questioned Design Dynamic's suggestion that the sidewalk entrance be heated with electric heating instead of hot water generated through the geothermal system. Petermeier stated that he was told the tank wasn't large enough to handle the additional heating. Sanders asked what the cost would be to increase the size of the tank as electric heating would be costly over the years. Petermeier indicated that he would research the matter. Sanders commented that it appeared that the architect immediately addressed proposed changes to the project submitted by the contractor; however changes requested by the supervisors seemed to be ignored.

Representative of the 6<sup>th</sup> District Juvenile Probation office met with the board regarding office space for the juvenile probation officer. Candace Bennett, Chief Juvenile Probation Officer, told the board about the upcoming retirement of Dean Beckman and that Sam Moen would like to occupy the office in the courthouse. The board advised that initially they were looking at placing another department in the office as they thought the juvenile probation officer would no longer be operating out of the courthouse; however if the probation officer is going to continue to operate out of Benton County then the office can continue to be occupied by juvenile probation.

Ron Donald, Mayor of Van Horne, spoke to the board about the issue of animals running at large. Donald stated that they had a animal running at large in Van Horne and that they had contained the animal and wanted to take it to the animal shelter. The city was told that only the animal control officer can take animals to the shelter. The board advised that the county owns the facility but the service is managed through the City of Vinton. The money contributed towards animal control by the county is from the rural services fund and is only available for animals in the unincorporated area of the county. The board suggested that the cities contact the City of Vinton about figuring out a way to take the animals to the shelter.

Representatives of the City of Atkins met with the board to request additional support for a new Atkins community center. The board had agreed to provide \$5000 at \$1000 per year over a five-year period on March 9, 2010. Dick Lange, Atkins City Clerk, presented information on the status of the project. Lange advised that the committee has been actively doing fundraising and applying for grants. They have met with the Vision Iowa for a \$400,000 grant. Vision Iowa has recommended that the group try to obtain additional support from the county. The county had committed \$2000 per year for a ten year to Belle Plaine if they were successful in obtaining a CAT grant for the downtown streetscape project; however they were unsuccessful. Sanders stated that he was concerned about setting precedent if the county were to commit more money to Atkins. Moved by Vermedahl, seconded by Buch, to amend the original commitment to \$1000 per year over a ten-year period for the Atkins community center project contingent upon the project receiving the Community Attraction & Tourism (CAT) grant. Vermedahl and Buch voting aye. Sanders voting nay. Motion carried.

Jerry Michael, Chief of Police for Urbana, met with the Board regarding the law enforcement contract between Benton County and Urbana. Michael stated that the previous department in Urbana did not work and was abolished. Urbana then contracted on a temporary basis with Benton County; however Urbana failed to budget for a police department in the current fiscal year. Michael stated that the department has hired four part-time reserve officers have been hired; however there are no guarantees that the new direction of Urbana will work. Urbana currently has funds to pay for part-time coverage but not full-time coverage. Michael stated that Sheriff Forsyth has agreed to respond to calls and billed to Urbana on a per-call basis or entering into a contract for so many hours of coverage per month to be used on an on-call basis. Supervisor Buch questioned what the cost per call would be. Forsyth stated that he has calculated his costs to be about \$41.00 per hour; however the contracts with the cities are based on a \$21.00 per hour cost. Discussion on the various options for providing law enforcement coverage to Urbana was held, with a motion being made by Vermedahl, and seconded by Buch, to extend the current contract until June 30, 2011, to provide 10 hours per week of coverage at \$21.00 per hour, with a review of the situation on February 1, 2011. All members voting aye thereon. Motion carried.

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

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

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

December 7, 2010

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 23 and 30, 2010. Vermedahl noted that the November 23<sup>rd</sup> minutes reflected that he was chairman. The auditor's final copy of the minutes had been corrected to read that the chairman was Jason Sanders. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Cedar Valley Farms LLC for the facility located at 2188 78<sup>th</sup> St, Blainstown, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by C and S Pork LLC for the facility located at NW ¼ NW ¼ Sec 4-86-11 in Benton County Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve 52 hours of vacation carry-over requested by Elaine Bolton. Said carry-over is to be used by March 1, 2011. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve checks numbered 125782 through 125996, and ACH deposits numbered 9981 through 10089, for payment. All members voting aye thereon. Motion carried.

Board acknowledged the Benton County landfill's bank balance as of November 30, 2010 was \$47,126.40.

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

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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 Russell and Kim Schrader, 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 single residential use. The ground is partially located in the Wolf Creek flood plain; however the building site would not be located in the flood plain. Schrader's plan to build the basement level higher than the water has ever been to prevent any flooding that could happen in the future. Benton County would have to issue a flood permit and monitor the pond located on the property. There is rural water eliminating the need for a well and there is no problems anticipated with a septic system. Moved by Buch, seconded by Vermedahl, to approve the request for a land use change from agricultural to non-agricultural on approximately two acres for a residential purpose on a parcel generally described as being a part of NW ¼ of the NW ¼ of Section 10-86-12. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption filed by Mike and Lisa Lala for a parcel located in the NW ¼ of the SE 1/4 of Section 2-85-10 in Harrison Township. Lala's are currently a farm operation consisting of row cropping, hay, and beef. Moved by Vermedahl, seconded by Buch, to approve a farm exemption as provided under Benton County's Agricultural Land Use Preservation Ordinance requested by Mike and Lisa Lala on a parcel located in the NW ¼ of the SE 1/4 of Section 2-85-10 to allow for a single residential purpose as the applicant is involved in a farming operation as defined in the county's ordinance. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, who was not on the agenda, wanted to inform the board that one of the two vans from the stimulus money was received. The new van is replacing a 1996 16-passenger van. They are continuing working with Route Match contract for the new update. The new TMS program is currently imposing 3 times the workload; Halstead said she would like to talk with the Board in a couple more months to determine cost savings and workload.

Moved by Buch, seconded by Vermedahl, to approve letter to courthouse departments affected by IT change.

Mary Halstead requested Mary McLaughlin's old desk and 2 chairs from the IT department when Roger Witt retires. Board did not know of anyone else who wanted any of the furniture in the IT department.

Moved by Vermedahl, seconded by Buch, to approve the hire of Justin Birker as a full-time courthouse maintenance employee, effective December 20<sup>th</sup>, 2010, at a wage of \$13.00 an hour. All members voting aye thereon. Motion carried.

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

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Jason Sanders, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Elections Clerk

December 14, 2010

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Sanders called the meeting to order at 9:04 a.m.

Moved by Buch, seconded by Vermedahl, to approve the minutes of December 7, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the annual manure management plan filed by Daren Rinderknecht for the facility located at 2385 70<sup>th</sup> St, Van Horne, Iowa. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

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Steve Meyer met with the board regarding the adoption of Benton County Multi Jurisdictional Hazard Mitigation Plan. Meyer stated that every city within Benton County has signed up for the Mitigation Plan. The plan is not a response plan; the plan is designed to lessen the disaster. The plan is good for 5 years. Moved by Vermedahl, seconded by Buch to adopt Resolution #10-69, Adopting the Benton County Multi-Jurisdictional Hazard Mitigation Plan. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-69**

### **ADOPTING THE BENTON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**Whereas**, the County of Benton recognizes the threat that natural hazards pose to people and property within our community; and

**Whereas**, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**Whereas**, the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards; and

**Whereas**, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

**Whereas**, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

**Whereas**, the County of Benton desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Benton County Multi-Hazard Mitigation Plan; and

**Whereas**, adoption by the governing body for the County of Benton demonstrates the jurisdictions’ commitment to fulfilling the mitigation goals and objectives outlined in this Multi-Hazard Mitigation Plan.

**Whereas**, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan;

**Now, therefore, be it resolved**, that the County of Benton adopts the “Benton County Multi-Hazard Mitigation Plan” as an official plan; and **Be it further resolved**, the County of Benton will submit this Adoption Resolution to the Iowa Homeland Security Emergency Management Division and Federal Emergency Management Agency Region VII officials to enable the plan’s final approval.

Dated this 14<sup>th</sup> day of December 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

\_\_\_\_\_  
Gina Edler, Elections Clerk  
Jill Marlow, Benton County Auditor

Supervisor Buch discussed with the board the Dogcatcher for Benton County, Garrett Wittmer, is having issues coming up with the \$800.00 he has to pay for insurance. Wittmer asked Buch if it was possible for his rates to be lowered in order for the County to pay for the insurance. Supervisor Vermedahl stated he would not want to comment due to a conflict of interest. No further action was taken.

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

254

Mary Williams, Social Services director presented updated changes to general assistance and burial services that were discussed during the November 16<sup>th</sup>, 2010 meeting. Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-70 AMENDING RESOLUTION #05-42 GENERAL ASSISTANCE; RESCINDING RESOLUTION #05-43 BURIAL PRICE LIST AND ADOPTING RESOLUTION #10-71 BURIAL PRICE LIST IN LIEU OF RESOLUTION #05-43. Voting aye were Sanders and Buch voting aye. Vermedahl voting nay. Motion carried.

## **Resolution #10-70**

### **AMENDING RESOLUTION #05-42**

#### **GENERAL ASSISTANCE; RESCINDING RESOLUTION #05-43 BURIAL PRICE LIST AND ADOPTING RESOLUTION #10-71 BURIAL PRICE LIST IN LIEU OF RESOLUTION #05-43**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #05-42 on October 11, 2005, setting forth policies and procedures for general assistance; and

**WHEREAS, the Board of Supervisors desires to make changes to said resolution to clarify, modify, and/or change provisions in said policies and procedures; AND**

**WHEREAS, the Board of Supervisors desires to rescind Resolution #05-43 setting prices for burials adopted on October 11, 2005, which is a part of the General Assistance policies and procedures by being incorporated into Appendix A, and place in lieu thereof Resolution #10-, Burial Price List,**

**NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #05-42, adopted on October 11, 2005, is hereby amended as follows:**

#### **Section I – General Provisions**

##### **B. DEFINITIONS:**

14. Resources: The value of all real and personal property of the applicant including assets from any source which includes but is not limited to items such as cash, checking and savings accounts, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and art work. Exempt items include clothing, wedding rings, necessary and usual household furnishings, tools and similar equipment used for home and family maintenance or support, one vehicle for each legally licensed driver 18 years of age or older, and principle place of residence with an assessed value not to exceed ~~\$50,000.00~~ \$70,000.00.

#### **Section V – DISBURSEMENT OF GENERAL ASSISTANCE**

If applicant is determined eligible, the Director shall approve disbursement of any General Assistance granted according to the following categories of need.

##### **A. RENT:**

5. Rent verification form must be completed by the landlord, ~~must be submitted with application.~~
9. Cable, internet, and cell phone (unless cell phone is primary telephone service) are considered non-essential services and are ineligible for assistance. If applicant is eligible for assistance, amounts paid for the non-essential services will be deducted from the amount of assistance approved for basic needs.

##### **C. FOOD:**

1. Requests for food assistance may be granted by referral to Benton County Food Pantry in Vinton and Belle Plaine, and, in accordance with their agency rules. ~~Income and resources are not considered, however, assistance is not ongoing and should be accessed no more than once every three (3) months unless an unusual circumstance for the Applicant has been determined by the Department.~~ Applicant must provide referral form from the Department of Human Services that they are receiving, or, are in the process of applying for the Food Assistance Program.

##### **F. BURIAL- CREMATION**

Benton County may contribute toward the expense of ~~funerals~~ cremation when the deceased person's estate does not have funds to pay for these expenses, and, only for the merchandise and services listed. If more expensive merchandise or additional services are desired and the Funeral Director charges for them, Benton County will be relieved of any and all obligations for payment; thereby making the expenses the sole responsibility of those making funeral arrangements.

Benton County may pay the wholesale cost for the required merchandise used for the ~~final disposition~~ cremation of eligible clients. The costs will be provided by the County Funeral Directors to the Department prior to ~~December~~ January 1<sup>st</sup> each year. See Appendix A for annual update.

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

255

Eligible merchandise or services as follows:

- ~~1. Least expensive casket including oversized, adult or infant size casket.~~
  - ~~2. Least expensive outer burial receptacle when and where required by cemetery regulations.~~
  - ~~3. Ziegler Case when circumstances require its use.~~
  - ~~4. Alternative cremation container when used.~~
  5. 1. Benton County may pay the Funeral Director an amount to be agreed upon by the Board of Supervisors and the funeral director in lieu of actual overhead cost for the following: preparation and/or ~~embalming for cremation only~~; use of staff, equipment and facilities; and, removal and transportation within forty miles.
  - ~~6. Removal and transportation in excess of forty miles at 50 cents/mile up to a maximum of \$100.00.~~
  7. 2. Crematory charge when applicable expense, cremation tray, sheet bronze urn
  8. 3. Medical examiner's fee for cremation permit.
  9. 4. Minister stipend at Funeral Directors request when family or friends cannot provide this courtesy.
  10. 5. Benton County may pay directly to the grave digger or Cemetery Association the cost of the grave opening and closing up to \$225.00. Family must pay opening and closing costs in excess of \$225.00.
- 4- 6. Indigent Patient cemetery lots may be provided at several Benton County cemeteries. Family may provide for a lot at other locations, but such lots will be at family's expense.

Any money received by the Funeral Director from the deceased's assets, from pre-arrangement trusts, Governmental benefits or from family or friends shall be deducted from the above expenses. Any money received by the Funeral Director after ~~he has~~ they have received payment from Benton County shall be reimbursed to Benton County in an amount not to exceed the amount paid by Benton County to the funeral home.

All other portions of the original Resolution #05-43 remain in full force and effect.

BE IT FURTHER RESOLVED that Resolution #05-43 adopted on October 5, 2005 and incorporated into Appendix A of the General Assistance Policies and Procedures is hereby rescinded in its entirety, and in lieu thereof it is resolved that Resolution #10-71 is hereby adopted, and is incorporated into said Appendix A:

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

256

**Resolution #10-71**  
**Benton County General Assistance**  
**Price List Effective 1-1-11**  
**Cremation Service**

Crematory Expense	\$250.00	
Cremation Tray	30.00	
Sheet Bronze Urn	50.00	
Medical Examiners Permit	75.00	
Grave Opening @ cost, not to exceed	225.00	Family must pay opening charges above \$225.00
Minister Stipend (if used)	25.00	
Funeral Home Director's Fee	<u>750.00</u>	
<b>Totals:</b>		
<b>With Cemetery Burial</b>	<b>\$1,405.00</b>	
<b>Without Cemetery Burial</b>	<b>\$1,180.00</b>	

Dated this 14th day of December 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

\_\_\_\_\_  
Gina Edler, Clerk

Williams also discussed the rates for the Cedar Valley Ranch. The rate for next fiscal year will be \$79.70, up from \$68.73 for last fiscal year. Williams asked the board if they knew why there was a change. Williams asked the board if she was able to negotiate with the Ranch about the rates. The board was concerned if they negotiated for a lower rate then they wouldn't get a rebate check back. No action was taken.

Ann Jorgenson presented the first annual report of the (IVRM) committee to the Board of Supervisors. Moved by Vermedahl, seconded by Buch to accept and file the IRVM annual report for calendar year 2010. All members voting aye thereon. Motion carried.

Jorgenson stated the committee has three positions where their terms are up at the end of this year. Stephanie Black, Becky Van Wey and Myron Parizek. Black and Van Wey resigned their positions. Jorgenson questioned whether Karen Phelps could be considered for an appointment even though she is not a Benton County resident. There is nothing stating that a non-county resident can be appointed for the board but since she is a Benton County employee she would have to be compensated for her time on the board. Supervisor Vermedahl stated he did not see it as a huge problem, the board only meets 4 times a year and on those times instead of coming in at 8:30 she could come in at 10. Applications for vacancies are being opened on December 28th. No action was taken.

Myron Parizek, Engineer, presented weed chemical quotes for the 2011 season: Van Diest - \$70,052.60 and Crop Production - \$71,646.50. The County would be able to save \$232.00 if they bought Milestone from Crop Production and the rest from Van Diest. Moved by Vermedahl, seconded by Buch, to award the weed chemical quote for 2011 season to Van Diest. Supervisor Buch asked if they could substitute Forefront for Milestone to save the county more money. Vermedahl withdrew his motion. Board will re-evaluate after Parizek receives quotes with the substitution of Forefront for Milestone.

Parizek also discussed the landfill per capita rate and gate fees. Census numbers are going to come out too late to help estimate the revenue. Parizek stated that a gate fee would be helpful if Fiberight's operation is going to be available. Parizek suggested \$2.00 across the board increase for per capita with an additional \$27,000.00 in spending authority. Vermedahl suggested that the county continue the current method of billing and that Parizek develop new gate fees and how to administer it through the cities. No action was taken.

Todd McNall, architect for law enforcement center, presented Change orders 7, 8 and 9 to the current construction contract with Kleiman Construction. Change order #7 was for telephone drops at a cost of \$2,595.86. Change order #8 was for fire alarm, light/heater, insulation/stoop and toilet pins for a cost of \$4,858.94. Change order #9 was for gas regulator and roof leader for \$6,522.65, which was previously approved by the board and approved by FEMA. FEMA denied approval on change order for the generator-associated modifications. McNall is currently working with Scott Hansen, EMA Director, to get that change order paid through the emergency operations grant. Moved by Vermedahl, seconded by Buch, to approve Change order #7 to the contract with Kleiman Construction in the amount of \$2,595.86 for telephone drops. Additionally to approve Change order #8 to the contract with Kleiman Construction in the amount of \$4,858.94 for fire alarm, light/heater, insulation/stoop and toilet pins. All members voting aye thereon. Motion carried



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

257

The board toured the law enforcement center to observe construction progress. Vermedahl left the meeting during the tour.

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

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

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

Gina Edler, Elections Clerk

December 21, 2010

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

Moved by Vermedahl, seconded by Buch, to approve checks numbered 125997 through 126286, replacement check numbered 126287, and ACH deposits numbered 10090 through 10196, for payment. All members voting aye thereon. Motion carried.

Sheriff Forsyth presented quotes to the board for the purchase of six patrol vehicles. The delivery is to be three vehicles immediately and three vehicles in late spring 2011. The sheriff had requested quotes for both 2 wheel-drive and 4 wheel-drive vehicles and received them as follows:

(Cars were quoted as front wheel drive (WD) or rear wheel drive. SUV's were quoted as 2 wheel drive (2WD) and four-wheel drive (4WD).)

State bid:

Base price (may not be all specifications requested):

Front WD – Chevrolet Impala – Karl Chevrolet (Ankeny) - \$19,166

Rear WD – Ford Crown Victoria – Stivers Ford (Des Moines) - \$22,041 (base)

SUV 2WD – Chevy Tahoe – Karl Chevrolet (Ankeny) - \$24,204

SUV – 4WD – Chevy Tahoe – Karl Chevrolet - \$27,485

4WD - SUV Ford Expedition – Charles Gabus Ford (Des Moines) – \$29,856.36

2WD – SUV Ford Expedition – Charles Gabus Ford (Des Moines) – \$24,772.36

The following quotes meet the requested specification of extra keys, spot light, front bumper, floor mats, full body undercoating, and slip differential:

Stivers Ford – rear WD – Crown Victoria - \$22,840.00 – meets all specifications

Junge Automotive Group - Ford Crown Victoria rear WD – \$22,990.00 with full body undercoating – slip differential

Junge Automotive Group – Dodge Charger police package (rear axle ratio did not meet specs or wiring circuit not available) - \$25,499.00

Grovert Chevrolet (Newhall) - Chevrolet Impala - \$23,191 only for vehicles delivered now – rebid for June delivery

Grovert Chevrolet (Newhall) – Chevrolet Tahoe 2WD – \$27,819 – add \$160 for undercoating

Grovert Chevrolet (Newhall) – Chevrolet Tahoe 4WD – \$31,319 – add \$160 for undercoating

Greider Motors (Belle Plaine) – Chevrolet Caprice - \$31,420

Greider Motors (Belle Plaine) – Chevrolet Impala - \$22,550.

Greider Motors (Belle Plaine) – Chevrolet Tahoe – 4WD – \$30,450

Karl Chevrolet – Ankeny - Chevrolet Caprice - \$27,173

Karl Chevrolet – Chevrolet Tahoe 2WD - \$26,562

Karl Chevrolet – Chevrolet Impala - \$20,783

Karl Chevrolet – Chevrolet Tahoe 4WD – \$29,968

Karl Chevrolet - Chevrolet Impala – \$20,593 (in stock)

Karl Chevrolet - Chevrolet Impala – \$21,335 (in stock with different options)

Karl Chevrolet - Chevrolet Tahoe 2WD - \$25,960 (in stock)

Karl Chevrolet – Chevrolet Tahoe 4WD - \$28,723 (on order for dealership)

The board discussed the advantages and disadvantages of using SUVs, including cost, mileage rates, resale, versatility, etc. Supervisor Vermedahl stated that a 2 wheel-drive SUV would not have a low trade-in value compared to a 4 wheel-drive SUV and therefore would recommend the four wheel-drive IF the board decided to purchase SUVs. Sheriff Forsyth stated that he would prefer an SUV for the canine unit

Moved by Buch, seconded by Vermedahl, to purchase one 2 wheel-drive Chevrolet Tahoe at \$25,960 from Karl Chevrolet and five Chevrolet Impalas at \$20,593 each from Karl Chevrolet. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the sheriff to enter into a renewal of the annual maintenance contract with MorphoTrak for the finger print machine at a price of \$2,042.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a tower space sharing agreement between Benton County and Shellsburg Telecommunications allowing the placement of equipment owned by Shellsburg Telecommunications on the county communications tower in exchange for free internet services for the sheriff's department. All members voting aye thereon. Motion carried.

The sheriff requested approval to change cellular phone plans. The matter was placed on the next agenda.

The engineer recommended per capita rates be set for FY12 for sanitary disposal fees. Moved by Vermedahl, seconded by Buch, to set the FY12 per capita rates as follows:

City: \$24.00

Rural: \$29.00

The rates reflect a \$2.00 per capita increase. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to direct the chair to sign the final work voucher for the HMA resurfacing project on D65, project number ESFM-CO06(78)—5S-06. All members voting aye thereon. Motion carried.

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

258

The engineer recommended that the county contract for the 2011 weed spray program as follows:

Crop Production: \$37,050.00 for Milestone VM

VanDist: \$33,769.90 for Patron 170, Glyphosate P10, and Guardian

Moved by Vermedahl, seconded by Buch, to follow the engineer's recommendation and award the chemical quotes to Crop Production for \$37,050 and VanDist for \$33,769.90 as stated previously. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to approve 7.5 hours of vacation carry-over requested by Barbara Greenlee. Said carry-over is to be used on or before... All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Christensen Farms located at 5602 20<sup>th</sup> Avenue, Vinton. All members voting aye thereon. Motion carried.

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

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

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

Jill Marlow, Benton County Auditor

December 28, 2010

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

Supervisor Sanders arrived at 9:05 a.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of December 14, 2010 and December 21, 2010. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time to open bids for rental of farm ground in Taylor Township (county home ground), the board proceeded with opening bids. There were ten bids received. After opening the bids – persons present were given the opportunity to raise bids submitted.

Nick and Ryan Rich - \$266 acre

Kyle Schminke - \$230 acre

Dustin Edler - \$180 acre

Wade Hopper - \$165 acre

Robert McNeil - \$14,696 for 38.4 acres (\$382.71 per acre)

Mitch Schminke - \$207 per acre

Justin Cue - \$210 acre

Wayne Siela - \$11,136.00 per year (\$290 per acre)

Adam & Brian Happel - \$220 per acre

Jim Fix - \$180 per acre

The board determined that the bid of Robert McNeil would not be considered due to past performance and payment. Therefore the next highest bid was \$290 submitted by Wayne Siela, payable 50% in March and 50% in November. The board then asked if anyone would like to raise the bid they submitted. Ryan Rich was contacted by telephone as they were out-of-state and could not attend the meeting and had made prior arrangements to participate via telephone. Ryan Schminke submitted a new bid of \$295. Jim Fix raised the bid to \$300 per acre. Hearing no other bids, it was moved by Buch, seconded by Vermedahl to award the lease to Jim Fix in the amount of \$300 per acre. The auditor is asked to draft a lease agreement for signature by the parties. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-72, Amending Resolution #10-58. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

## **RESOLUTION #10-72**

### **AMENDING RESOLUTION #10-58**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #10-58 on September 7, 2010, setting forth an early retirement health insurance incentive, and

WHEREAS, an error was contained in paragraph 9 wherein the reference to paragraph 5 should state "paragraph 7" and the board desires to correct said error,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #10-58, BENTON COUNTY EARLY RETIREMENT INCENTIVE, is hereby amended to reflect a correction to paragraph 9 as follows:

9. Retiring employees who desire a family plan may purchase it from the County. The retiring employee is responsible for 100 percent of the additional premiums for a family plan that is above the amount set forth in paragraph 7. Employees electing family plan coverage must provide payment of the additional premium to the auditor's office no later than the 25<sup>th</sup> of each month. The first payment is due by the 25<sup>th</sup> day of the month preceding the retirement date. Failure to pay the premium by the date required will result in immediate termination of coverage. Coverage terminated under this paragraph shall not be reinstated.

All other parts of Resolution #10-58, as adopted on September 7, 2010, remain in full force and effect.

Dated this 28<sup>th</sup> day of December 2010.

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

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

\_\_\_\_\_  
David Vermedahl

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

Jill Marlow, Benton County Auditor

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

259

Moved by Buch, seconded by Vermedahl, to authorize the sheriff to enter into a new cellular telephone contract with US Cellular providing for five data plans. All members voting aye thereon. Motion carried.

The auditor spoke briefly about the cancellation of phone service and various subscriptions in the current information technology office. Effective January 1<sup>st</sup> the office will no longer be staffed. The board recommended that two of the three phone lines are terminated and that various subscriptions be allowed to expire. The outsourcing of the IT functions is on a trial basis and until it can be determined the final status of the department some office services and equipment should remain.

The county attorney presented an Administrative Consent Order between the Iowa Department of Natural Resources and Benton County Sanitary Landfill, Permit no. 06-SDP-02-81P. The consent order provides that a \$10,000 fine be imposed against the Benton County with the agreement that the \$10,000 is paid to Benton County Conservation for use in supplemental environmental projects. Moved by Vermedahl, seconded by Buch, that Benton County agree to the consent order as presented and to direct the auditor to draft a check in the amount of \$10,000.00 payable from the Sanitary Disposal Fund to the Benton County Environmental Projects fund. All members voting aye thereon. Motion carried.

The county attorney requested approval to hire two full-time employees to provide clerical services in his office. Moved by, seconded by, to approve the hire of Debra Fleming as a full-time administrative assistant, effective December 28, 2010, at a wage of \$15.75 per hour. Further to approve the hire of Jo Kuennen as a full-time administrative assistant, effective December 28, 2010, at a wage of \$15.25 per hour. All members voting aye thereon. Motion carried. The auditor questioned if there were issues that the names were not listed on the agenda. The county attorney stated it was not a defect and that he contacted the attorney general's office as well and they were of the same opinion. He county attorney also requested that the individuals be given a pro-rated credit towards their vacation and that they not be required to abide with the current county vacation policy, which requires one year of full-time employment prior to earning any paid vacation time. He requested that Deb Fleming be allowed two weeks of paid vacation immediately upon hire, as well as Jo Kuennen due to their current part-time service. The attorney advised that approximately 42 persons applied and he interviewed 9 persons. Supervisor Vermedahl questioned if other part-time persons were given vacation when they went full-time. Treasurer Geater stated that her employees were denied any special vacation considerations when they went from part-time to full-time status. Sanders questioned the starting salary of the new hires when compared to other full-time staff in other county offices. The board also questioned the need for part-time help. The county attorney stated that he is going to "try this out" for a few months before deciding on the part-time position. However, the attorney added that the part-time position, if filled, would only cover vacations and sick leave situations. The attorney stated that the county used to have a part-time person that was utilized by several offices to cover vacations, etc. The auditor clarified that it was her understanding that as far as county employment Mary Ann Blumer would no longer be considered a county employee in any capacity. Thompson and Blumer agreed with the auditor's understanding. Moved by Vermedahl, seconded by Buch, to approve the hire of Jo Kuennen and Debra Fleming as full-time administrative assistants in the county attorney's office at \$15.25 per hour and \$15.75 per hour, respectively, effective this date. Any change to current vacation policy will need to be determined at a later date through revisions, if any, to the overall county policy manual. Vermedahl and Buch voting aye thereon. Sanders voting nay stating he was concerned about the starting salaries. Motion carried. The county attorney stated that he opposed Sanders' position on the salaries stating that other similar positions in other companies that paid much more.

Steve Bateman and Pat Riehle of ERBs provided an update on the county's information technology management. Bateman spoke about the current status of ERBs' services and that budget requirements for next year are being developed.

Moved by Vermedahl, seconded by Buch, to designate the official newspapers for Benton County for 2011 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #10-73, Authorizing Auditor to Issue Checks in 2011. Voting aye were Sanders, Buch and Vermedahl. Nays none. Motion carried.

## **RESOLUTION #10-73**

**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 28th day of December 2010.

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

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

\_\_\_\_\_  
David Vermedahl

ATTEST:

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

The board began the appointments for 2011 and beyond. The auditor advised that an ad had been run in the county's official newspapers in November seeking applicants and presented those applications received to the board for consideration.

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

Moved by Vermedahl, seconded by Buch, to appoint Dave Coulter, Marty Junge, Dawn Lundvall, Michael Wood, and Elize Healzer to the Benton Development Group for one-year terms. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “L-L”**

260

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

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

Moved by Buch, 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**

Director: Dave Vermedahl

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

Andy Lent

No Alternates

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

Rick Erickson

Jerry Petermeier (to fill vacancy in term ending 12-30-12)

No Alternates

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

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

Van Horne Benefited #1 – Edward Fry

Keystone Benefited #2 – Dan Busch

Newhall Benefited #4 – Roy Becker

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

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

Moved by Vermedahl, seconded by Buch, to appoint Mark Pingnot to the Benton County Conservation Board for a five-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Dr. Mark Dearden to the Benton County Public Health Board for a three-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Jennifer Zahradnik as the Benton County Civil Rights Coordinator for 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint the auditor's office as the safety coordinator for the courthouse and the county engineer as the safety coordinator for secondary roads. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Dick Schild and Bob LaGrange to the Benton County Historic Preservation Commission for three-year terms. All members voting aye thereon. Motion carried.

The board received an update on current labor negotiations – this is exempt from open meeting laws.

Jerry Petermeier, project coordinator for the law enforcement construction project, updated that board on the status of the project. The board then toured the facility to view the progress of the facility construction.

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

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

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